CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● MARCH 25, 2024

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

220 TEXAS BLVD., TEXARKANA, TX 75501

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

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

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

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JEAN MATLOCK

III. PROCLAMATION PRESENTATION - FINANCIAL LITERACY MONTH

Mayor Bruggeman read the proclamation and presented it to Council Member Davis, who is the Executive Director of Financial and Entrepreneurship Engagement at Texas A&M - Texarkana.

Mr. Davis thanked the Mayor and said the public is invited to a Wellness Remix. This expo includes several areas of wellness, including financial planning.

It will be held on April 30th, from 9:00 a.m. to 6:00 p.m. at the Texarkana Convention Center, 910 S Cowhorn Creek Loop, Texarkana, Texas.

Financial Literacy Month - April 2024

RESULT:	CLOSE ACTION

IV. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings
Monday, April 22, 2024 at 6:00 p.m. (one meeting in April)
Monday, May 13, 2024 at 6:00 p.m. (one meeting in May)

Parks & Recreation Activities:

March 30th & 31st	NCS Baseball Tournament	Spring Lake Park/Swanger Complex
April 13th & 14th	NCS Softball Tournament	Grady T. Wallace Park
April 19th & 20th	Dixie Wood Bat Baseball Tourn.	Spring Lake Park/Swanger Complex

Additional Parks & Recreation information can be found on the city's website at <http://www.texarkanatexas.gov>.

Perot Theatre Events
March 26th at 7:00 p.m. - Janets Planet - A Tour of the Solar System - presented by TRAHC. Tickets are available at perottheatre.org.

April 6th at 7:00 p.m. - Texarkana Symphony Orchestra presents: Dark Side of the Moon - The Music of Pink Floyd.

Solarbration - Two States, Total Eclipse
The "Solarbration" celebration will be held April 5th - 8th. For a list of programs, activities, and events, please visit solarbrationtxk.com.

TOTAL ECLIPSE DAY - April 8th at 1:00 p.m. - Live music from "Emerald City" south of the downtown U.S. Federal Courthouse/Post Office on State Line Avenue.

TAMUT Big Event
The Big Event will be held on Saturday, April 13. It will be a day of community service projects from 8:00 a.m. to 12:00 p.m. Neighborhood and citywide projects can be submitted to Vashil.Fernandez@texarkanatexas.gov.

The Texarkana Urban Transit District is happy to announce T-Line will resume Saturday bus service beginning April 6th. For more information, citizens can call the main office at (903) 794.8883 or visit T-Line's website at t-linebus.org.

Sadly, one of the city's police officers was attacked by two dogs on Friday evening, March 22nd, which resulted in surgery. The Mayor went to the ER and found Officer Flores receiving outstanding care from the Wadley Hospital emergency room team.

The officer is doing well and prayers are with him and his family. The city wishes for a speedy recovery.

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

Jon Trickey, of the 2024 Leadership Texarkana class, spoke about class project "Play TXK", with the idea of installing horseshoe stake mounting brackets at Spring Lake Park. The objective is to add density to the park and utilize available space to create more activities for families and friends to enjoy in the outdoors.

Sallie Moore spoke about the poor condition of various streets in the city and upgrades needed at some of the parks.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Mayor Bruggeman reappointed Kevin Avery and Ben King to the TexAmericas Center Board, each having a two-year term and effective date of June 1, 2024.

Motion to confirm Mayoral reappointments to the TexAmericas Center Board of Directors.

(6:24 p.m.)

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

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:25 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on March 11, 2024 at 6:00 PM.

2. Resolution No. 2024-039 approving the budget calendar for Fiscal Year 2025.

Public Hearing:
Council Vote: March 25, 2024

3. Resolution No. 2024-040 authorizing the City Manager to execute a contract with Contech Contractors, Inc. of Texarkana, Texas, for an amount not to exceed $80,852.20, for the bus stop shelter project, with Community Development Block Grant (CDBG) funds.

   Public Hearing:
   Council Vote: March 25, 2024

4. Resolution No. 2024-041 authorizing the City Manager to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for a Transportation Alternative Set-Aside (SA) Program for the Leopard Drive Shared Use Path and Pedestrian Improvement project.

   Public Hearing:
   Council Vote: March 25, 2024

Action Items

5. Resolution No. 2024-038 approving a bid from Contech Contractors, Inc. of Texarkana, Texas, to replace windows on the exterior north wall of City Hall, in an amount not to exceed $88,508.60, with budgeted funds from the General Fund (Fund 101).

   Public Hearing:
   Council Vote: March 25, 2024

   Keith Beason briefed this agenda item.
   (6:27 p.m.)

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

VIII. FIRST BRIEFINGS

1. Ordinance No. 2024-032 rezoning an approximate 0.17-acre tract of land (being Part of Tract 35), W. H. Ector, HRS, A-695, located at 1319 Richmond Road from Multiple Family-1/Planned Development-General Retail to Neighborhood Service. Sundar Adhikari, owner, and Rita Johnson-Williams, agent.

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

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 4/22/2024 6:00 PM**

2. Ordinance No. 2024-033 granting a Specific Use Permit to allow the location of a daycare on the N 1/2 of Lots 9-12 and Part of the Alley, Block 55, Grandview, located at 1616 Iowa Street. Callie Donelson, owner, and Stephanie Thompson, agent.

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

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 4/22/2024 6:00 PM**

3. Ordinance No. 2024-034 rezoning an approximate 20.70-acre tract of land (being part of Tracts 9-12, 13, 17, 18 and 19), R. E. Sevey HRS, A-523, located at 2300 Buchanan Road from Single Family-1 to Planned Development - Commercial. Jeff Wright, LEISD, owner, and Robert Sanderson, agent.

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

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 4/22/2024 6:00 PM**

4. Ordinance No. 2024-035 rezoning an approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564, located at 5613 Richmond Road from Single Family-1 to Planned Development General Retail. Josh Morriss, Morriss Family LP, owners, and Jason Bolling, Guggenheim Development Services LLC, agent.

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

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 4/22/2024 6:00 PM**

5. Ordinance No. 2024-036 amending PD-24-1(GR) for site plan approval on an approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564, located at 5613 Richmond Road. Josh Morriss, Morriss Family LP, owner, and Jason Bolling, Guggenheim Development Services LLC, agent.

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

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 4/22/2024 6:00 PM**

IX. PUBLIC HEARINGS

1. Ordinance No. 2024-021 amending the Zoning Code, Chapter 140, by adding Section 140-182, "Telecommunications Tower & Stealth Telecommunications Tower", adding corresponding definitions to Section 140-179 and corresponding uses to "Utility and Service Uses" in Section 140-81, and adding compliance provisions to Section 140-108, "Planned Development".

   Public Hearing: March 25, 2024
   Council Vote: March 25, 2024

   There were no public comments made at this hearing.
   (6:36 p.m.)

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

2. Ordinance No. 2024-028 amending the Zoning Code, Chapter 140, Article V - Special District Regulations, Section 140-111, "UPDD University Planned Development District", by amending subsections 140-111(e) and 140-111(h) to provide for "wayfinding guides" applicable for educational institutions.

   Public Hearing: March 25, 2024
   Council Vote: March 25, 2024

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

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Christie Page, Ward 4
SECONDER:	Mary Hart, Ward 2
AYES:	Bruggeman, Matlock, Hart, Page, Meador
ABSTAIN:	Davis
ABSENT:	Williams

3. Ordinance No. 2024-029 authorizing assignment pay for a Firefighter assigned to specialized duties of Building Maintenance and Repair, and setting conditions and rate of pay.

   Public Hearing: March 25, 2024
   Council Vote: March 25, 2024

   There were no public comments made at this hearing.
   (6:39 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Cole Meador, Ward 5
AYES:	Bruggeman, Matlock, Hart, Page, Meador, Davis
ABSENT:	Williams

4. Ordinance No. 2024-030 authorizing assignment pay for a Firefighter assigned to the specialized duties of Deputy Emergency Management Coordinator, and setting conditions and rate of pay.

   Public Hearing: March 25, 2024
   Council Vote: March 25, 2024

   There were no public comments made at this hearing.
   (6:40 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jay Davis, Ward 6
SECONDER:	Cole Meador, Ward 5
AYES:	Bruggeman, Matlock, Hart, Page, Meador, Davis
ABSENT:	Williams

X. CITY MANAGER'S REPORT

Meeting with New Corps of Engineers Ft. Worth District Commander
Calvin Kroeger, the new US Army Corps of Engineers - Ft. Worth District Commander, visited Red River Army Depot and Riverbend offices last week. Staff had a chance to meet regarding the progress of the Lake Wright Patman Ultimate Rule Curve Project and the new Water Intake Application for the future Riverbend plant.

Additionally, the City signed a memorandum of agreement with the Corps for the environmental work that needs to be completed on the intake structure. The City also received the funding request for the URC cultural study. These are two significant milestones that staff has been working on with Kyle Dooley for several years and staff is looking forward to those projects getting underway soon.

Public Meetings for proposal of new water intake system project at Wright Patman Lake
With the progress mentioned above, Riverbend Water Resources District will host public meetings for a proposal for a new water intake system project at Wright Patman Lake.

The first will take place Tuesday, March 26, 2024, at Texarkana City Hall, 220 Texas Blvd, Texarkana, TX 75501, from 6:00-7:00 p.m. in the Council Chambers.

The second meeting will take place Wednesday, March 27, 2024, in the Atlanta City Hall Council Chambers, 315 North Buckner Street, TX 75551, from 6:00-7:00 p.m.

The public is invited to hear more about the proposed project which will consist of dredging, a new water intake structure, raw water transmission main, raw water pump station, and a water treatment plant. For more information, please visit:
https://maps.papedawson.com/rwrdimages/USACE_PublicAnnouncement_240308.pdf

Staff and Council Member Davis met with representatives from MakeMyMove, which is part of an AR-TX REDI initiative. MakeMyMove is a remote work program that was budgeted in the city's current budget. An executive summary was provided to each council member.

SAVE THE DATES!
TML Region 15 Meeting in New Boston, at 415 County Road 2101, on April 23rd from 5:30-8:00 p.m.

Joint City Airport Meeting at 3:00 p.m. on Wednesday, April 24th at the Ark-Tex COG building, 4808 Elizabeth St., Texarkana, TX. Like last year, this will be a joint meeting of the Texarkana, TX City Council and Texarkana, AR Board of Directors.

The agenda will include an update on the new terminal construction progress, a preview of the upcoming budget cycle and the Capital Improvement Plan.

XI. ADMINISTRATIVE COMMENTS

1. City Council

   Council had no administrative comments for staff.

2. City Staff

   Staff had no administrative comments for council.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:44 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

Briefing Sheet

Version:
Update Date: 3/11/2024 11:26 AM

Lead Department: City Manager

Action Officer: Chiquita Burks, City Management Fellow

Subject: Financial Literacy Month - April 2024

Attachments

a. Financial Literacy Month April 2024 (PDF)

P R O C L A M A T I O N

WHEREAS, a strong financial foundation is essential for a secure and prosperous future for individuals and families; and

WHEREAS, financial literacy empowers individuals to make informed decisions about saving, investing, managing debt, and planning for retirement; and

WHEREAS, the United States recognizes April as National Financial Literacy Month, a time to raise awareness about the importance of financial education; and

WHEREAS, The Center for Financial Literacy and Investment at Texas A&M University-Texarkana is dedicated to providing educational resources and workshops to our community on critical financial topics; and

WHEREAS, The Center for Financial Literacy and Investment will be offering a comprehensive series of workshops throughout the month of April, covering budgeting, debt reduction, credit management, taxes, investments, and other essential financial skills, open to students, staff, faculty, and all members of the Texarkana community.

NOW, THEREFORE, I, Bob Bruggeman, Mayor of Texarkana, Texas, do hereby proclaim **April 2024** as

FINANCIAL LITERACY MONTH

and encourage all residents to take advantage of the valuable financial education resources available this month, including the workshops offered by The Center for Financial Literacy and Investment at Texas A&M University at Texarkana. By being equipped with financial knowledge and skills, we can build a stronger financial future for ourselves and our families.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the City of Texarkana, Texas, to be affixed this 25th day of March, 2024.

_____
Bob Bruggeman, Mayor

ATTEST:

_____
Jennifer Evans, TRMC, City Secretary

Attachment: Financial Literacy Month April 2024 (4204 : Financial Literacy Proclamation Apr2024)

CITY OF TEXARKANA

CITY COUNCIL

MINUTES • MARCH 11, 2024

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

220 TEXAS BLVD., TEXARKANA, TX 75501

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

Attendee Name	Title	Status	Arrived
Bob Bruggeman	Mayor	Present	
Jean H. Matlock	Ward 1	Late	6:30 PM
Mary Hart	Ward 2	Present	
Betty Williams	Ward 3	Present	
Christie Page	Ward 4	Absent	
Cole Meador	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peeples, Ross Cowling, J.W. Bramlett, Karey Parker, Chris Black, Gary Smith, Lisa Thompson, Chiquita Burks, Robby Robertson, and Mashell Daniel.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER MARY HART

III. SPECIAL PRESENTATIONS

PlayTXK - by Leadership Texarkana (No representatives were in attendance.)

Developmental Disabilities Awareness Month Proclamation

Mayor Bruggeman read the proclamation and presented it to Community Healthcore representatives, Stacy Tidwell and Linda Hooks. Ms. Tidwell said she hopes the proclamation will bring awareness and consideration to individuals living in the community with a developmental disability who also work and lead similar lives as everyone else. Ms. Hooks shared she has a son at home with special needs who has graduated from high school.

Both were grateful for the proclamation recognizing March as Developmental Disabilities Month.

Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

RESULT:	CLOSE ACTION

IV. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

The city held the annual Fire Department Awards Ceremony on Saturday, March 9th at the Texarkana Texas Convention Center. It was a great event and well attended, including several council members. Fire personnel were thanked for their service and given well wishes for continual safety as they perform their duties each day.

Upcoming City Council Meetings
Monday, March 25, 2024, at 6:00 p.m.
Monday, April 22, 2024 at 6:00 p.m.

Parks & Recreation Activities:

March 16th - 17th	USSSA Baseball Tournament	Spring Lake Park/Swanger Complex
March 21st - 23rd	Dixie Huggins Tournament	Spring Lake Park/Swanger Complex
March 23rd	TYSA Softball Tournament	Karrh Park

Additional Parks & Recreation information can be found on the city's website at <http://www.texarkanatexas.gov>.

Upcoming Show at the Perot Theatre
March 26th at 7:00 p.m. - Janets Planet - A Tour of the Solar System - presented by TRAHC. Tickets are available at perottheatre.org.

Solarbration - Two States, Total Eclipse
The "Solarbration" celebration will be held April 5-8, 2024. For a list of programs, activities, and events, please visit solarbrationtxk.com. Council and staff enjoying the solar glasses a little early!



Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

V. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

Mary Bruce asked for the status of the Capp Street extension project as outlined in the city's Capital Improvement Plan. Capp Street is currently a dead end street and needs two way flow to better serve the community in that neighborhood.

VI. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council Member Meador recommended the reappointment of Brian Barry to the Permit and License Appeal Board.

Mayor Bruggeman recommended the reappointment of Steven Kelley to the Permit and License Appeal Board.

Motion to make reappointments to the Permit and License Appeal Board.

(6:16 p.m.)

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Betty Williams, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Bruggeman, Hart, Williams, Meador, Davis
ABSENT:	Page
AWAY:	Matlock

VII. ITEMS FOR CONSIDERATION

Consent Items

(6:17 p.m.)

RESULT:	**ADOPTED [5 TO 0]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Jay Davis, Ward 6
AYES:	Bruggeman, Hart, Williams, Meador, Davis
ABSENT:	Page
AWAY:	Matlock

1. Consider approval of the minutes of the Regular Meeting of the City Council held on February 26, 2024 at 6:00 PM.

Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

2. Resolution No. 2024-031 authorizing the City Manager to execute a contract with Hart Construction of Hooks, Texas, for the parking lot/road repair at the Wright Patman Water Treatment Plant in the amount not to exceed $61,325, with budgeted funds in the Lake Texarkana Water Supply Corporation Capital Improvement Fund.

   Public Hearing:
   Council Vote: March 11, 2024

Action Items

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

VIII. FIRST BRIEFINGS

1. Ordinance No. 2024-021 amending the Zoning Code, Chapter 140, by adding Section 140-182, "Telecommunications Tower & Stealth Telecommunications Tower", adding corresponding definitions to Section 140-179 and corresponding uses to "Utility and Service Uses" in Section 140-81, and adding compliance provisions to Section 140-108, "Planned Development".

   Public Hearing: March 25, 2024
   Council Vote: March 25, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 3/25/2024 6:00 PM**

2. Ordinance No. 2024-028 amending the Zoning Code, Chapter 140, Article V - Special District Regulations, Section 140-111, "UPDD University Planned Development District", by amending subsections 140-111(e) and 140-111(h) to provide for "wayfinding guides" applicable for educational institutions.

   Public Hearing: March 25, 2024
   Council Vote: March 25, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 3/25/2024 6:00 PM**

3. Ordinance No. 2024-029 authorizing assignment pay for a Firefighter assigned to specialized duties of Building Maintenance and Repair, and setting conditions and rate of pay.

Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

Public Hearing: March 25, 2024
Council Vote: March 25, 2024

Chris Black briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 3/25/2024 6:00 PM**

4. Ordinance No. 2024-030 authorizing assignment pay for a Firefighter assigned to the specialized duties of Deputy Emergency Management Coordinator, and setting conditions and rate of pay.

Public Hearing: March 25, 2024
Council Vote: March 25, 2024

Chris Black briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 3/25/2024 6:00 PM**

IX. PUBLIC HEARINGS

1. Resolution No. 2024-024 authorizing the City Manager to execute a contract with Symmetry Sports (TIPS 230104-02) in the amount of $3,049,622, for construction at the soccer complex located at Grady T. Wallace Park and allocating additional funds in the amount of $150,000, for contingency items, for a total project cost not to exceed $3,199,622 with funds budgeted in the 2023 Bond Fund (Fund 426) and the General Fund (Fund 101).

Public Hearing: March 11, 2024
Council Vote: March 11, 2024

Gene Joyce, of the Texarkana Soccer Association, spoke in favor of council adopting this resolution.
(6:31 p.m.)

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

2. Resolution No. 2024-025 authorizing the City Manager to execute a contract with Symmetry Sports (TIPS 230104-02) in the amount of $7,884,710, for construction at Swanger Complex located at Spring Lake Park and allocating additional funds in the amount of $395,000, for contingency items, for a total project cost not to exceed $8,279,710 with funds budgeted in the 2023 Bond Fund (Fund 426).

Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

Public Hearing: March 11, 2024
Council Vote: March 11, 2024

Brandon Allison, of Texarkana Dixie Baseball, spoke in favor of council adopting this resolution.
(6:35 p.m.)

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

X. CITY MANAGER'S REPORT

Cross Department Collaboration Teams Launch
As part of city-wide goals for 2024, several cross-departmental staff collaboration teams have been created, with different job responsibilities, to come together and work towards common goals and solutions using the Strategic Doing model, championed locally by Leadership Texarkana. Staff teams include a Neighborhood Solutions Team, Travel & Tourism Team, Culture Champions Team, and a temporary team to help celebrate the 100-Year Anniversary of City Hall and the Perot Theatre.

EPA Brownfields Job Training Kickoff Event
Please join the City of Texarkana, Texas, Texarkana College, and EPA Brownfields Region 6 staff for an EPA Brownfields Job Training kickoff event on March 21st at 2:00 p.m., at the McCullogh Industrial Technology Center (Texarkana College campus) to learn more about this program and the benefits to the community. This job training program was made possible by a $500,000 grant from the U.S. EPA Brownfields Program.

Economic Development Quarterly Report - March
The city's latest quarterly economic development report is now available. It includes information on new developments that are planned, new retail announced/recently opened, commercial construction permits, residential construction permits and much more. For more information on the city's economic development efforts, check out the economic development web page at Economic Development | Texarkana, TX - Official Website (texarkanatexas.gov) <https://texarkanatexas.gov/255/Economic-Development>.

XI. ADMINISTRATIVE COMMENTS

1. City Council

   Council had no administrative comments for staff.

2. City Staff

Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

City Manager Orr thanked council for the supportive votes adopting the two resolutions related to the 2023 Bond Fund and sports tourism for local parks that will move the city forward.

He also thanked city staff and the Symmetry Sports group for all the hard work put into both recreational projects.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:38 p.m.)

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

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

Minutes Acceptance: Minutes of Mar 11, 2024 6:00 PM (Consent Items)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/18/2024 9:35 AM

Lead Department: Finance Department **Action Officer:** Kristin Peeples,

Subject: Resolution No. 2024-039 approving the budget calendar for Fiscal Year 2025.

Briefing: 3/25/2024 **Public Hearing:** **Council Vote:** 3/25/2024

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City charter requires the City Council to approve the calendar that sets the schedule for preparing and adopting the City's annual operating budget for the next fiscal cycle that will begin October 1, 2024 and end September 30, 2025.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2024-039 RES Budget Calendar FY 2025 (DOCX)
b. 2024-039 EXH 'A' Budget Calendar FY 25 (PDF)
c. 2024-039 Goals & Perspectives (DOCX)

d. 2024-039 RES FY 2025 Budget Calendar signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples 03/18/2024 9:35 AM	Department Head Review	Completed	
Finance Department	Kristin Peeples	Finance Review	Completed	03/18/2024 9:35 AM
City Manager	David Orr	City Manager Review	Completed	03/18/2024 10:34 AM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BUDGET CALENDAR FOR FISCAL YEAR 2025; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Charter requires the City Council to approve the calendar that sets the schedule for preparing and adopting the City's annual operating budget for the next fiscal cycle that will begin October 1, 2024, and end September 30, 2025; and

WHEREAS, the budget calendar for the fiscal year ending September 30, 2025, is attached as "**Exhibit A**".

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

SECTION 1: The budget calendar for the fiscal year ending September 30, 2025, is hereby approved.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-039 RES Budget Calendar FY 2025 (4212 : 2024-039 RES Approving Budget Calendar FY 2025)

Budget Calendar

Fiscal Year 2025

Mon	March 25	6:00 PM	City Council approves budget calendar
March/April			Departmental budget meetings
May/June			Various meetings with Budget Advisory Committee and City Council
Fri	August 9		Budget filed with municipal clerk
Mon	August 12	6:00 PM	First briefing on proposed budget First briefing on proposed tax rate First briefing on ratifying a budget that raises more tax revenue than last year Record vote to publish notice of tax rate increase *(This is only to provide notice to the public and not to adopt the tax rate)*
Wed	August 14		Notice of public hearing on proposed budget
Mon	August 26	6:00 PM	Public hearing on proposed budget *(Law requires action to be taken after the public hearing.* *Recommendation will be to postpone until the September 11th meeting)*
Wed	September 4		Notice of public hearing on proposed tax rate
Mon	September 9	6:00 PM	Public hearing on proposed tax rate Public hearing on ratifying a budget that raises more tax revenue than last year Record vote for adoption of budget Record vote for adoption of tax rate Record vote to ratify budget that raises more tax revenue than last year
Tues	October 1		Fiscal year begins Adopted budget implemented
Fri	December 6		Final budget document posted, distributed and submitted to Government Finance Officers Association (GFOA)

Attachment: 2024-039 EXH 'A' Budget Calendar FY 25 (4212 : 2024-039 RES Approving Budget Calendar FY 2025)

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:

Attachment: 2024-039 Goals & Perspectives (4212 : 2024-039 RES Approving Budget Calendar FY 2025)

RESOLUTION NO. 2024-039

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BUDGET CALENDAR FOR FISCAL YEAR 2025; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Charter requires the City Council to approve the calendar that sets the schedule for preparing and adopting the City's annual operating budget for the next fiscal cycle that will begin October 1, 2024, and end September 30, 2025; and

WHEREAS, the budget calendar for the fiscal year ending September 30, 2025, is attached as "**Exhibit A**".

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

SECTION 1: The budget calendar for the fiscal year ending September 30, 2025, is hereby approved.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:25 p.m.

Attachment: 2024-039 RES FY 2025 Budget Calendar signed (4212 : 2024-039 RES Approving Budget Calendar FY 2025)

2024-039 EXH 'A'

Budget Calendar

Fiscal Year 2025

Mon	March 25	6:00 PM	City Council approves budget calendar
March/April			Departmental budget meetings
May/June			Various meetings with Budget Advisory Committee and City Council
Fri	August 9		Budget filed with municipal clerk
Mon	August 12	6:00 PM	First briefing on proposed budget First briefing on proposed tax rate First briefing on ratifying a budget that raises more tax revenue than last year Record vote to publish notice of tax rate increase *(This is only to provide notice to the public and not to adopt the tax rate)*
Wed	August 14		Notice of public hearing on proposed budget
Mon	August 26	6:00 PM	Public hearing on proposed budget *(Law requires action to be taken after the public hearing.* *Recommendation will be to postpone until the September 11th meeting)*
Wed	September 4		Notice of public hearing on proposed tax rate
Mon	September 9	6:00 PM	Public hearing on proposed tax rate Public hearing on ratifying a budget that raises more tax revenue than last year Record vote for adoption of budget Record vote for adoption of tax rate Record vote to ratify budget that raises more tax revenue than last year
Tues	October 1		Fiscal year begins Adopted budget implemented
Fri	December 6		Final budget document posted, distributed and submitted to Government Finance Officers Association (GFOA)

Attachment: 2024-039 RES FY 2025 Budget Calendar signed (4212 : 2024-039 RES Approving Budget Calendar FY 2025)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/22/2024 3:56 PM

Lead Department: Planning and Community Development **Action Officer:** Vashil Fernandez, PCD Director

Subject: Resolution No. 2024-040 authorizing the City Manager to execute a contract with Contech Contractors, Inc. of Texarkana, Texas, for an amount not to exceed $80,852.20, for the bus stop shelter project, with Community Development Block Grant (CDBG) funds.

Briefing: 3/25/2024 **Public Hearing:** **Council Vote:** 3/25/2024

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Executive Summary and Background Information:

Date of Invitation for Bid (IFB 24-2001-03) posted on website: January 25, 2024
Published in Texarkana Gazette
Opened bids: February 14, 2024
Bids received: Contech Contractors, Inc
Lowest Responsive Bidder: Contech Contractors, Inc - See EXH "A"
Budget: Community Development Block Grant CDBG
Policy Exceptions: None
Scope of Work: This project consists of a Bus top shelters and concrete pad for 14th and Magnolia (inbound), Rosehill Drive and Citizen Trail ,7th Street and Lake Drive, Lake Drive and Allen Lane and 15th Street and Apple .

Potential Options:

- Approve
- Deny

Fiscal Implications:

Community Development Block Grant CDBG

Staff Recommendation:

Staff Recommends for Approval

Advisory Board/Committee Review:

"NONE"

Board/Committee Recommendation:

"NOT APPLICABLE"

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

a. 2024-040 RES Approving Bus Stop Shelter Project Contract with Contech (DOCX)
b. 2024-040 EXH 'A' Bid Amount (PDF)
c. 2024-040 EXH 'B' 5 Locatons for Bus Shelters (PDF)
d. 2024-040 Goals & Perspectives (DOCX)
e. 2024-040 RES Bus Stop Shelter Proj. signed (PDF)

Staff Coordination

Planning and Community Development		Vashil Fernandez	Department Head Review	Completed 03/19/2024 12:55 PM
Public Works Department		Angela Humphrey	Reviewer	Completed 03/19/2024 1:26 PM
City Manager	David Orr	City Manager Review	Completed	03/19/2024 1:44 PM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CONTECH CONTRACTORS, INC. OF TEXARKANA, TEXAS, IN AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND EIGHT HUNDRED FIFTY-TWO DOLLARS AND TWENTY CENTS ($80,852.20) FOR THE BUS STOP SHELTERS AND CONCRETE PADS PROJECT TO BE PAID FROM THE COMMUNTY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is creating enhancements to 14th and Magnolia (inbound), Rosehill Drive and Citizen Trail ,7th Street and Lake Drive, Lake Drive and Allen Lane and 15th and Apple Streets with new bus stop shelters and concrete pads being installed; and

WHEREAS, on February 14, 2024, one (1) bid was received and Contech Contractors, Inc. of Texarkana, Texas, submitted the lowest and most responsible bid summarized on the bid tab sheet **(Exhibit 'A')**; and

WHEREAS, funds are available for this bus stop shelters and concrete pads project in the CDBG funds.

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

SECTION 1: The lowest and most responsible bidder for bus stop shelters and concrete pads for the City is hereby declared to be Contech Contractors, Inc. of Texarkana, Texas.

SECTION 2: The City Manager is hereby authorized to execute a contract with Contech Contractors, Inc. of Texarkana, Texas, in an amount not to exceed $80,852.20, with CDBG funds.

SECTION 3: This resolution shall be in full force and in effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-040 RES Approving Bus Stop Shelter Project Contract with Contech (4213 : 2024-040 RES Approving Bus Stop Shelter

BID FORM

Item #	Description	Est. Qty	U/M	Unit Cost	Ext. Amount
1	Concrete Pad and Installation of Shelters	WBD ~~4-5~~	EA	$ 7,154.44	$ 35,772.20
2	Shelters	WBD ~~4-5~~	STA	$ 9,016.00	$ 45,080.00

TOTAL BID AMOUNT $ 80,852.20

Wm. B. Ly

BIDDER'S SIGNATURE

The Bidder, in compliance with your Invitation for Bid for the construction and installation of the Bus Stop Shelters and Concrete Pads, having carefully examined the plans, specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the intended work, and being familiar with all of the conditions surrounding the construction of the intended project including the availability of materials and labor, hereby intends to furnish all labor, materials, and supplies; and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the price stated above.

It shall be each bidder's sole responsibility to inspect the site of the work and to inform himself regarding all local conditions under which the work is to be done. It shall be understood and agreed that all such factors have been thoroughly investigated and considered in the preparation of the bid submitted.

SCOPE OF SERVICES

The City is looking to install four-five (4-5) Bus Stop Shelters throughout the City of Texarkana, Texas. This project will be a two-step process. Concrete slab for foundation and a Metal constructed shelter anchored into the slab.

CONCRETE SLAB

- Each Concrete Slab shall be 11 feet long by 6 feet wide. Depth of slab shall be 4 inches deep, with #3 rebar on 12-inch centers.

SHELTER

- Each Shelter shall have a 7 feet head clearance with a 9X5 wide opening. Each Shelter shall contain a bench and backrest (approximately 5 feet long). A Handicap opening area under Shelter at 2X3.

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID SUBMITTAL.

Attachment: 2024-040 EXH 'A' Bid Amount (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

Location #1

* Will need cutaway (5/6 atleast Feet away from street)
* Wheelchair ramp needed
* 6x11 concrete pad
* bench removed

W. 14th and Magnolia North Side of W. 14th Street



Attachment: 2024-040 EXH 'B' 5 Locatons for Bus Shelters (4213 : 2024-040 RES Approving Bus Stop Shelter Project)



Rosehill Drive and Citizen Trail

****Yes cut the curb and gutter and pour ADA ramps on both sides of pads**

Stop will be re-located further down the street (same side)

Needs cut away with ramp for wheel chair (already has sidewalk in place)

6 x 11 concrete pad

Attachment: 2024-040 EXH 'B' 5 Locatons for Bus Shelters (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

Location #3



7th Street and Lake Drive

Needs to be at least 5/6 feet away from street with cut away for wheel chair ramp

6x 11 concrete pad

Bench removed

Attachment: 2024-040 EXH 'B' 5 Locatons for Bus Shelters (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

Location # 4

Lake Drive and Allen Lane (no picture available)

This location is flat and even with road/street – no wheelchair ramp needed can exit directly from bus

6 x 11 concrete slab 5/6 feet away from street

Attachment: 2024-040 EXH 'B' 5 Locatons for Bus Shelters (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

Location #5



15th Street and Apple

Needs to be at least 5/6 feet away from street with cutaway for wheel chair ramp

6 x 11 concrete pad

Bench removed

Attachment: 2024-040 EXH 'B' 5 Locatons for Bus Shelters (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-040 Goals & Perspectives (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

RESOLUTION NO. 2024-040

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A CONTRACT WITH CONTECH CONTRACTORS, INC. OF TEXARKANA, TEXAS, IN AN AMOUNT NOT TO EXCEED EIGHTY THOUSAND EIGHT HUNDRED FIFTY-TWO DOLLARS AND TWENTY CENTS ($80,852.20) FOR THE BUS STOP SHELTERS AND CONCRETE PADS PROJECT TO BE PAID FROM THE COMMUNTY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is creating enhancements to 14th and Magnolia (inbound), Rosehill Drive and Citizen Trail ,7th Street and Lake Drive, Lake Drive and Allen Lane and 15th and Apple Streets with new bus stop shelters and concrete pads being installed; and

WHEREAS, on February 14, 2024, one (1) bid was received and Contech Contractors, Inc. of Texarkana, Texas, submitted the lowest and most responsible bid summarized on the bid tab sheet **(Exhibit 'A')**; and

WHEREAS, funds are available for this bus stop shelters and concrete pads project in the CDBG funds.

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

SECTION 1: The lowest and most responsible bidder for bus stop shelters and concrete pads for the City is hereby declared to be Contech Contractors, Inc. of Texarkana, Texas.

SECTION 2: The City Manager is hereby authorized to execute a contract with Contech Contractors, Inc. of Texarkana, Texas, in an amount not to exceed $80,852.20, with CDBG funds.

SECTION 3: This resolution shall be in full force and in effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:25p.m.

Attachment: 2024-040 RES Bus Stop Shelter Proj. signed (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

BID FORM

Item #	Description	Est. Qty	U/M	Unit Cost	Ext. Amount
1	Concrete Pad and Installation of Shelters	WBD 4-5	EA	$ 7,154.44	$ 35,772.20
2	Shelters	WBD 4-5	STA	$ 9,016.00	$ 45,080.00

TOTAL BID AMOUNT $ 80,852.20

Wm. B.

BIDDER'S SIGNATURE

The Bidder, in compliance with your Invitation for Bid for the construction and installation of the Bus Stop Shelters and Concrete Pads, having carefully examined the plans, specifications, instructions to bidders, notice to bidders and all other related contract documents and the site of the intended work, and being familiar with all of the conditions surrounding the construction of the intended project including the availability of materials and labor, hereby intends to furnish all labor, materials, and supplies; and to construct the project in accordance with the plans, specifications and contract documents, within the time set forth therein and at the price stated above.

It shall be each bidder's sole responsibility to inspect the site of the work and to inform himself regarding all local conditions under which the work is to be done. It shall be understood and agreed that all such factors have been thoroughly investigated and considered in the preparation of the bid submitted.

SCOPE OF SERVICES

The City is looking to install four-five (4-5) Bus Stop Shelters throughout the City of Texarkana, Texas. This project will be a two-step process. Concrete slab for foundation and a Metal constructed shelter anchored into the slab.

CONCRETE SLAB

- Each Concrete Slab shall be 11 feet long by 6 feet wide. Depth of slab shall be 4 inches deep, with #3 rebar on 12-inch centers.

SHELTER

- Each Shelter shall have a 7 feet head clearance with a 9X5 wide opening. Each Shelter shall contain a bench and backrest (approximately 5 feet long). A Handicap opening area under Shelter at 2X3.

THIS FORM MUST BE COMPLETED AND RETURNED WITH YOUR BID SUBMITTAL.

Attachment: 2024-040 RES Bus Stop Shelter Proj. signed (4213 : 2024-040 RES Approving Bus Stop Shelter Project)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/20/2024 4:07 PM

Lead Department: Planning and Community Development **Action Officer:** Vashil Fernandez, PCD Director

Subject: Resolution No. 2024-041 authorizing the City Manager to execute an Advance Funding Agreement (AFA) with the Texas Department of Transportation for a Transportation Alternative Set-Aside (SA) Program for the Leopard Drive Shared Use Path and Pedestrian Improvement project.

Briefing: 3/25/2024 **Public Hearing:** **Council Vote:** 3/25/2024

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Texas Department of Transportation (TxDOT) issued a call for projects in December 2022 for communities to apply for funding assistance through the Transportation Alternatives Set-Aside (TA) Programs.

On June 20, 2023, via Resolution 2023-078, the City Council supported the application for the Leopard Drive Pedestrian Improvements Project. In October 2023, TxDOT authorized the TA funds to the city for the Leopard Drive shared-use path & Pedestrian Improvements Project. As the Project Sponsor, the city is responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds. The total project estimate is **$1,910,952**

The City has received an advance funding agreement to be signed by the city manager, for the city to begin the project.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Transportation Development Credits (TDC) are being utilized in place of the Local Government's participation, which was 20% match. The City is responsible for all non-reimbursable cost and 100% of overruns, if any, for TA funds.

Staff Recommendation:

Recommends for Approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-041 RES Executing Advance Funding Agreement with TxDOT for Leopard drive (DOCX)
b. 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (PDF)
c. 2024-041 ATTH 02 Leopard drive map (PDF)
d. 2024-041 Goals & Perspectives (DOCX)
e. 2024-041 RES AFA w TxDOT Leopoard Dr signed (PDF)

Staff Coordination

Planning and Community Development	Vashil Fernandez	Department Head Review	Completed	03/19/2024 3:54 PM
Public Works Department	Angela Humphrey	Reviewer	Completed	03/20/2024 7:28 AM
City Manager	David Orr	City Manager Review	Completed	03/20/2024 7:53 AM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

Attachment: 2024-041 RES Executing Advance Funding Agreement with TxDOT for Leopard drive (4214 : 2024-041 RES Executing Advance

RESOLUTION NO. 2024 - 041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT (AFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ALTERNATIVES SET-ASIDE "TA" PROGRAM, FOR THE LEOPARD DRIVE PEDESTRIAN IMPROVEMENT PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (the City), was recently selected for a Shared Use Path and Pedestrian Improvements Project on Leopard Drive as part of Texas Department of Transportation's (TxDOT) Transportation Alternatives Set-Aside "TA" Program; and

WHEREAS, on June 20, 2023, the City Council adopted Resolution No. 2023-078 showing support of the application for the Leopard Drive Shared Use Path and Pedestrian Improvement Project (the Project) to TxDOT; and

WHEREAS, on October 26, 2023, the Texas Transportation Commission authorized, by Minute Order 116575, the Project to receive TA funds for project construction; and

WHEREAS, the City would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and

WHEREAS, the City desires to reaffirm its support of the Project and approve and authorize the execution of an Advance Funding Agreement (AFA) with TxDOT for the Project.

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

SECTION 1: The City Manager is hereby authorized to execute an Advance Funding Agreement with the Texas Department of Transportation for the Leopard Drive Pedestrian Improvement Project.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

TxDOT:					Federal Highway Administration:	
CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

STATE OF TEXAS §

COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT FOR A TRANSPORTATION ALTERNATIVES SET-ASIDE (TASA) PROGRAM PROJECT

Utilizing State Transportation Development Credits

TxDOT-Selected On-System

This Advance Funding Agreement for a Transportation Alternatives Set-Aside (TASA) Program Project ("Agreement") is made between the State of Texas (State), acting through the Texas Department of Transportation, and the City of Texarkana (Local Government), acting through its duly authorized officials.

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes, and

WHEREAS, the Texas Transportation Code, Section 201.103 establishes that the State shall design, construct and operate a system of highways in cooperation with local governments, and Section 222.052 authorizes the Texas Transportation Commission to accept contributions from political subdivisions for development and construction of public roads and the state highway system within the political subdivision, and

WHEREAS, Federal law, 23 USC §134 and 49 USC §5303, requires that State and Metropolitan Planning Organizations (MPOs) develop transportation plans and programs for urbanized areas of Texas, and

WHEREAS, Federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds, and

WHEREAS, the Texas Transportation Commission has codified 43 TAC, Rules 15.50-15.56 that describe federal, state, and local responsibilities for cost participation in highway improvement and other transportation projects, and

WHEREAS, the rules and procedures for the Transportation Alternatives Set-Aside Program (TASA) are established in 23 USC §133(h), and 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418, and

WHEREAS, the Local Government prepared and submitted to the State or Metropolitan Planning Organization (MPO) a project nomination package for TASA funding consideration, which is briefly described as Leopard Drive Shared Use Path and Pedestrian Improvements (Project), and

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

TxDOT:					Federal Highway Administration:	
CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

WHEREAS, the Texas Transportation Commission (Commission) passed Minute Order Number 116575 (MO) dated October 26, 2023 awarding funding for TASA projects in the TASA Program Call of the State, including Project, and

WHEREAS, the governing body of the Local Government has approved entering into this Agreement by resolution or ordinance dated {enter date of resolution}, which is attached to and made a part of this Agreement as Attachment C, Resolution or Ordinance. A map showing the Project location appears in Attachment A, Project Location Map, which is attached to and made a part of this Agreement, and

NOW, THEREFORE, the State and the Local Government agree as follows:

AGREEMENT

1. Period of Agreement and Performance

A. Period of Agreement. This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until terminated as provided below.

B. Period of Performance.

1. The Performance Period for each phase of work begins on the date specified in the Federal Project Authorization and Agreement (FPAA) for that phase of work. Local Government may not begin work until issued the State Letter of Authority (SLOA) for that phase of work.
2. The Performance Period for each phase of work ends on the date specified in the FPAA for that phase of work.

2. Scope of Work and Use of Project

A. The scope of work for Project consists of constructing a shared use path on the east side of FM 3527 (Leopard Dr) from Wallace Park to SH 93 (Lake Dr) and a sidewalk on the north side of SH 93 from FM 3527 to Lake Ridge Apartments. This project also includes pedestrian crossing signals, pavement markings, signage, and safety lighting.

B. Any project changes proposed must be submitted in writing by Local Government to State. Substantive changes may also require an amendment to this Agreement and the approval of the FHWA, State, MPO, or the Commission. Any changes undertaken without written approval and amendment of this Agreement may jeopardize not only the federal funding for the changes, but the federal funding of the entire Project.

3. Project Sources and Uses of Funds

The total estimated development cost of the Project is shown in Attachment B, Project Budget Estimate and Source of Funds (Attachment B).

A. If Local Government will perform any work under this Agreement for which reimbursement will be provided by or through the State, the Local Government must

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

TxDOT:					Federal Highway Administration:	
CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

complete training. If federal funds are being used, the training must be completed before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled "Local Government Project Procedures and Qualification for the Texas Department of Transportation" and retains qualification in accordance with applicable TxDOT procedures. Upon request, Local Government shall provide the certificate of qualification to State. The individual who receives the training certificate may be an employee of Local Government or an employee of a firm that has been contracted by Local Government to perform oversight of the Project. State in its discretion may deny reimbursement if Local Government has not continuously designated in writing a qualified individual to work actively on or to directly oversee the Project.

B. The total estimated project cost as shown in Attachment B incudes the Local Government's estimated itemized cost of real property, utilities, environmental assessments, construction, and other construction related costs. To be eligible for reimbursement or as in-kind contribution, costs must have been included in the nomination form approved by the Texas Transportation Commission or MPO in consultation with State. Local Government must submit to State evidence of payment for eligible in-kind costs at least once per calendar quarter using the State's In-Kind Match Reporting form.

C. State and the Federal Government will not reimburse Local Government for any work performed outside the Performance Period. After federal funds have been obligated, State will send to Local Government a copy of the formal documentation showing the obligation of funds including federal award information. Local Government is responsible for 100 percent of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.

D. The Project budget and source of funds estimate based on the budget provided in the application is included in Attachment B. Attachment B shows the percentage and estimated dollar amounts to be contributed to Project by state and local sources, as well as the maximum amount in federal TASA funds assigned by the Commission or MPO in consultation with State. This Agreement may be amended from time to time as required to meet the funding commitments based on revisions to the TASA, FPAA, or other federal documents.

E. State will be responsible for securing the federal share of funding required for the development and construction of Project, in an amount not to exceed 80 percent of the actual cost of the work up to the amount of funds approved for Project by the Texas Transportation Commission or MPO in consultation with State. Federal funds will be reimbursed on a cost basis. Project costs incurred prior to issuance of the SLOA are not eligible for reimbursement.

F. The Local Government will be responsible for all non-federal or non-State participation costs associated with the Project, unless otherwise provided for in this Agreement or approved otherwise in an amendment to this Agreement. For items of work subject to specified percentage funding, the Local Government shall only in those instances be responsible for all Project costs that are greater than the maximum State and federal

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

participation specified in Attachment B and for overruns in excess of the amount specified in Attachment B to be paid by the Local Government. If the Project was State-selected, the State may apply a portion of any excess program funds to cover all or a portion of any overrun based on criteria provided by 43 Tex. Admin. Code §11.411(d).

G. The budget in Attachment B will clearly state all items subject to fixed price funding, specified percentage funding, and the periodic payment schedule, when periodic payments have been approved by the State.

H. When fixed price funding is used, the Local Government is responsible for the fixed price amount specified in Attachment B. Fixed prices are not subject to adjustment unless (1) differing site conditions are encountered; (2) further definition of the Local Government's requested scope of work identifies greatly differing costs from those estimated; (3) work requested by the Local Government is determined to be ineligible for federal participation; or (4) the adjustment is mutually agreed to by the State and the Local Government.

I. Following execution of this Agreement, but prior to the performance of any plan review work by State, Local Government will pay to State the amount specified in Attachment B for plan review. At least 60 days prior to the date set for receipt of the construction bids, Local Government shall remit its remaining local match as specified in Attachment B for State's estimated construction oversight and construction cost.

J. In the event State determines that additional funding is required by Local Government at any time during Project, State will notify Local Government in writing. Local Government is responsible for the percentage of the authorized Project cost shown in Attachment B and 100 percent of any overruns above the federally authorized amount. Local Government will make payment to State within 30 days from receipt of State's written notification.

K. Whenever funds are paid by Local Government to State under this Agreement, Local Government will remit a warrant made payable to the "Texas Department of Transportation". The warrant will be deposited by State and managed by State. Funds may only be applied by State to Project.

L. Upon completion of Project, State will perform a final accounting of Project costs. Any funds due to Local Government, State, or the Federal Government will be promptly paid by the owing party.

M. In the event Project is not completed, State may seek reimbursement from Local Government of the expended federal funds. Local Government will remit the required funds to State within 60 days from receipt of State's notification.

N. If any existing or future local ordinances, commissioners court orders, rules, policies, or other directives, including but not limited to outdoor advertising billboards and storm water drainage facility requirements, are more restrictive than state or federal regulations, or if any other locally proposed changes, including but not limited to plats or re-plats, result in increased costs, then any increased costs associated with the ordinances or changes will be paid by Local Government. The cost of providing right of way acquired by State shall mean the total expenses in acquiring the property interests through negotiations, including, but not limited to, expenses related to relocation, removal, and adjustment of eligible utilities.

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

O. The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under the Agreement or indirectly through a contract or subcontract under the Agreement. Acceptance of funds directly under the Agreement or indirectly through a contract or subcontract under this Agreement acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor

with access to any information the state auditor considers relevant to the investigation or audit.

P. State will not pay interest on any funds provided by Local Government.

Q. State will not execute the contract for the construction of Project until the required funding has been made available by Local Government in accordance with this Agreement.

R. Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by State no more frequently than monthly, and no later than 90 days after costs are incurred. If Local Government submits invoices more than 90 days after the costs are incurred, and if federal funding is reduced as a result, State shall have no responsibility to reimburse Local Government for those costs.

S. If Local Government is an Economically Disadvantaged County (EDC) or the State or MPO selected project meets the State's or MPO's criteria to receive Transportation Development Credits in lieu of providing a cash local match, and the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.

4. Termination of the Agreement

A. This Agreement may be terminated by any of the following conditions:
   1. By mutual written consent and agreement of all parties;
   2. By any party with 90 days written notice; or
   3. By either party, upon the failure of the other party to fulfill the obligations as set forth in this Agreement. Any cost incurred due to such breach of contract shall be paid by the breaching party.

B. If the potential termination of this Agreement is due to the failure of Local Government to fulfill its contractual obligations, State will notify Local Government that possible breach of contract has occurred. Local Government should make every effort to remedy the breach within a period mutually agreed upon by both parties.

C. The Agreement may be terminated by the State because the parties are not able to execute a mutually agreeable amendment when the costs for Local Government requested items increase significantly due to differing site conditions, determination that Local government requested work is ineligible for federal or state cost participation, or a more thorough definition of the Local Government's proposed work scope identifies greatly differing costs from those estimated. The State will reimburse Local Government remaining funds to the Local Government within ninety (90) days of termination;

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

D. If Local Government withdraws from Project after this Agreement is executed, Local Government shall be responsible for all direct and indirect Project costs as identified by the State's cost accounting system and with 2 CFR Part 200 recapture requirements.

E. A project may be eliminated from the program as outlined below. If Project is eliminated for any of these reasons, this Agreement will be appropriately terminated. A project may be eliminated from the program, and this Agreement terminated, if:

1. Local Government fails to satisfy any requirements of the program rules cited in 43 Texas Administrative Code, Part 1, Chapter 11, Subchapter G, §§11.400 – 11.418.
2. The implementation of Project would involve significant deviation from the activities proposed in the nomination form and approved by the Texas Transportation Commission or MPO in consultation with State.
3. Local Government withdraws from participation in Project.
4. State determines that federal funding may be lost due to Project not being implemented and completed.
5. Funds are not appropriated, in which case this Agreement shall be terminated immediately with no liability to either party. Payment under this Agreement beyond the current fiscal biennium is subject to availability of appropriated funds.
6. A construction contract has not been awarded or construction has not been initiated within three years after the date that the Commission or MPO selected the project or by a letting date determined by the state and agreed to by the Local Government.
7. Local Government fails to attend progress meetings at least twice yearly, as scheduled by State.

F. State, at its sole discretion, may terminate this Agreement if State does not receive project invoice from Local Government within 270 days of FPAA.

5. Amendments

This Agreement may be amended due to changes in the work, the amount of funding required to complete Project, or the responsibilities of the parties. Such amendment must be made through a mutually agreed upon, written amendment that is executed by the parties.

6. Remedies

This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.

7. Utilities

Local Government shall be responsible for the adjustment, removal, or relocation of utilities or utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to State of a delay resulting from Local Government's failure to ensure that utilities or utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. At the State's discretion, State may reimburse Local Government for minor, incidental utility adjustments that are identified during the preliminary engineering phase if they are eligible for federal reimbursement. Local Government must obtain advance approval

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
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District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

for any variance from established procedures. Before a construction contract is let, Local Government shall provide, at State's request, a certification stating that Local Government has completed the adjustment of all utilities that must be adjusted before construction begins. Additional utility work may be required due to unknown conditions discovered during construction. These costs may be eligible for TASA participation if the following conditions are met: (1) the activity is required to complete Project; (2) the cost is incidental to Project; and (3) TASA funding is available. Any change orders must be approved by State prior to incurring any cost for which reimbursement is sought.

8. Environmental Assessment and Mitigation

Development of Project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

A. The **State** is responsible for the identification and assessment of any environmental problems associated with the development of Project.

B. Local Government is responsible for the cost of any environmental problem's mitigation and remediation. These costs will not be reimbursed or credited towards Local Government's financial share of Project unless specified in the nomination form and approved by State or MPO in consultation with State.

C. Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment, including any public hearing requirements that may be necessary when adding a bike lane.

D. Before the advertisement for bids, Local Government shall provide to State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. Compliance with Accessibility Standards

All parties to this Agreement shall ensure that the plans for and the construction of all projects subject to this Agreement are in compliance with standards issued or approved by the Texas Department of Licensing and Regulation (TDLR) as meeting or consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

10. Architectural and Engineering Services

A. Architectural and engineering services for preliminary engineering will be provided by the **State**. In procuring professional services, the parties to this Agreement must comply with federal requirements cited in 23 CFR Part 172 if Project is federally funded and Local Government will be seeking reimbursement for these services or if these services will be used as in-kind contributions; and with Texas Government Code Subchapter 2254.A., in all cases. Professional services contracts for federally funded projects must conform to federal requirements. Variety

B. The architectural contract documents shall be developed in accordance with the standards of the American Institute of Architects, the U.S. Secretary of the Interior's Standards for Historic Preservation Projects, Standards and Guidelines for Archeology and Historic Preservation, the National Register Bulletin Number 36: Guidelines for Evaluating and Registering Historical Archeological Sites and in consultation with the State Historic Preservation Officer, as applicable. The engineering plans shall be

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

developed in accordance with State's applicable Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges and the two American Association of State Highway and Transportation Officials' ("AASHTO") publications, "A Policy on Geometric Design of Highways and Streets" and "Guide for the Development of Bicycle Facilities," as applicable. All design criteria for bicycle and pedestrian bridges must comply with TxDOT's Bridge Design Manual and AASHTO's Load and Resistance Factor Design (LRFD) Guide Specifications for the Design of Pedestrian Bridges (latest edition) as applicable. All contract procurement procedures and documents must adhere to the applicable requirements established in the Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges. The use of other systems of specifications shall be approved by State in writing in advance.

C. When architectural and engineering services are provided by or through Local Government, Local Government shall submit any plans it has completed to State for review and approval on an agreed upon schedule. Local Government may also submit the plans to State for review any time prior to completion. Local Government shall make the necessary revisions determined by State. Local Government will not let the construction contract until all required plans have received State approval.

D. When architectural and engineering services are provided by or through State, then the State is responsible for the delivery and performance of any required architectural or preliminary engineering work. Local Government may review and comment on the work, including any proposed changes to the scope of work, as required to accomplish Project purposes. State will cooperate with Local Government in accomplishing these Project purposes to the degree permitted by state and federal law.

11. Construction Responsibilities

A. The **State** shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. To ensure federal funding eligibility, projects must be authorized by State prior to advertising for construction.

B. All contract letting and award procedures must be approved by State prior to letting and award of the construction contract, whether the construction contract is awarded by State or by Local Government.

C. All contract change order review and approval procedures must be approved by State prior to start of construction.

D. If the Local Government is the responsible party, the State must review and approve change orders.

E. Upon completion of Project, the party constructing Project will issue and sign a "Notification of Completion" acknowledging Project's construction completion.

F. For federally funded contracts, the parties to this Agreement will comply with federal construction requirements provided in 23 CFR Parts 633 and 635, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR Subpart 635.B.

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

G. Any field changes, supplemental agreements, or revisions to the design plans that may occur after the construction contract is awarded will be mutually agreed to by State and Local Government prior to authorizing the contractor to perform the work. Prior to completion of Project, the party responsible for construction will notify the other party to this Agreement of the anticipated completion date. All parties will be afforded the opportunity to assist in the final review of the construction services performed by the contractor.

12. Project Maintenance

A. Upon completion of Project, Local Government will be responsible for maintaining the completed facility for public use. The property shall be maintained and operated for the purpose for which it was approved and funded for a period commensurate with the federal investment or State rules, whichever is greater. Should Local Government at any time after Project completion decide it can no longer maintain and operate Project for its intended purpose, Local Government shall consult with State and the FHWA as to the disposal or alternate uses, consistent with Project's original intent. State may require Local Government to return the federal funds in accordance with 2 CFR Part 200 federal recapture requirements. Should Local Government consider conveying the property, State and FHWA must be notified prior to the sale, transfer, or disposal of any property that received federal funds. Written concurrence of approval for the transaction, detailing any required recapture, must be obtained from FHWA prior to the transaction. Advance notice from Local Government of their intended action must be submitted to State for an FHWA review a minimum of 90 days prior to any action being taken by Local Government. Local Government shall be held responsible for reimbursement of all federal funds used or a portion of those funds based on a pro-rata amount, considering the original percentage of federal funds provided and the time elapsed from Project completion date. This same percentage of reimbursement also applies to any amount of profit that may be derived from the conveyance of the property, as applicable.

B. Any manufacturer warranties extended to Local Government as a result of Project shall remain in the name of Local Government. State shall not be responsible for honoring any warranties under this Agreement.

C. Should Local Government derive any income from the development and operation of Project, a portion of the proceeds sufficient for the maintenance and upkeep of the property shall be set aside for future maintenance. A project income report shall be submitted to State on a quarterly basis. Monies set aside according to this provision shall be expended using accounting procedures and with the property management standards established in 2 CFR Part 200.

D. Should any historic properties be included in or affected by this federally funded Project, the historic integrity of the property and any contributing features must continue to be preserved regardless of any approved changes that may occur throughout the life of Project.

13. Right of Way and Real Property Acquisition

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

A. Right of way and real property acquisition shall be the responsibility of Local Government. Title to right of way and other related real property must be acceptable to State before funds may be expended for the improvement of the right of way or real property.

B. If Local Government is the owner of any part of Project site under this Agreement, Local Government shall permit State or its authorized representative access to occupy the site to perform all activities required to execute the work.

C. Local Government will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, 42 USC §4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to Local Government, and benefits applicable to the relocation of any displaced person as defined in 49 CFR §24.2(g). Documentation to support such compliance must be maintained and made available to State and its representatives for review and inspection.

D. Local Government shall assume all costs and perform all work necessary to obtain needed evidence of title or right of use to the real property required for development of

Project. Evidence of title or right of use shall be acquired in the name of (1) State, if the real property is to be made part of the State Highway System, or (2) Local Government, if the real property is not to be made part of the State Highway System. The evidence of title or rights shall be acceptable to State, and be free and clear of all encroachments. Local Government shall secure and provide easements and any needed rights of entry over any other land needed to develop Project according to the approved Project plans. Local Government shall be responsible for securing any additional real property required for completion of Project.

E. Local Government shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to State for approval prior to Local Government acquiring the real property. Tracings of the maps shall be retained by Local Government for a permanent record.

F. Local Government shall determine property values for each real property parcel to be purchased with federal funds using methods acceptable to State and shall submit to State a tabulation of the values so determined, signed by the appropriate Local Government representative. The tabulations must list the parcel numbers, ownership, acreage, and recommended compensation. The tabulation must be accompanied by an explanation to support the estimated values, together with a copy of the documentation and reports used in calculating each parcel's value. Expenses incurred by Local Government in performing this work may be eligible for reimbursement after Local Government has received written authorization by State to proceed with determination of real property values. State will review the data submitted and will base its reimbursement for parcel acquisitions on these in determining the fair market values. Local Government will not be reimbursed for right-of-way costs on state-selected projects.

G. For State-selected TASA projects, Local Government shall not use eminent domain or condemnation to acquire real property for this TASA Project.

H. Reimbursement for real property costs will be made to Local Government for real property purchased in an amount not to exceed 80 percent of the cost of the real

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

property purchased in accordance with the terms and provisions of this Agreement. Reimbursement will be in an amount not to exceed 80 percent of State's predetermined fair market value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to Local Government for necessary payments to appraisers for expenses incurred in order to assure good title. Local Government will not be reimbursed for right-of-way costs on state-selected projects.

I. Local Government and current property owner are responsible for any costs associated with the relocation of displaced persons and personal property as well as incidental expenses incurred in acquiring property to implement Project. State will not pay any of these costs.

J. If Project requires the use of real property to which Local Government will not hold title, a separate agreement between the owners of the real property and Local Government must be executed prior to execution of this Agreement. The separate agreement between Local Government and the current property owner must establish that Project will be dedicated for public use for a period of time not less than ten years after project completion and commensurate with the federal investment. For State-selected projects, this is outlined in 43 Tex. Admin. Code §11.417. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of Project after completion. The separate agreement must be approved by State prior to its execution and a copy of the executed separate agreement shall be provided to State.

K. Local Government shall execute individually or produce a legal document as necessary to provide for Project's continued use from the date of completion, and agrees to cause the same to be recorded in the land records of the appropriate jurisdiction.

L. Local governments receiving federal funds must comply with 23 CFR Part 710 and 49 CFR Part 24, and with the procedures provided in Chapter 6 of the State's Local Government Project Policy Manual. Local Government agrees to monitor Project to ensure: (1) continued use of the property for approved activities, and (2) the repayment of the Federal funds, as appropriate. Local Government agrees to the review of their Project accounts and site visits by State during the development of Project at any time. Upon Project completion, State will continue to perform periodic visits to confirm Project's continued use and upkeep.

M. Before the advertisement for bids, Local Government shall provide a certification to State that all real property has been acquired.

14. Insurance

A. Should this Agreement authorize Local Government or its contractor to perform any work on State right of way, before beginning work, the entity performing the work shall provide State with a fully executed copy of State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and State may recover damages and all costs of completing the work.

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

TxDOT:					Federal Highway Administration:	
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AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

B. For projects including buildings, Local Government agrees to insure the building according to Department specifications and further agrees to name the Federal Government as a "Loss Payee" should the building be destroyed.

15. Notices, Invoices, Payments, and Project Inquiries

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	**State:**
City of Texarkana ATTN: City Manager 220 Texas Boulevard Texarkana, Texas 75504	Texas Department of Transportation ATTN: Director of Contract Services 125 E. 11th Street Austin, TX 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

Invoicing, payment, and project inquiries must be sent to the following address, which the State may change by sending written notice of the change to the Local Government:

Texas Department of Transportation
ATTN: Director of Transportation Planning and Development
701 E. Main Street
Atlanta, Texas 75551

All invoicing, payment, and project inquiries must include the following information:

County:	Bowie
Local Government:	City of Texarkana
CSJ No.:	3591-01-006
Project Name:	Leopard Drive Shared Use Path and Pedestrian Improvements
Highway or Roadway:	FM 3527 (Leopard Drive)

16. Legal Construction

In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

17. Responsibilities of the Parties

Neither party is an agent, servant, or employee of the other party and each party is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

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AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

18. Ownership of Documents

Upon completion or termination of this Agreement, all documents prepared by State shall remain the property of State. All data prepared under this Agreement shall be made available to State without restriction or limitation on their further use. All documents produced or approved or otherwise created by Local Government shall be transmitted to State in the form of photocopy reproduction on a monthly basis as required by State. The originals shall remain the property of Local Government.

19. Document and Information Exchange

Local Government agrees to electronically deliver to State all general notes, specifications, contract provision requirements, and related documentation in a Microsoft Word or similar format. If requested by State, Local Government will use State's document template. Local Government shall also provide a detailed construction time estimate, including types of activities and month in which the activity will be completed, in the format required by State. This requirement applies whether Local Government creates the documents with its own forces or by hiring a consultant or professional provider. At the request of State, Local Government shall submit any information required by State in the format directed by State.

20. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, Local Government shall furnish State with satisfactory proof of this compliance.

21. Sole Agreement

This Agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.

22. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in 2 CFR Part 200 that specify that all reimbursed costs are allowable, reasonable, and allocable to Project.

23. Procurement and Property Management Standards

The parties to this Agreement shall adhere to the procurement and property management standards established in 2 CFR 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and to the Texas Uniform Grant Management Standards. The State must pre-approve the Local Government's procurement procedures for purchases to be eligible for state or federal funds.

24. Inspection of Books and Records

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with

TxDOT:					Federal Highway Administration:	
CCSJ #	3591-01-006	AFA ID	Z00009249		CFDA No.	20.205
AFA CSJs	3591-01-006				CFDA Title	Highway Planning and Construction
District #	19 - ATL	Code Chart 64#	42250 - City of Texarkana			
Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

The parties to this Agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this Agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the FHWA and the U.S. Office of the Inspector General or their duly authorized representatives for review and inspection at its office during the Agreement period and for seven (7) years from the date of final reimbursement by FHWA under this Agreement or until any impending litigation or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this Agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

25. Civil Rights Compliance

The parties to this Agreement are responsible for the following:

A. Compliance with Regulations: Both parties will comply with the Acts and the Regulations relative to Nondiscrimination in Federally-assisted programs of the U.S. Department of Transportation (USDOT), the Federal Highway Administration (FHWA), as they may be amended from time to time, which are herein incorporated by reference and made part of this Agreement.

B. Nondiscrimination: The Local Government, with regard to the work performed by it during the Agreement, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurement of materials and leases of equipment. The Local Government will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including

employment practices when the Agreement covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.

C. Solicitations for Subcontracts, Including Procurement of Materials and Equipment: In all solicitations either by competitive bidding or negotiation made by the Local Government for work to be performed under a subcontract, including procurement of materials or leases of equipment, each potential subcontractor or supplier will be notified by the Local Government of the Local Government's obligations under this Agreement and the Acts and Regulations relative to Nondiscrimination on the grounds of race, color, or national origin.

D. Information and Reports: The Local Government will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto, and will permit access to its books, records, accounts, other sources of information, and facilities as may be determined by the State or the FHWA to be pertinent to ascertain compliance with such Acts, Regulations or directives. Where any information required of the Local Government is in the exclusive possession of another who fails or refuses to furnish this information, the Local Government will so certify to the State or the FHWA, as appropriate, and will set forth what efforts it has made to obtain the information.

E. Sanctions for Noncompliance: In the event of the Local Government's noncompliance with the Nondiscrimination provisions of this Agreement, the State will impose such contract sanctions as it or the FHWA may determine to be appropriate, including, but not limited to:

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1. withholding of payments to the Local Government under the Agreement until the Local Government complies and/or
2. cancelling, terminating, or suspending of the Agreement, in whole or in part.

F. Incorporation of Provisions: The Local Government will include the provisions of paragraphs (A) through (F) in every subcontract, including procurement of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Local Government will take such action with respect to any subcontract or procurement as the State or the FHWA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Local Government becomes involved in, or is threatened with, litigation with a subcontractor or supplier because of such direction, the Local Government may request the State to enter into such litigation to protect the interests of the State. In addition, the Local Government may request the United States to enter into such litigation to protect the interests of the United States.

26. Pertinent Non-Discrimination Authorities

During the performance of this Agreement, each party, for itself, its assignees, and successors in interest agree to comply with the following nondiscrimination statutes and authorities; including but not limited to:

A. Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.

B. The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of federal or federal-aid programs and projects).

C. Federal-Aid Highway Act of 1973, (23 U.S.C. § 324 et seq.), as amended, (prohibits discrimination on the basis of sex).

D. Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 et seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27.

E. The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et seq.), (prohibits discrimination on the basis of age).

F. Airport and Airway Improvement Act of 1982, (49 U.S.C. Chapter 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex).

G. The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the federal-aid recipients, subrecipients and contractors, whether such programs or activities are federally funded or not).

H. Titles II and III of the Americans with Disabilities Act, which prohibits discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§ 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. Parts 37 and 38.

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I. The Federal Aviation Administration's Nondiscrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex).

J. Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations.

K. Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, the parties must take reasonable steps to ensure that LEP persons have meaningful access to the programs (70 Fed. Reg. at 74087 to 74100).

L. Title IX of the Education Amendments of 1972, as amended, which prohibits the parties from discriminating because of sex in education programs or activities (20 U.S.C. 1681 et seq.).

27. Disadvantaged Business Enterprise Program Requirements

A. The parties shall comply with the Disadvantaged Business Enterprise ("**DBE**") Program requirements established in 49 CFR Part 26.

B. Local Government shall adopt, in its totality, State's federally approved DBE program.

C. Local Government shall set an appropriate DBE goal consistent with State's DBE guidelines and in consideration of Local market, project size, and nature of the goods or services to be acquired. Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.

D. Local Government shall follow all other parts of State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address: http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.

E. Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any DOT-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this Agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to Local Government of its failure to carry out its approved program, State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 USC 1001 and the Program Fraud Civil Remedies Act of 1986 (31 USC § 3801 et seq.).

F. Each contract Local Government signs with a contractor (and each subcontract the prime contractor signs with a subcontractor) must include the following assurance: "The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and

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administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate."

28. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this Agreement, Local Government certifies that it and its principals are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order
12549, and further certifies that it will not do business with any party, to include principals, that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this Agreement shall require any party to a contract, subcontract, or purchase order awarded under this Agreement to certify its eligibility to receive federal funds and, when requested by State, to furnish a copy of the certification.

If state funds are used, the parties are prohibited from making any award to any party that is debarred under the Texas Administrative Code, Title 34, Part 1, Chapter 20, Subchapter G, Rule §20.585 and the Texas Administrative Code, Title 43, Part 1, Chapter 9, Subchapter G.

29. Lobbying Certification

In executing this Agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

A. No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an

employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.

B. If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for Local Government shall complete and submit the federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.

C. The parties shall require that the language of this certification be included in the award documents for all sub-awards at all tiers (including subcontracts, sub-grants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite imposed by 31 USC §1352 for making or entering into this transaction. Any person who

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fails to file the required certification shall be subject to a civil penalty of not less than $10,000 and not more than $100,000 for each such failure.

30. Federal Funding Accountability and Transparency Act Requirements

A. Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms: http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf and http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf.

B. Local Government agrees that it shall:

1. Obtain and provide to State a System for Award Management (SAM) number (Federal Acquisition Regulation (FAR) Subpart 4.11) if this award provides more than $25,000 in Federal funding. The SAM number may be obtained by visiting the SAM website whose address is: https://sam.gov/SAM/pages/public/index.jsf
2. Obtain and provide to State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows the federal government to track the distribution of federal money. The DUNS number may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet on-line registration website http://fedgov.dnb.com/webform; and
3. Report the total compensation and names of its top five executives to State if:
   a. More than 80 percent of annual gross revenues are from the Federal government, and those revenues are greater than $25,000,000; and
   b. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

31. Single Audit Report

A. The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in 2 CFR Part 200.

B. If threshold expenditures of $750,000 or more are met during the fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Compliance Division, 125 East 11th Street, Austin, TX 78701 or contact TxDOT's Compliance Division at singleaudits@txdot.gov .

C. If expenditures are less than the threshold during Local Government's fiscal year, Local Government must submit a statement to TxDOT's Compliance Division as follows: *We did not meet the $_____ expenditure threshold and therefore, are not required to have a single audit performed for FY _____.*

D. For each year Project remains open for federal funding expenditures, Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or Project has been formally closed out and no charges have been incurred within the current fiscal year.

32. Signatory Warranty

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2024-041 ATTH 01

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Project Name		Leopard Drive Shared Use Path and Pedestrian Improvements			*AFA Not Used For Research & Development*	

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

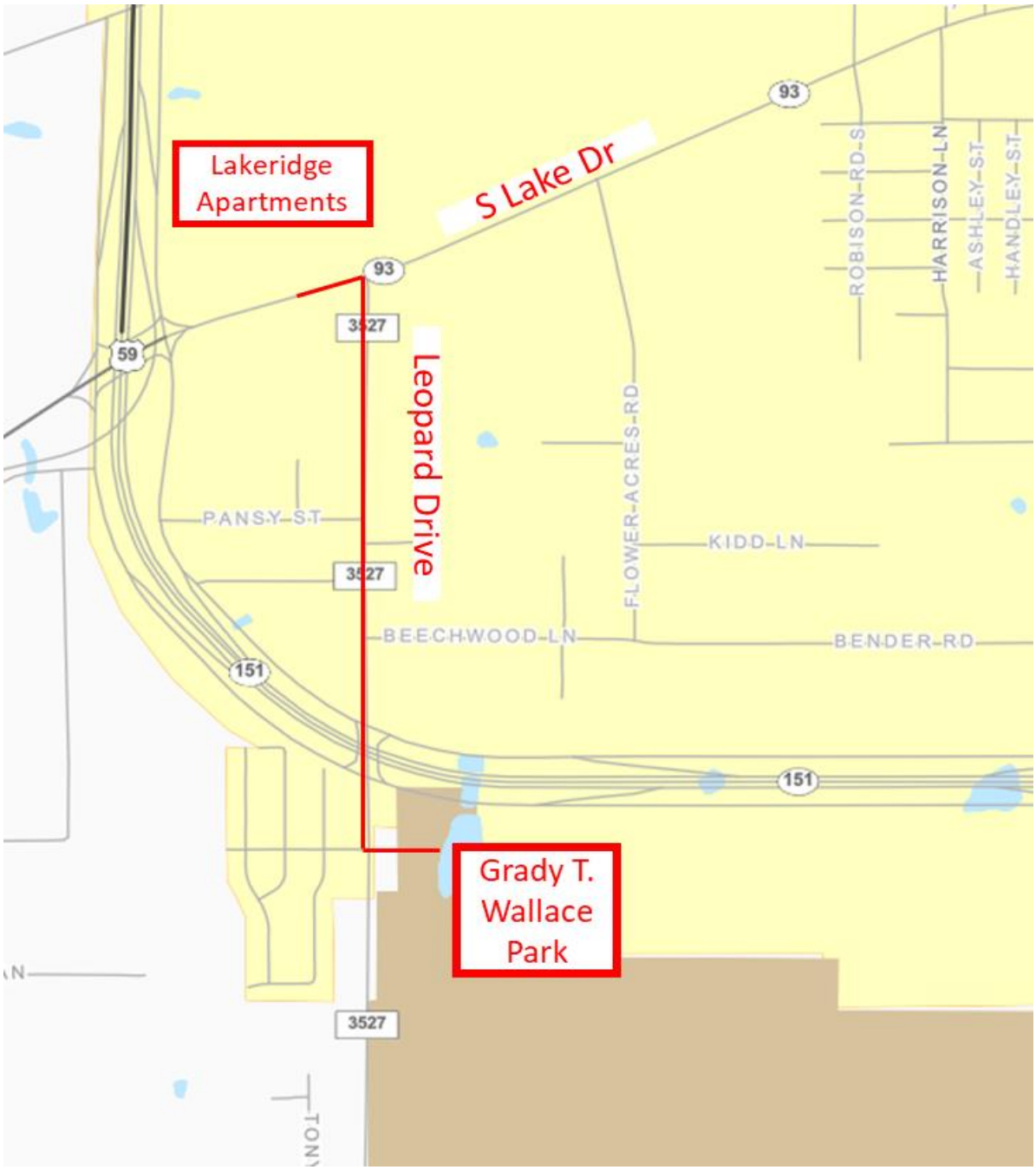
Each party is signing this agreement on the date stated under that party's signature.

THE STATE OF TEXAS	THE LOCAL GOVERNMENT
Signature	Signature
Kenneth Stewart Typed or Printed Name	David Orr Typed or Printed Name
Director of Contract Services Typed or Printed Title	City Manager Typed or Printed Title
Date	Date

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ATTACHMENT A
PROJECT LOCATION MAP



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ATTACHMENT B
PROJECT ESTIMATE AND SOURCE OF FUNDS

State Performs PE Work or Hires Consultant / State Lets Project for Construction

Work Performed by Local Government ("LG")								
Description of Project Costs to be Incurred		**Total Project Cost Estimate**	**Federal Participation** Includes percentage for TDC apportionment on projects where applicable		**State Participation** Includes authorized EDC amounts		**Local Government Participation** Includes authorized TDC reduction	
			%	**Cost**	**%**	**Cost**	**%**	**Cost**
Planning/Maps/Education/Non-CST		$0	0%	$0	0%	$0	0%	$0
Preliminary Engineering		$0	0%	$0	0%	$0	0%	$0
Environmental Cost		$0	0%	$0	0%	$0	0%	$0
Right of Way		$0	0%	$0	0%	$0	0%	$0
Utilities		$0	0%	$0	0%	$0	0%	$0
Construction Cost	$							
Construction Engineering Cost	$							
Eligible In-Kind Contribution Value	$							
Total Construction Value (sum of construction cost and in-kind value)		$0	0%	$0	0%	$0	0%	$0
Work by LG Subtotal		**$0**		**$0**		**$0**		**$0**
Work Performed by the State (Local Participation paid up front by LG to TxDOT)								
Preliminary Engineering[1]		$147,500	100%	$147,500	0%	$0	TDCs	29,500
Environmental Cost[1]		$0	0%	$0	0%	$0	0%	$0
Right of Way[3]		$0	0%	$0	0%	$0	0%	$0
Utilities[2]		$0	0%	$0	0%	$0	0%	$0
Construction Cost[2]	$1,567,115	$1,567,115	100%	$1,567,115	0%	$0	TDCs	313,423

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Eligible In-Kind Contribution Value	$							
Total Construction Value (sum of construction cost and in-kind value)								
Work by State Subtotal	**$1,714,615**		**$1,714,615**		**$0**		**342,923**	

Direct and Indirect State Costs Incurred for Review, Inspection, Administration & Oversight

Description of Project Costs to be Incurred	**Total Project Cost Estimate**	**Federal Participation** Includes percentage for TDC apportionment on projects where applicable		**State Participation** Includes authorized EDC amount		**Local Government (LG) Participation** Includes authorized TDC reduction	
		%	**Cost**	**%**	**Cost**	**%**	**Cost**
Preliminary Engineering[1]	$29,451	100%	$29,450.60	0%	$0	TDCs	5,890
Environmental Cost[1]	$19,634	100%	$19,633.73	0%	$0	TDCs	3,927
Right of Way[1]	$5,890	100%	$5,890.12	0%	$0	TDCs	1,178
Utilities[1]	$3,927	100%	$3,926.75	0%	$0	TDCs	785
Construction[2]	$137,436	100%	$137,436	0%	$0	TDCs	27,487
Direct State Costs Subtotal	$196,337	100%	$196,337	0%	$0	TDCs	39,267
Indirect State Cost	$72,087		$0	100%	$72,087		$0
TOTAL PARTICIPATION	$1,983,039		$1,910,952		$72,087		382,190
In-kind Contribution Credit Applied						0%	$0
TOTAL REMAINING PARTICIPATION AFTER IN-KIND CONTRIBUTION							**TDCs**

- The estimated total participation by Local Government is $0.
- The **Local Government** is responsible for 100% of overruns.
- Total estimated payment by Local Government to State is $0.
- [1]Local Government's first payment of $0 is due to State within 30 days from execution of this contract.

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- [2] Local Government's second payment of $0 is due to State within 60 days prior to the Construction contract being advertised for bids.
- [3] If ROW is to be acquired by State, Local Government's share of property cost will be due prior to acquisition.
- The local match must be 20% or greater and may include State contributions, eligible in-kind contributions, EDC adjustments, or TDCs if authorized as part of project selection.
- Transportation Development Credits (TDC) are being utilized in place of the Local Government's participation in the amount of 382,190.
- This is an estimate; the final amount of Local Government participation will be based on actual costs.
- Maximum federal TASA funds available for Project are $1,910,952.

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing

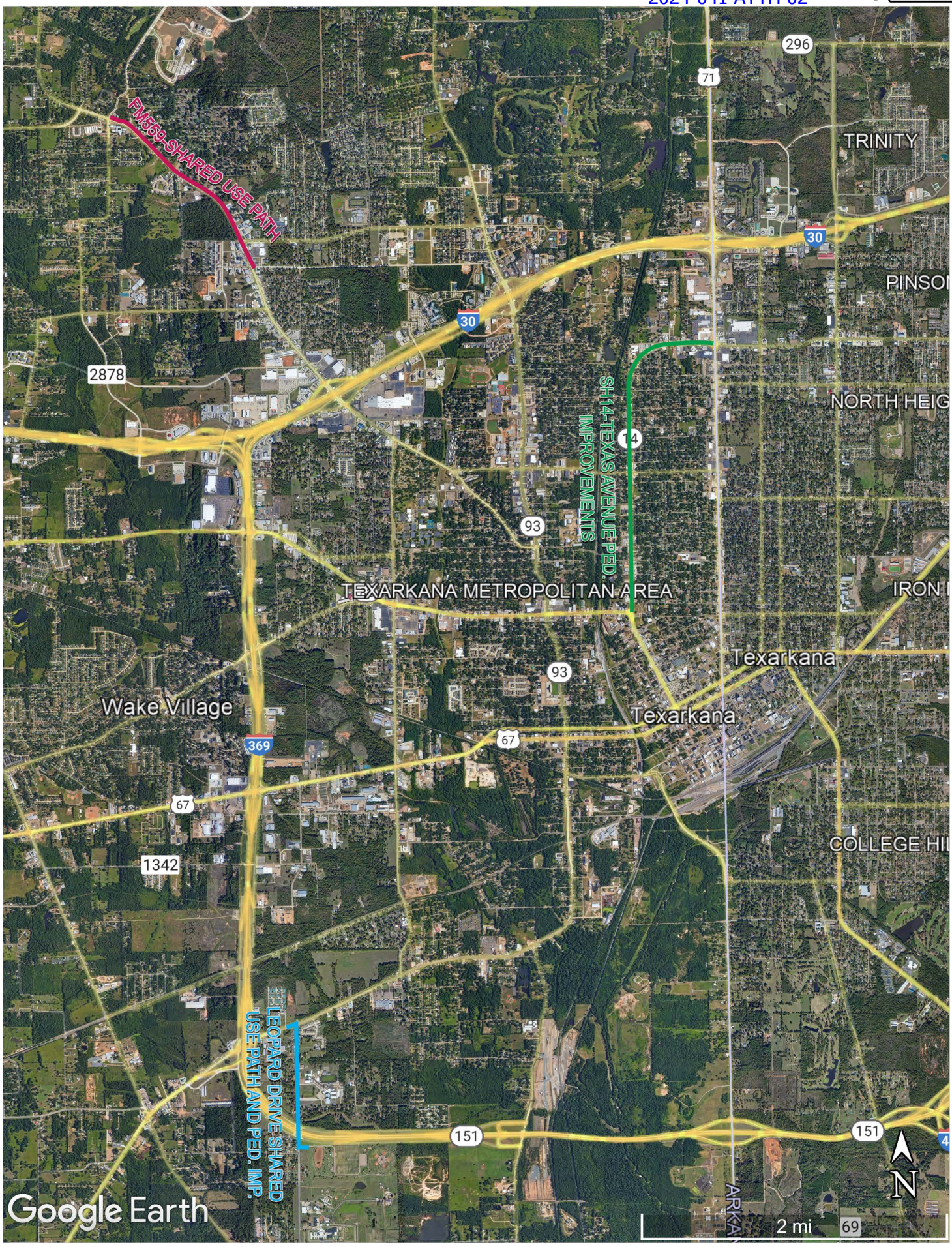
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ATTACHMENT C
RESOLUTION OF LOCAL GOVERNMENT

Attachment: 2024-041 ATTH 01 AFA with TxDOT for Leopard Dr _draft (4214 : 2024-041 RES Executing Advance Funding Agreement with



Attachment: 2024-041 ATTH 02 Leopard drive map (4214 : 2024-041 RES Executing Advance Funding Agreement with TxDOT for Leopard



Attachment: 2024-041 ATTH 02 Leopard drive map (4214 : 2024-041 RES Executing Advance Funding Agreement with TxDOT for Leopard

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-041 Goals & Perspectives (4214 : 2024-041 RES Executing Advance Funding Agreement with TxDOT for Leopard Drive

RESOLUTION NO. 2024 - 041

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING EXECUTION OF AN ADVANCE FUNDING AGREEMENT (AFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR A TRANSPORTATION ALTERNATIVES SET-ASIDE "TA" PROGRAM, FOR THE LEOPARD DRIVE PEDESTRIAN IMPROVEMENT PROJECT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas (the City), was recently selected for a Shared Use Path and Pedestrian Improvements Project on Leopard Drive as part of Texas Department of Transportation's (TxDOT) Transportation Alternatives Set-Aside "TA" Program; and

WHEREAS, on June 20, 2023, the City Council adopted Resolution No. 2023-078 showing support of the application for the Leopard Drive Shared Use Path and Pedestrian Improvement Project (the Project) to TxDOT; and

WHEREAS, on October 26, 2023, the Texas Transportation Commission authorized, by Minute Order 116575, the Project to receive TA funds for project construction; and

WHEREAS, the City would be responsible for all non-reimbursable costs and 100% of overruns, if any, for TA funds; and

WHEREAS, the City desires to reaffirm its support of the Project and approve and authorize the execution of an Advance Funding Agreement (AFA) with TxDOT for the Project.

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

SECTION 1: The City Manager is hereby authorized to execute an Advance Funding Agreement with the Texas Department of Transportation for the Leopard Drive Pedestrian Improvement Project.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:25p.m.

Attachment: 2024-041 RES AFA w TxDOT Leopoard Dr signed (4214 : 2024-041 RES Executing Advance Funding Agreement with TxDOT for

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/22/2024 9:50 AM

Lead Department: Parks, Recreation & Health **Action Officer:** Keith Beason,

Subject: Resolution No. 2024-038 approving a bid from Contech Contractors, Inc. of Texarkana, Texas, to replace windows on the exterior north wall of City Hall, in an amount not to exceed $88,508.60, with budgeted funds from the General Fund (Fund 101).

Briefing: 3/25/2024 **Public Hearing:** **Council Vote:** 3/25/2024

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

3/25/2024:
Approving a bid from Contech Contractors (TIPS Cooperative Buying Contractor #3666) to replace windows on exterior north wall of City Hall in an amount not to exceed $88,508.60.

Executive Summary and Background Information:

The quote received from Contech Contractors Inc. includes replacing 17 of the 19 windows on the exterior north wall of City Hall. The two windows excluded are the second-floor windows on the east and west side of the north wall.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Window replacements will not exceed $88,508.60 from General Fund (Fund 101)

Staff Recommendation:

Approval

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-038 RES Contech contract replace windows CH (jcl rev) (DOC)
b. 2024-038 Goals & Perspectives (DOCX)
c. 2024-038 RES CH windows north exterior signed (PDF)

Staff Coordination

Parks, Recreation & Health	Completed	Robby Robertson 03/21/2024 9:10 AM	Department Head Review	
Finance Department 11:25 AM	Kristin Peeples	Finance Review	Completed	03/21/2024
City Manager 8:16 AM	David Orr	City Manager Review	Completed	03/22/2024
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	03/25/2024

Meeting History

Attachment: 2024-038 RES Contech contract replace windows CH (jcl rev) (4211 : 2024-038 RES Contech Contractors to replace windows CHI)

RESOLUTION NO. 2024-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING A CONTRACT WITH CONTECH CONTRACTORS, INC. OF TEXARKANA, TEXAS (TIPS BUY BOARD VENDOR #3666) IN THE AMOUNT OF $88,508.60 WITH BUDGETED FUNDS FROM THE GENERAL FUND (FUND 101) FOR CITY HALL WINDOW REPLACEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, seventeen of the nineteen windows on the exterior north wall of City Hall need to be replaced (the two excluded windows are on the second floor / east and west side of the north wall); and

WHEREAS, Contech Contractors, Inc., of Texarkana, Texas (TIPS Buy Board Vendor # 3666) submitted a quote of $88,508.60 for the work, and budgeted funds are available for this work from the General Fund (Fund 101); and

WHEREAS, City staff recommends that the City Council authorize the City Manager to execute a contract with Contech for City Hall window replacement.

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

SECTION 1: The City Council authorizes and approves a contract with Contech Contractors, Inc., of Texarkana, Texas, in the amount of $88,508.60, for replacement of seventeen windows on the exterior north wall of City Hall, and authorizes the City Manager to execute any and all documents necessary to effectuate the contract.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-038 Goals & Perspectives (4211 : 2024-038 RES Contech Contractors to replace windows CHI)

RESOLUTION NO. 2024-038

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING A CONTRACT WITH CONTECH CONTRACTORS, INC. OF TEXARKANA, TEXAS (TIPS BUY BOARD VENDOR #3666) IN THE AMOUNT OF $88,508.60 WITH BUDGETED FUNDS FROM THE GENERAL FUND (FUND 101) FOR CITY HALL WINDOW REPLACEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, seventeen of the nineteen windows on the exterior north wall of City Hall need to be replaced (the two excluded windows are on the second floor / east and west side of the north wall); and

WHEREAS, Contech Contractors, Inc., of Texarkana, Texas (TIPS Buy Board Vendor # 3666) submitted a quote of $88,508.60 for the work, and budgeted funds are available for this work from the General Fund (Fund 101); and

WHEREAS, City staff recommends that the City Council authorize the City Manager to execute a contract with Contech for City Hall window replacement.

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

SECTION 1: The City Council authorizes and approves a contract with Contech Contractors, Inc., of Texarkana, Texas, in the amount of $88,508.60, for replacement of seventeen windows on the exterior north wall of City Hall, and authorizes the City Manager to execute any and all documents necessary to effectuate the contract.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:24 p.m.

Attachment: 2024-038 RES CH windows north exterior signed (4211 : 2024-038 RES Contech Contractors to replace windows CHI)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/21/2024 8:45 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-032 rezoning an approximate 0.17-acre tract of land (being Part of Tract 35), W. H. Ector, HRS, A-695, located at 1319 Richmond Road from Multiple Family-1/Planned Development-General Retail to Neighborhood Service. Sundar Adhikari, owner, and Rita Johnson-Williams, agent.		

Briefing: 4/22/2024 **Public Hearing:** 4/22/2024 **Council Vote:** 4/22/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Sundar Adhikari, owner, and Rita Johnson-Williams, agent to rezone on an approximate 0.17-acre tract of land (being part of Tract 35), W.H. Ector HRS, A-695, located at 1319 Richmond Road from Multiple Family-1/Planned Development-General Retail to Neighborhood Service. The intention is to expand on current business at 1317 Richmond Road.

The Future Land Use Map has designated this property as “Neighborhood Residential”.

The adjacent zoning is Office to the north, Multiple Family-1 to the west, Neighborhood Service to the south, and Single Family-2 to the east. The adjacent land use is an office to the north, apartments to the west, business to the south, and residences to the east.

Staff recommends for approval of this request.

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

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

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 4, 2024

Attachments

a. 2024-032 ORD Rezoning 1319 Richmond Rd (DOCX)
b. 2024-032 EXH 'A' (Legal Description) (PDF)
c. 2024-032 ATTH 01 (Maps) (PDF)
d. 2024-032 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/21/2024 8:53 AM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/21/2024 9:04 AM
City Manager	David Orr	Reviewer	Completed	03/22/2024 3:45 PM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

Z-24-1

ORDINANCE NO. 2024-032

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING ON AN APPROXIMATE 0.17-ACRE TRACT OF LAND (BEING PART OF TRACT 35), W. H. ECTOR HRS, A-695, LOCATED AT 1319 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM MULTIPLE FAMILY-1/PLANNED DEVELOPMENT-GENERAL RETAIL TO NEIGHBORHOOD SERVICE; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on an **approximate 0.17-acre tract of land (being Part of Tract 35), W. H. Ector HRS, A-695 (Exhibit 'A'), located at 1319 Richmond Road,** in the City of Texarkana, Bowie County, Texas, from **Multiple Family-1/Planned Development-General Retail to Neighborhood Service**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Multiple Family-1/Planned Development-General Retail to Neighborhood Service on an approximate 0.17-acre tract of land (being Part of Tract 35), W. H. Ector HRS, A-695 (Exhibit 'A'), located at 1319 Richmond Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicant agreed to amend the application from **Multiple Family-1/Planned Development-General Retail to 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 **Multiple Family-1/Planned Development-General Retail to Neighborhood Service** is in the best interest of the public health, safety, morals and general welfare of the City.

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

Attachment: 2024-032 ORD Rezoning 1319 Richmond Rd (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone on an **approximate 0.17-acre tract of land (being Part of Tract 35), W. H. Ector HRS, A-695 (Exhibit 'A'), located at 1319 Richmond Road** in the City of Texarkana, Bowie County, Texas, from **Multiple Family-1/Planned Development-General Retail to Neighborhood Service.**

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

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

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

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

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-032 ORD Rezoning 1319 Richmond Rd (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

Warranty Deed with Vendor's Lien

Notice of confidentiality rights: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records: your Social Security number or your driver's license number.

Date: **February 2, 2023**

Grantor: **Reginal G. Reid Sr. aka Reginald G. Reid Sr., a married man as his sole and separate property**

Grantor's Mailing Address: 106 Melrose Dr., Texarkana, TX 75501

Grantee: **Ratna International, Inc**

Grantee's Mailing Address: 6005 Beacon Hill Dr., Texarkana TX 75503

Consideration:

Cash and other good and valuable consideration along with a note of even date executed by Grantee and payable to the order of Guaranty Bank & Trust, N.A. in the principal amount of $30,400.00 (Thirty Thousand Four Hundred and 00/100 Dollars). The note is secured by a first and superior vendor's lien and superior title retained in this deed in favor of Guaranty Bank & Trust, N.A. and by a first-lien deed of trust of even date from Grantee to Kirk L. Lee, trustee.

Property (including any improvements):

All that certain tract or parcel of land being a part of the W. H. ECTOR HEADRIGHT SURVEY, Abstract No. 695, Bowie County, and being a part of that certain 0.256 acre tract conveyed to Patricia Hirsch by Warranty Deed recorded in Volume 615, Page 735 of the Deed Records of Bowie County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron pin set for corner at the Southeast corner of said 0.256 acre tract, being called South, 872.2 feet from the Northeast corner of the Hoskins and Smelser Headright Survey, Abstract No. 718, Bowie County, Texas;
THENCE: N 01°01'07" W, 55.00 feet with the West line of said 0.256 acre tract to a right-of-way marker found for corner on the West right-of-way line of Richmond Road (F. M. Highway No. 559);
THENCE: N 51°48'04" E, 63.90 feet with said right-of-way line to a right-of-way marker found corner at the beginning of a curve to the left having a radius of 1689.36 feet;
THENCE: Southeasterly, with said right-of-way line and said curve for a distance of 124.05 feet through a central angle of 04°12'26" (having a chord of S 49°39'49" E, 124.02 feet) to a 1/2" iron pin found for corner on the South line of said 0.256 acre tract of land;
THENCE: S 84°20'53" W, 144.48 feet with the South line of said 0.256 acre tract of land to the Point of Beginning and containing 0.135 acres of land, more or less.
Reservations from Conveyance: None

Exceptions to Conveyance and Warranty:

This conveyance, however, is made and accepted subject to any and all restrictions, encumbrances, easements, covenants, and conditions, if any, relating to the hereinabove described property as the same are filed for record in County Clerk's Office of Bowie County, Texas.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person

Attachment: 2024-032 EXH 'A' (Legal Description) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

BEGINNING at a 1/2" iron pin found for corner on the East right-of-way line of Pierre Street, being the Northwest corner of said Pree tract, and also being the Southwest corner of a certain 0.135 acre tract of land as conveyed to Reginald G. Reid, Sr. by Substitute Administrator's Deed recorded in Volume 6079, Page 299 of the Real Property Records of Bowie County, Texas;
THENCE N 84 deg. 29' 04" E., 144.93 feet with the North line of said Pree tract, same being the South line of said Reid tract, to a 1/2" iron pin found for corner at the Northeast corner of said Pree tract and the Southeast corner of said Reid tract, said corner being located on the West right-of-way line of Richmond Road, being a curve to the left having a radius of 1689.36 feet;
THENCE Southeasterly, with said curve and right-of-way line for a distance of 5.71 feet (chord is S 51 deg. 51' 59" E., 5.71 feet) through a central angle of 00 deg. 11' 37" to a right-of-way marker found at the end of said curve;
THENCE S 51 deg. 57' 48" E., 79.08 feet with the West right-of-way line of Richmond Road for a right-of-way marker found for corner;
THENCE S 38 deg. 02' 12" W., 35.22 feet with the West right-of-way line of Richmond Road to a right-of-way marker found for corner on the North right-of-way line of a street known as Short Pierre Street;
THENCE S 88 deg. 14' 05" W., 187.50 feet along the North right-of-way line of Short Pierre Street to a nail set for corner at the edge of Pierre Street;
THENCE N 01 deg. 31' 49" W., 71.86 feet along the East right-of-way line of Pierre Street to the Point of Beginning and containing 0.329 acres of land, more or less.

Reservations from Conveyance:

None

Exceptions to Conveyance and Warranty:

Concrete parking and driveway partially lies outside property lines as shown on survey dated September 5, 2016, by Johnny E. Plunk, Jr., RPLS, Texas No. 5080.

Liens described as part of the Consideration and any other liens described in this deed as being either assumed or subject to which title is taken; validly existing easements, rights-of-way, and prescriptive rights, whether of record or not; all presently recorded and validly existing restrictions, reservations, covenants, conditions, oil and gas leases, mineral interests, and water interests outstanding in persons other than Grantor, and other instruments, other than conveyances of the surface fee estate, that affect the Property; validly existing rights of adjoining owners in any walls and fences situated on a common boundary; any discrepancies, conflicts, or shortages in area or boundary lines; any encroachments or overlapping of improvements; and taxes for 2016, which Grantee assumes and agrees to pay, but not subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantor assumes.

Grantor, for the Consideration and subject to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty, grants, sells, and conveys to Grantee the Property, together with all and singular the rights and appurtenances thereto in any way belonging, to have and to hold it to Grantee and Grantee's heirs, successors, and assigns forever. Grantor binds Grantor and Grantor's heirs and successors to warrant and forever defend all and singular the Property to Grantee and Grantee's heirs, successors, and assigns against every person whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to

Attachment: 2024-032 EXH 'A' (Legal Description) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

NOTICE OF CONFIDENTIALITY RIGHTS: IF YOU ARE A NATURAL PERSON, YOU MAY REMOVE OR STRIKE ANY OR ALL OF THE FOLLOWING INFORMATION FROM ANY INSTRUMENT THAT TRANSFERS AN INTEREST IN REAL PROPERTY BEFORE IT IS FILED FOR RECORD IN THE PUBLIC RECORDS: YOUR SOCIAL SECURITY NUMBER OR YOUR DRIVER'S LICENSE NUMBER.

Warranty Deed with Vendor's Lien

Date: Sept 28, 2016

Grantor: DEBORAH N. PREE, dba BRITE BEGINNINGS DAY CARE and husband, JAMES PREE

1614697 MS

Grantor's Mailing Address:

DEBORAH N. PREE and JAMES PREE
3108 Keller Avenue
Texarkana, TX 75503
Bowie County

Grantee: SUNDAR BABU ADHIKARI and wife, KRISHNA ADHIKARI SHRESTHA

Grantee's Mailing Address:

SUNDAR BABU ADHIKARI and KRISHNA ADHIKARI SHRESTHA
3306 Westridge Avenue
Texarkana, TX 75503
Bowe County

Consideration:

Cash and a note of even date executed by Grantee and payable to the order of GUARANTY BANK & TRUST, N.A. in the principal amount of FIFTY THOUSAND NINE HUNDRED AND NO/100 DOLLARS ($50,900.00). The first-lien note is secured by the first and superior vendor's lien against, and superior title to, the Property retained in this deed in favor of GUARANTY BANK & TRUST, N.A. and is also secured by a first-lien deed of trust of even date from Grantee to Kirk L. Lee, trustee.

Property (including any improvements):

All that certain tract or parcel of land being a part of the W. H. ECTOR HEADRIGHT SURVEY, Abstract No. 695, Bowie County, Texas, and being a part of a 0.554 acre tract of land as conveyed to P. M. Brown and Helen Asimos by Deed recorded in Volume 619, Page 311 of the Deed Records of Bowie County, Texas, and being the same tract of land as conveyed to Deborah N. Pree dba Brite Beginnings Day Care by Third Party Deed recorded in Volume 4310, Page 99 of the Real Property Records of Bowie County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

Attachment: 2024-032 EXH 'A' (Legal Description) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)



Bowie
Tina Petty
County Clerk
New Boston, Texas 75570

Instrument Number: 2016-11567
As
Recording

Recorded On: September 30, 2016

Parties: PREE DEBORAH N DBA ETVIR
To ADHIKARI SUNDAR BABU ETUX

Billable Pages: 3
Number of Pages:

Comment: WARRANTY DEED

(Parties listed above are for Clerks reference only)

** THIS IS NOT A BILL **

Recording	34.00
Total Recording:	34.00

********** DO NOT REMOVE. THIS PAGE IS PART OF THE INSTRUMENT **********

Any provision herein which restricts the Sale, Rental or use of the described REAL PROPERTY because of color or race is invalid and unenforceable under federal law.

File Information:
Document Number: 2016-11567
Receipt Number: 337664
Recorded Date/Time: September 30, 2016 01:52:57P

User / Station: A Thompson - Scan Station #3

Record and Return To:
TWIN CITY TITLE COMPANY
3615 RICHMOND ROAD
TEXARKANA TX 75503

Attachment: 2024-032 EXH 'A' (Legal Description) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

whomsoever lawfully claiming or to claim the same or any part thereof, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

The Vendor's Lien against and Superior Title to the Property are retained until the Note described is fully paid according to its terms, at which time this Deed will become absolute. The Vendor's Lien and Superior Title herein retained are hereby transferred, assigned, sold, and conveyed to the payee of the Note, and the successors and assigns of the payee.

When the context requires, singular nouns and pronouns include the plural.

EXECUTED this 2nd day of February, 2023.

Reginal G. Reid Sr. aka Reginald G. Reid Sr.

THE STATE OF Texas §
§
COUNTY OF Bowie §

Before me, a Notary Public, the foregoing instrument was acknowledged on 2nd day of February, 2023 by Reginal G. Reid Sr. aka Reginald G. Reid Sr. who personally appeared before me, and who is known to me through DL to be the person(s) who executed it for the purposes and consideration expressed therein, and in the capacity stated.

NOTARY PUBLIC, STATE OF Texas

AFTER RECORDING, RETURN TO:

CapitalTitle℠
3615 Richmond Road Office: (903) 716-5959
Texarkana, TX 75503 Fax # 833-972-1055
GF # 23-718614-TX

PREPARED IN THE LAW OFFICE OF
Shaddock & Associates, P. C.
2400 N. Dallas Parkway, Ste. 560
Plano, Texas 75093

THE STATE OF TEXAS
COUNTY OF BOWIE

I hereby certify that this instrument was FILED on tl date and the time stamped hereon by me and was duly RECORDED in the Records of Bowie County, Texas.

2023-00001013 DEED
02/03/2023 01:09:31 PM Total Fees: $30.00

Tina Petty, County Clerk
Bowie County, Texas

Attachment: 2024-032 EXH 'A' (Legal Description) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

Conveyance and Warranty.

The vendor's lien against and superior title to the Property are retained until each note described is fully paid according to its terms, at which time this deed will become absolute.

GUARANTY BANK & TRUST, N.A., at Grantee's request, has paid in cash to Grantor that portion of the purchase price of the Property that is evidenced by the note. The first and superior vendor's lien against and superior title to the Property are retained for the benefit of GUARANTY BANK & TRUST, N.A. and are transferred to GUARANTY BANK & TRUST, N.A. without recourse against Grantor.

When the context requires, singular nouns and pronouns include the plural.

Deborah Pree
DEBORAH N. PREE

JAMES PREE

STATE OF TEXAS }

COUNTY OF BOWIE }

Before me, a Notary Public, on this day personally appeared DEBORAH N. PREE and husband, JAMES PREE, known to me, or proved to me through Driver License (description of identity card or other document) to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 28 day of September, 2016.

MELODY L JOHNSON
NOTARY PUBLIC
STATE OF TEXAS
COMM. EXP. 08-08-2019

Melody L Johnson
Notary Public, State of Texas
My Commission Expires: _____

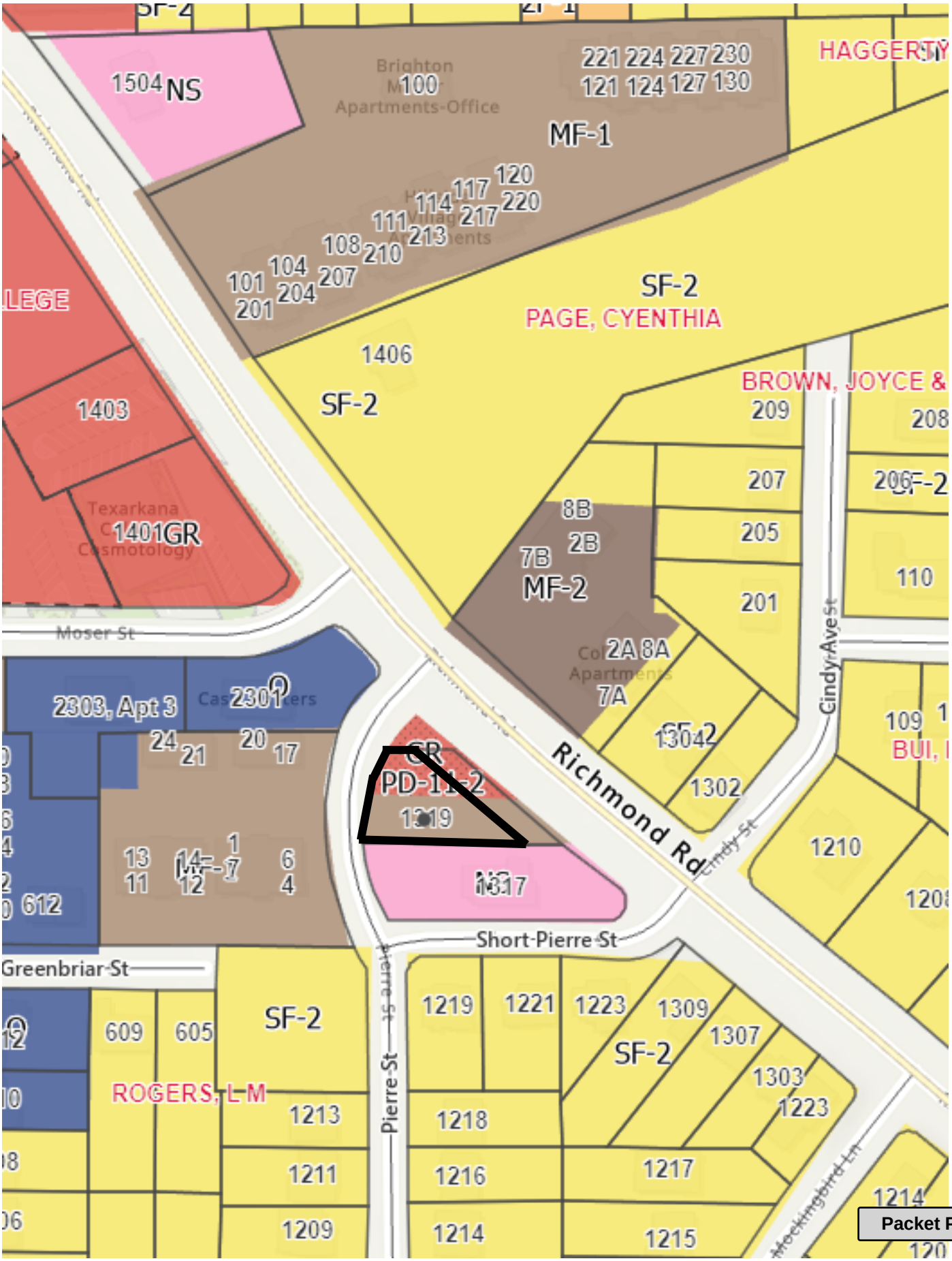
PREPARED IN THE OFFICE OF:
LANGDON★DAVIS
Attorneys at Law
625 Sam Houston
New Boston, TX 75570

AFTER RECORDING, RETURN TO:
TWIN CITY TITLE
3615 Richmond Road
Texarkana, TX 75503

When recorded return to
Twin City Title Company
3615 Richmond Rd
Texarkana, TX 75503

Attachment: 2024-032 EXH 'A' (Legal Description) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

1319 Richmond Rd



Attachment: 2024-032 ATTH 01 (Maps) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

2024-032 ATTH 01
Z-24-1

1319 Richmond Rd



Attachment: 2024-032 ATTH 01 (Maps) (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-032 Goals & Perspectives (4205 : 2024-032 ORD rezoning MF-1/PD-GR to NS at 1319 Richmond Rd)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/22/2024 9:55 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-033 granting a Specific Use Permit to allow the location of a daycare on the N 1/2 of Lots 9-12 and Part of the Alley, Block 55, Grandview, located at 1616 Iowa Street. Callie Donelson, owner, and Stephanie Thompson, agent.		

Briefing: 4/22/2024 **Public Hearing:** 4/22/2024 **Council Vote:** 4/22/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Callie Donelson, owner, and Stephanie Thompson, agent for a Specific Use Permit to allow a daycare/preschool on the N ½ of Lots 9-12, Block 55, Grandview, located at 1616 Iowa Street. The property is zoned Single Family-3 and was previously a daycare.

The Future Land Use Map has designated this property as “Neighborhood Residential”.

The adjacent zoning is Single Family-3 to the north, west and south, and Single Family-2 to the east. The adjacent land usage is residential to the north, west, south, and east.

A Specific Use Permit is required to allow daycare use in this zoning district.

Staff recommends for approval of this request.

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

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

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 4, 2024

Attachments

a. 2024-033 ORD granting SUP for daycare at 1616 Iowa St (DOCX)
b. 2024-033 ATTH 01 (Maps) (PDF)
c. 2024-033 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel 03/21/2024 8:52 AM	Department Head Review	
Public Works Department	03/21/2024 9:03 AM	Dusty Henslee	Reviewer	Completed
City Manager	David Orr	Reviewer	Completed	03/22/2024 3:45 PM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

Attachment: 2024-033 ORD granting SUP for daycare at 1616 Iowa St [Revision 1] (4206 : 2024-033 ORD SUP for daycare at 1616 Iowa Street)

ORDINANCE NO. 2024-033 S-786

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOWING THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING OF SPECIFIC USE PERMIT NO. S-786 TO ALLOW ONE ADDITIONAL USE OF A DAYCARE ON THE NORTH ½ OF LOTS 9-12 AND PART OF THE ALLEY, BLOCK 55, GRANDVIEW, LOCATED AT 1616 IOWA STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use of a daycare on the **N ½ of Lots 9-12 and Part of the Alley, Block 55, Grandview, located at 1616 Iowa Street,** in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow one additional use of a daycare** on said property; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that granting the **Specific Use Permit** is in the best interest of the public health, safety, morals and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-786 to allow one additional use of a daycare on the N ½ of Lots 9-12 and Part of the Alley, Block 55, Grandview, located at 1616 Iowa Street**, in the City of Texarkana, Bowie County, Texas.

SECTION 2: That the following stipulations are hereby imposed and made a part of this ordinance:

1. The daycare will continue to be licensed and regulated by the State of Texas.
2. The Specific Use Permit will be in effect beginning at the date of this Ordinance.
3. The daycare will house the number of children allowed by the State of Texas.

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

SECTION 4: It is further provided that in case a section, clause, sentence or part of this ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair, or invalidate the remainder of this ordinance.

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

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

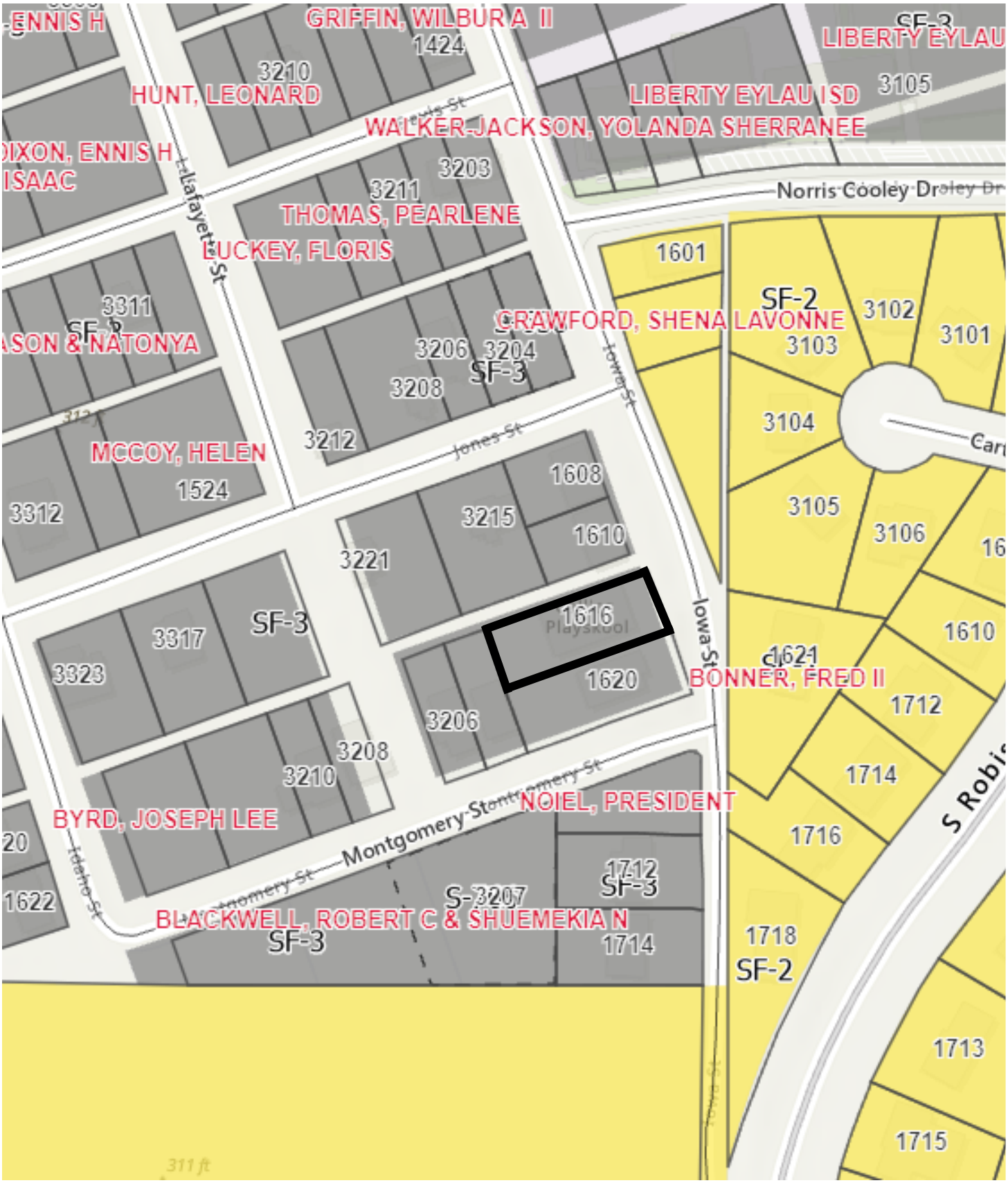
ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-033 ORD granting SUP for daycare at 1616 Iowa St [Revision 1] (4206 : 2024-033 ORD SUP for daycare at 1616 Iowa Street)

2024-033 ATTH 01
S-786

1616 Iowa Street



Attachment: 2024-033 ATTH 01 (Maps) (4206 : 2024-033 ORD SUP for daycare at 1616 Iowa Street)

2024-033 ATTH 01
S-786

1616 Iowa Street



Attachment: 2024-033 ATTH 01 (Maps) (4206 : 2024-033 ORD SUP for daycare at 1616 Iowa Street)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-033 Goals & Perspectives (4206 : 2024-033 ORD SUP for daycare at 1616 Iowa Street)

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 3/21/2024 9:47 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-034 rezoning an approximate 20.70-acre tract of land (being part of Tracts 9-12, 13, 17, 18 and 19), R. E. Sevey HRS, A-523, located at 2300 Buchanan Road from Single Family-1 to Planned Development - Commercial. Jeff Wright, LEISD, owner, and Robert Sanderson, agent.		

Briefing: 4/22/2024 **Public Hearing:** 4/22/2024 **Council Vote:** 4/22/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Jeff Wright, LEISD, owner, and Robert Sanderson, agent to rezone on an approximate 20.70-acre tract of land (being part of Tracts 9-12, 13, 17, 18, and 19), R.E. Sevey HRS, A-523, located at 2300 Buchanan Road from Single Family-1 to Planned Development - Commercial. The intention is multiple uses.

The Future Land Use Map has designated this property as “Suburban Residential”.

The adjacent zoning is Single Family-1 to the north, west and south, and Industrial-2 to the east. The adjacent land use is City Park to the north, residences to the west and south, and railroad yard to the east.

Staff recommends for approval this request.

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

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

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 4, 2024

Attachments

a. 2024-034 ORD Rezoning 2300 Buchanan Rd (DOCX)
b. 2024-034 EXH 'A' (Legal Description) (PDF)
c. 2024-034 ATTH 01 (Maps) (PDF)
d. 2024-034 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/21/2024 9:47 AM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/21/2024 9:49 AM
City Manager	David Orr	Reviewer	Completed	03/22/2024 8:03 AM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

Z-24-2

ORDINANCE NO. 2024-034

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING ON AN APPROXIMATE 20.70-ACRE TRACT OF LAND (BEING PART OF TRACTS 9-12, 13, 17, 18, AND 19), R. E. SEVEY HRS, A-523, LOCATED AT 2300 BUCHANAN ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO PLANNED DEVELOPMENT COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on an **approximate 20.70-acre tract of land (being Part of Tracts 9-12, 13, 17, 18, and 19), R. E. Sevey HRS, A-523 (Exhibit 'A'), located at 2300 Buchanan Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Planned Development-Commercial**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to Planned Development-Commercial on an approximate 20.70-acre tract of land (being Part of Tracts 9-12, 13, 17, 18, and 19), R. E. Sevey HRS, A-523 (Exhibit 'A'), located at 2300 Buchanan Road** to the City Council of Texarkana, Texas; and

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

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-1 to Planned Development-Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

Attachment: 2024-034 ORD Rezoning 2300 Buchanan Rd (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone on an **approximate 20.70-acre tract of land (being Part of Tracts 9-12, 13, 17, 18, and 19), R. E. Sevey HRS, A-523 (Exhibit 'A'), located at 2300 Buchanan Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Planned Development-Commercial.**

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

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

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

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

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-034 ORD Rezoning 2300 Buchanan Rd (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Tax Certificate

Account: 21000002100 (45290/5825)

Year: 2023 Certificate No.: 910

Z-24-2

Prepared By:
TAX ASSESSOR-COLLECTOR
PO BOX 6527
TEXARKANA, TEXAS 75505

Legal Description
R E SEVEY A-523
190/496, 286/104
BLK/TRACT 18 19
2.85 ACRES

Owner:
LIBERTY EYLAU ISD
2901 LEOPARD RD
TEXARKANA TX 755017817

Situs Address:
2400 BUCHANAN LP RD
TEXARKANA

Date: 2/08/2024
Description:

This is to certify that after a careful check of the tax records of this office, the following current/delinquent taxes, penalties and interest are due on the described property for the following taxing units:

There Are No Taxes Due At This Time

If this property received SPECIAL USE considerations, it could be subject to a rollback tax. If this property was exempt from taxation, this property may be subject to a prorata portion of the current year tax if this property does not qualify for an exemption from taxation after a change in ownership. Please contact your Tax Office.

Tax Year 2023

Value								
Land-HS	Land-Other	Ag-Mkt	Ag-Use	Imp-HS	Imp-Other	HS-Cap	Appraised	Assessed
0	22,800	0	0	0	0	0	22,800	22,800

Jurisdiction Name	Exemption Codes	Exempt Amount	Taxable	Rate/100	Tax Levy
BOWIE COUNTY	ABSO	22,800	0	.396934	.00
LIBERTY EYLAU ISD	ABSO	22,800	0	.957600	.00
TEXARKANA CITY	ABSO	22,800	0	.650000	.00
TEXARKANA COLLEGE	ABSO	22,800	0	.109639	.00
Total					.00

Signed and Executed on this 8th day of FEBRUARY, 2024

Suzanne K. Linder

Signature of Authorized Officer of Collecting Office

Issued To:

TWIN CITY TITLE COMPANY INC.
3310 ARISTA BLVD
TEXARKANA TX 75503

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Names of Purported Owners: R. T. Pierce and Merta Lee Pierce.
Address of Purported Owners: Hooks, Texas.
Estimated Compensation: $310.00.

In fee simple, subject, however, to all existing easements for railroads and public utilities, light beacon stations and for water supply purposes, vested in the United States of America upon the filing of said Declaration of Taking and the depositing in the Registry of this Court of the said sum of $5,956.00, as hereinabove recited, that said lands are deemed to have been condemned and taken for the use of the United States of America and the right to just compensation for the property taken, upon the filing of the Declaration of Taking, vested in the persons entitled thereto, and the amount of compensation shall be ascertained and awarded in this proceeding and established by judgment herein pursuant to law, and

IT IS FURTHER ADJUDGED, ORDERED AND DECREED that the possession of the above-described property has been delivered to the United States of America on the 7th day of July, 1941, and this cause is held open for such other and further orders, judgments and decrees as may be necessary in the premises.

By the Court.

/s/ Randolph Bryant
JUDGE PRESIDING
United States District Court for the Eastern District of Texas.

Filed for Record on the 30th day of June A. D. 1942. at 10 o'clock A. M.
Recorded on the 2nd day of July A. D. 1942, at 1:30 o'clock P. M.

By Helen Rackley Deputy — Sam Minnick, County Clerk

$3389 — WARRANTY DEED — 1.00

J. A. Martin & Wife -to- W. A. Smith et al, Trustees Liberty Consolidated Sch. Dist.

THE STATE OF TEXAS))
KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BOWIE))

THAT I, J. A. Martin joined by my wife Maymie Martin of the County of Bowie State of Texas for and in consideration of the sum of Seven Hundred & No/100 Dollars, to us paid and secured to be paid by Emmett Moore W. A. Smith and Ollie Warren, Trustees of the Liberty Consolidated School District, as follows:

$700.00 Cash in hand paid the receipt of which is hereby acknowledged and confessed.

have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY, unto the said Emmett Moore W. A. Smith and Ollie Warren; Trustees of the Liberty Consolidated School District, and their successors in office of the County of Bowie State of Texas, all that certain

Tract or parcel of land situated in Bowie County Texas, and being a part of a 3 acre tract out of the H. E. Sevey H. R. Survey, and lying just West of the Liberty School 5 acre tract of land, and also including a 50 foot strip heretofore designated as a street or road lying on the East side of said 3 acre tract of land, and described as follows:

BEGINNING 126 feet South from the N. W. corner of the Liberty High School 5 acre tract of land to a point of beginning; THENCE WEST across said 50 ft street or road, and on West 100 feet to a stake for corner---same being 150 feet feet west of the West line of said 5 acre tract; THENCE South 339 feet to the S. B. line of the said 3 acre tract; THENCE East 150 feet to the S. W. corner of said school 5 acre tract; THENCE North 339 feet to place of betinning; containing 1-15/100 acre of land.

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Emmett Moore; W. A. Smith and Ollie Warren, Trustees of the Liberty Consolidated School District, and their successors if office assigns forever, and we do hereby bind ourselves, our heirs, executors and administrators, to WARRANT AND FOREVER DEFEND, all and singular the said premises unto the said

Emmett Moore; W. A. Smith and Ollie Warren, Trustees of the Liberty Consolidated School District, and to their successors in office. and assigns against every-person whomsoever lawfully claiming, or to claim the same , or any part thereof.

WITNESS our hand at Texarkana this 17 day of June A. D. 1942

WITNESS AT REQUEST OF GRANTOR: J. A. Martin
Maymie Martin

1.10 Revenue Stamps Duly Cancelled:

THE STATE OF TEXAS)) Joint Acknowledgment
COUNTY OF --------))

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared J. A. Martin and Maymie Martin, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Maymie Martin, wife of the said J. A. Martin having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Maymie Martin acknowledged such instrument to be her act and deed, and she declared that she had

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, this the 17th day of June A. D. 1942.

L. C. Boswell
Notary Public in and for Bowie County, Texas.
L. C. Boswell
Notary Public Bowie County, Texas

L.S.

Filed for Record on the 1st day of July A. D. 1942 at 10 o'clock A. M.
Recorded on the 6th day of July A. D. 1942 at 9 o'clock A. M.

By Helen Pickard Deputy

Sam Minnick, County Clerk

1.00

#3390
D. V. Davis

Assignment of Oil and Gas Lease
-to-
C. W. Robinson

Whereas, On the 13th day of January, 1942, a certain oil and gas mining lease was made and entered into by and between J. T. Barrett, Lessor and D. V. Davis, Lessee covering the following described land in the county of Bowie and State of Texas, to-wit:

Being 130 acres off the North end of a 190 acre tract of land, in Bowie County, Texas, which 190 acre tract of land is more particularly described by meter and bounds in the record of said original lease,

Said lease being recorded in the office of the County Clerk in and for said County in book 125, page 430-31-32, to which lease and record reference is here made for all purposes; and Whereas, The said lease and all rights thereunder or incident thereto are now owned by D. V. Davis;

Now, Therefore, for and in consideration of One Dollar (and other good and valuable considerations), the receipt of which is hereby acknowledged, the undersigned, the present owner of the said lease and all rights thereunder or incident thereto, does hereby bargain, sell, transfer, assign and convey, an undivided one-half (1/2) interest in and to all rights, title and interest of the original lessee and present owner in and to said lease and rights thereunder, insofar as it covers the lands described in said original lease, and covered thereby,

together with all personal property used or obtained in connection therewith to C. W. Robinson Shreveport, Louisiana and his heirs, successors and assigns,

And for the same considerations, the undersigned for myself and my heirs, successors and representatives, do covenant with the said assignee, his heirs, successors, or assigns, that I am the lawful owner of the said lease and rights and interest thereunder and of the personal property thereon or used in connection therewith; that the undersigned has good right and authority to sell and convey the same, and that said rights, interest and property are free and clear from all liens and incumbrances, and that all rentals and royalties due and payable thereunder have been duly paid.

In Witness Whereof, The undersigned owner and assignor has signed and sealed this instrument the 19th day of June, 1942.

D. V. Davis

.55¢ REVENUE STAMPS DULY CANCELLED

SINGLE ACKNOWLEDGMENT

THE STATE OF TEXAS))

COUNTY OF CASS))

BEFORE ME, the undersigned, a Notary Public, in and for said County, Texas, on this day personally appeared D. V. Davis, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 19th day of June, A. D. 1942.

Tom J. Mays,
Tom J. Mays, Notary Public, Cass County, Texas.

L.S.

Filed for Record on the 1st day of July A. D. 1942 at 10 o'clock A. M.
Recorded on the 6th day of July A. D. 1942 at 9:30 o'clock A. M.

By Helen Pickard Deputy

Sam Minnick, County Clerk

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

104
104

Vol 286 Page 104

nature and extent of the injury sustained, shall be abated until the premises shall have been fully repaired and restored by the lessor, or, in case the said premises shall be substantially destroyed, then at the election of the lessee the estate hereby created may thereupon be determined.

In witness whereof the said parties hereto and to another instrument of like tenor have hereunto set their hands and seals this 15th day of April, 1952.

John Q. Crow (Seal)
Lessor

Mrs. Dorothy Crow (Seal)
Wife of Lessor

T D Bolton (Seal)
Lessee

Lala Bolton (Seal)
Wife of Lessee

THE STATE OF TEXAS,
COUNTY OF BOWIE

BEFORE ME, A Notary Public in and for Bowie County, Texas, on this day personally appeared John Q. Crow & T. D. Bolton and Dorothy Crow and Lala Bolton their wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said Dorothy Crow and Lala Bolton wives of the said John Q. Crow and T. D. Bolton having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Dorothy Crow and Lala Bolton acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, THIS 15th day of April, A. D. 1952

(L. S.)

S. H. Lee
NOTARY PUBLIC IN AND FOR BOWIE COUNTY, TEXAS

Filed for Record on the 17 day of April A. D. 1952 at 10 o'clock A.M.
Duly Recorded this the 24 day of April A. D. 1952 at 10 o'clock A.M.
Instrument No. 2012

O. E. COOPER, County Clerk
Bowie County, Texas.
By _____ Deputy

D-1151—WARRANTY DEED—Single, Separate and Joint Acknowledgment. Clarke & Courts, Houston-Dallas-Galveston

The State of Texas,
COUNTY OF BOWIE

Know all Men by These Presents:
#2013----$1.00

That We, Lyle V. P. Strubhar and wife, Verna Strubhar, of the County of Bowie State of Texas for and in consideration of the sum of Fifteen Hundred and No/100 - - - - - - - - - - - - - - - - - - DOLLARS to us in hand paid by W. A. Smith, E. J. Kennedy and W. H. Gentry, Trustees Liberty School District No. 12, Bowie County, Texas, as follows:

Cash, the receipt of which is hereby acknowledged,

D/R Vol. 286

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

have Granted, Sold and Conveyed, and by these presents do Grant, Sell and Convey, unto the said W. A. Smith, E. J. Kennedy, and W. H. Gentry, Trustees Liberty School District No. 12, Bowie County, Texas, or to their successors in office,

of the County of Bowie State of Texas all that certain lot, tract or parcel of land, about one mile Southwesterly of the South end of Buchanan Avenue in Texarkana, Texas, a part of the R. E. Sevey Headright Survey, the land herein described being out of the Northeast corner of the 12-acre tract of land now owned by Lyle V. P. Strubhar, as more particularly described in that certain warranty deed dated June 19, 1942, from Robert D. Caldwell and Ruth G. Caldwell, his wife, to Lyle V. P. Strubhar and Verna Strubhar, his wife, duly recorded and now appearing of record in Vol. 192, Page 181, of the Deed Records of Bowie County, Texas, to which said deed and the record of which, together with the deeds and record thereof referred to therein, reference is hereby made for greater certainty as to description:

BEGINNING at the Northeast corner of said 12-acre tract of land;
THENCE South with the East boundary line of said 12-acre tract of land, 240.5 feet to a stake in the North boundary line of a 25-foot street;

THENCE West with the street, 313 feet to a stake;
THENCE North parallel to the East boundary line of said 12-acre tract, 240.5 feet to a stake in the North boundary line of said tract;
THENCE East 313 feet to the place of beginning, containing approximately 1.7 acres of land.

(Field Notes by Paul Blocker, Feb. 20, 1952.)

TO HAVE AND TO HOLD the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging unto the said W. A. Smith, E. J. Kennedy and W. H. Gentry, Trustees Liberty School District Number 12, Bowie County, Texas, or to their successors in office,

heirs and assigns forever and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend, all and singular the said premises unto the said W. A. Smith, E. J. Kennedy and W. H. Gentry, Trustees Liberty School District Number 12, Bowie County, Texas, or to their successors in office, heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof.

WITNESS our hand s at Texarkana, Texas,
this 12th day of April, A. D. 1952.

Lyle V. P. Strubhar
Verna Strubhar

Witness at request of Grantor:

JOINT ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF Bowie

BEFORE ME, the undersigned, a Notary Public in and for said County and State, on this day personally appeared LYLE V. P. STRUBHAR and VERNA STRUBHAR, his wife, both known to me to be the persons whose names are subscribed to the foregoing instrument, and acknowledged to me that they each executed the same for the purposes and consideration therein expressed, and the said VERNA STRUBHAR, wife of the said LYLE V. P. STRUBHAR having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said VERNA STRUBHAR acknowledged such instrument to be her act and deed, and she declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

GIVEN UNDER MY HAND AND SEAL OF OFFICE this the 12th day of April, A. D., 19 52.

(L. S.) HERBERT LING By Comm. Expires June 1st 1953

Herbert Ling
Notary Public in and for Bowie County, Texas

Filed for Record on the 17 day of April A. D. 1952 at 10 o'clock A M.
Duly Recorded this the 24 day of April A. D. 1952 at 10 o'clock A M.
Instrument No. 2013

O. E. COOPER, County Clerk
Bowie County, Texas
By Annie Mae Lidwell Deputy

D/R Vol. 286

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Tax Certificate

Account: 21000002000 (45288/5825) Year: 2023 Certificate No.: 908

Prepared By:
TAX ASSESSOR-COLLECTOR
PO BOX 6527
TEXARKANA, TEXAS 75505

Legal Description
R E SEVEY A-523
751/100
BLK/TRACT 17
1 ACRES

Owner:
LIBERTY EYLAU ISD
2901 LEOPARD RD
TEXARKANA TX 755017817

Situs Address:
2502 BUCHANAN LP RD
TEXARKANA

Date: 2/08/2024
Description:

This is to certify that after a careful check of the tax records of this office, the following current/delinquent taxes, penalties and interest are due on the described property for the following taxing units:

There Are No Taxes Due At This Time

If this property received SPECIAL USE considerations, it could be subject to a rollback tax. If this property was exempt from taxation, this property may be subject to a prorata portion of the current year tax if this property does not qualify for an exemption from taxation after a change in ownership. Please contact your Tax Office.

Tax Year 2023								
Value								
Land-HS	Land-Other	Ag-Mkt	Ag-Use	Imp-HS	Imp-Other	HS-Cap	Appraised	Assessed
0	7,000	0	0	0	0	0	7,000	7,000

Jurisdiction Name	Exemption Codes	Exempt Amount	Taxable	Rate/100	Tax Levy
BOWIE COUNTY	ABSO	7,000	0	.396934	.00
LIBERTY EYLAU ISD	ABSO	7,000	0	.957600	.00
TEXARKANA CITY	ABSO	7,000	0	.650000	.00
TEXARKANA COLLEGE	ABSO	7,000	0	.109639	.00
Total					.00

Signed and Executed on this 8th day of FEBRUARY, 2024

Suzanne K. Kinder

Signature of Authorized Officer of Collecting Office

Issued To:

TWIN CITY TITLE COMPANY INC.
3310 ARISTA BLVD
TEXARKANA TX 75503

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Tax Certificate

Account: 21000002001 (45289/5825)

Year: 2023 Certificate No.: 909

Prepared By:
TAX ASSESSOR-COLLECTOR
PO BOX 6527
TEXARKANA, TEXAS 75505

Legal Description
R E SEVEY A-523
751/100
BLK/TRACT 17
9.3 ACRES

Owner:
LIBERTY EYLAU ISD
2901 LEOPARD RD
TEXARKANA TX 755017817

Situs Address:
TEXARKANA

Date: 2/08/2024
Description:

This is to certify that after a careful check of the tax records of this office, the following current/delinquent taxes, penalties and interest are due on the described property for the following taxing units:

There Are No Taxes Due At This Time

If this property received SPECIAL USE considerations, it could be subject to a rollback tax. If this property was exempt from taxation, this property may be subject to a prorata portion of the current year tax if this property does not qualify for an exemption from taxation after a change in ownership. Please contact your Tax Office.

Tax Year 2023								
Value								
Land-HS	Land-Other	Ag-Mkt	Ag-Use	Imp-HS	Imp-Other	HS-Cap	Appraised	Assessed
0	65,100	0	0	0	0	0	65,100	65,100

Jurisdiction Name	Exemption Codes	Exempt Amount	Taxable	Rate/100	Tax Levy
BOWIE COUNTY	ABSO	65,100	0	.396934	.00
LIBERTY EYLAU ISD	ABSO	65,100	0	.957600	.00
TEXARKANA CITY	ABSO	65,100	0	.650000	.00
TEXARKANA COLLEGE	ABSO	65,100	0	.109639	.00
Total					.00

Signed and Executed on this 8th day of FEBRUARY, 2024

Suzanne K. Kinder

Signature of Authorized Officer of Collecting Office

Issued To:

TWIN CITY TITLE COMPANY INC.
3310 ARISTA BLVD
TEXARKANA TX 75503

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

O-993-WARRANTY DEED - With Vendor's and Corporation Acknowledgment — Form Furnished by Title...

VOL. 751 PAGE 109

THE STATE OF TEXAS, } KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF

1387

That MALCOLM STRUBHAR and LEAH STRUBHAR DUNBAR, each of the County of Dallas, State of Texas, and VERNA STRUBHAR acting herein by and through her attorneys-in-fact, LEAH DUNBAR and MALCOLM STRUBHAR, in accordance with that certain Power-of-Attorney dated February 1st, A.D., 1985, from said VERNA STRUBHAR to them duly filed for record in the office of the County Clerk of Bowie County, Texas, on the 11th day of February, A.D., 1985, under Clerk's File No. 1385 of the County of Dallas State of Texas, for and in consideration of

the sum of - - - - - - - Ten and No/100 ($10.00) - - - - - - -

2024-034 EXH 'A'

Z-24-2

VOL 751 PAGE 101

All that certain lot, tract or parcel of land lying and being situated in the County of Bowie and State of Texas, described as follows, to-wit: Twelve (12) acres of land out of the R. E. Sevey Headright Survey, Abst. No. 523 in Bowie County, Texas, described by metes and bounds as follows:

BEGINNING at a stake five hundred forty-nine (549) feet West and four hundred seventy (470) feet South from the Northeast corner of the Liberty High School tract;
THENCE West nine hundred fifty (950) feet a stake;
THENCE South five hundred forty (540) feet a stake;
THENCE East nine hundred fifty (950) feet a stake;
THENCE North five hundred forty (540) feet to the place of beginning,
CONTAINING twelve (12) acres of land, more or less,
AND being the same lands conveyed to J. W. Thornton by A. S. Watlington, et al., by Deed dated March 12, 1926 and recorded in Volume 121, Page 161 of the Deed Records of Bowie County, Texas.

SAVE AND EXCEPT all that certain tract or parcel of land, being a part of the above described 12 acre tract, conveyed to W. A. Smith, E. J. Kennedy, and W. H. Gentry, Trustees Liberty School District No. 12, by that certain Deed dated April 12, 1952 and recorded in Volume 286, Page 104 of the Deed Records of Bowie County, Texas, said tract being described by metes and bounds as follows:
BEGINNING at the Northeast corner of said 12 acre tract of land;
THENCE South with the East boundary line of said 12 acre tract of land, 240.5 feet to a stake in the North boundary line of a 25 foot street;
THENCE West with the street, 313 feet to a stake;
THENCE North parallel to the East boundary line of said 12 acre tract, 240.5 feet to a stake in the North boundary line of said tract;
THENCE East 313 feet to the place of beginning,
CONTAINING approximately 1.7 acres of land.

SIGNED FOR IDENTIFICATION PURPOSES this the 8th day of February, A.D., 1985.

Malcolm Strubhar
MALCOLM STRUBHAR

Leah Strubhar Dunbar
LEAH STRUBHAR DUNBAR

VERNA STRUBHAR

By: Malcolm Strubhar
MALCOLM STRUBHAR

By: Leah Dunbar
LEAH DUNBAR

Her Attorneys-in-Fact

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

2024-034 EXH 'A'

Z-24-2

VOL. 751 PAGE 102

TO HAVE AND TO HOLD the above described premises, together with all and singular, the rights and appurtenances thereto in anywise belonging unto the said LIBERTY-EYLAU INDEPENDENT SCHOOL DISTRICT, its successors ~~heirs~~ and assigns forever; and we do hereby bind ourselves, our heirs, executors and administrators, to Warrant and Forever Defend all and singular the said premises unto the said LIBERTY-EYLAU INDEPENDENT SCHOOL DISTRICT, its successors ~~heirs~~ and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

Witness our hands at Texarkana, Bowie County, Texas, this 8th day of FEBRUARY, A. D. 19 85.

~~Witnesses at Request of Grantor:~~

Correct Mailing Address of Grantee:
Liberty-Eylau Independent School District
2901 F. C. I. Road
Texarkana, Texas 75501

Malcolm Strubhar
Malcolm Strubhar

Leah Strubhar Dunbar
Leah Strubhar Dunbar

VERNA STRUBHAR
By: Malcolm Strubhar

By: [redacted]

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

VOL 751 PAGE 103

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF BOWIE

BEFORE ME, the undersigned authority, on this day personally appeared MALCOLM STRUBHAR and LEAH STRUBHAR DUNBAR, both known to me to be the person s whose name s are subscribed to the foregoing instrument, and acknowledged to me that each t he y executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 8th day of February, A.D. 19 85.

(L.S.)

Carolyn S. King
Notary Public, in and for the State of Texas.
My Commission Expires 10/21/86

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF BOWIE

BEFORE ME, the undersigned authority, on this day personally appeared MALCOM STRUBHAR and LEAH DUNBAR, as Attorneys-in-Fact for VERNA STRUBHAR, known to me to be the persons whose name s are subscribed to the foregoing instrument, and acknowledged to me that each t he y executed the same for the purposes and consideration therein expressed. and in the capacity therein stated. GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 8th day of February, A.D. 19 85.

(L.S.)

Carolyn S. King
Notary Public, in and for the State of Texas.
My Commission Expires 10/21/86

CORPORATION ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF

BEFORE ME, the undersigned authority, on this day personally appeared known to me to be the person and officer whose name is subscribed to the foregoing instrument and acknowledged to me that the same was the act of the said a corporation, and that he executed the same as the act of such corporation for the purposes and consideration therein expressed, and in the capacity therein stated.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This day of, A.D. 19

(L.S.)

Notary Public, in and for the State of Texas.
My Commission Expires

COMPARED

No. 1387

WARRANTY DEED

FROM Malcolm Strubhar et ux

TO Roberty Eglan Andrysiak Schoe

FILED FOR RECORD this 11 day of FEB A. D. 19 85 at 12:32 o'clock P M.

County Clerk, Bowie County, Texas By Deputy.

RECORDED in Book 751, Page 103

BOWIE COUNTY, TEXAS
MARYLENE MEGASON

Recording Fee $

This instrument should be filed immediately with the County Clerk for record.

MARTIN Stationery Co., Dallas

FILED FOR RECORD DAY OF A.D. 1985, AT A.M.
RECORDED DAY OF A.D. 1985.
MARYLENE MEGASON, COUNTY CLERK, BOWIE COUNTY, TEXAS.
BY Lucille Murdock DEPUTY INST. #

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Tax Certificate

Z-24-2

Account: 21000001000 (45282/5825)

Year: 2023 Certificate No.: 906

Prepared By:
TAX ASSESSOR-COLLECTOR
PO BOX 6527
TEXARKANA, TEXAS 75505

Legal Description
R E SEVEY A-523
73/188
BLK/TRACT 9 10 11 12
6.55 ACRES

24335540
AH/SC
2-12-24
KBK

Owner:
LIBERTY EYLAU ISD
2901 LEOPARD RD
TEXARKANA TX 755017817

Situs Address:
2300 BUCHANAN RD
TEXARKANA

Date: 2/08/2024
Description:

This is to certify that after a careful check of the tax records of this office, the following current/delinquent taxes, penalties and interest are due on the described property for the following taxing units:

There Are No Taxes Due At This Time

If this property received SPECIAL USE considerations, it could be subject to a rollback tax. If this property was exempt from taxation, this property may be subject to a prorata portion of the current year tax if this property does not qualify for an exemption from taxation after a change in ownership. Please contact your Tax Office.

Tax Year 2023								
Value								
Land-HS	Land-Other	Ag-Mkt	Ag-Use	Imp-HS	Imp-Other	HS-Cap	Appraised	Assessed
0	78,600	0	0	0	11,670,000	0	11,748,600	11,748,600

Jurisdiction Name	Exemption Codes	Exempt Amount	Taxable	Rate/100	Tax Levy
BOWIE COUNTY	ABSO	11,748,600	0	.396934	.00
LIBERTY EYLAU ISD	ABSO	11,748,600	0	.957600	.00
TEXARKANA CITY	ABSO	11,748,600	0	.650000	.00
TEXARKANA COLLEGE	ABSO	11,748,600	0	.109639	.00
Total					.00

Signed and Executed on this 8th day of FEBRUARY, 2024

Suzanne K. Kinder

Signature of Authorized Officer of Collecting Office

Issued To:

TWIN CITY TITLE COMPANY INC.
3310 ARISTA BLVD
TEXARKANA TX 75503

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

Vol 73 Page 188

continued

(Seal) Given under my hand and seal of office, this 28th. day of June, A.D.,1915.
Jno. W. Wheeler, Notary Public,
Bowie County, Texas.

State of Texas, }
County of Bowie. } Before me, Jno.W.Wheeler, a Notary Public, in and for said County and State, on this day personally appeared Mrs.Lida Neill, wife of C.F.Neill, known to me to be the person whose name is subscribed to the foregoing instrument, and having been examined by me privily and apart from her husband, and having the same fully explained to her, she, the said Mrs. Lida Neill, acknowledged such instrument to be her act and deed, and declared that she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

(Seal) Given under my hand and seal of office, this 28th day of June, A.D.,1915.
Jno.W.Wheeler, Notary Public,
Bowie County, Texas.

(This instrument (from some cause) bears One dollars ($1.00) in Internal Revenue Stamp and same being duly cancelled according to law.)

Filed for record on the 29th day of June 1915 at 2 O'Clock P.M.Recorded on same day at 8 O'Clock P.M.

Joe White, Clerk, County Court.
By [signature] Deputy. (JPL)

Jas.Gould - - - - - - - to C A Myrick,D Leuchauer Trustees & Lee Tidwell Co Judge

DEED BY JAMES GOULD TO LEE TIDWELL, COUNTY JUDGE OF BOWIE COUNTY, TEXAS, AND HIS SUCCESSORS IN OFFICE IN TRUST FOR COMMON SCHOOL DISTRICT NO.12 BOWIE COUNTY, TEXAS.

State of Texas, }
County of Bowie. } KNOW ALL MEN BY THESE PRESENTS: That I, James Gould, of the County of Jefferson, and state of Arkansas, for and in consideration of Seven hundred fifty dollars ($750.00) to me in hand paid by C.A.Myrick, and D.Leuchaner in their official capacity as trustees of Common School District No. 12, of Bowie County, Texas, have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Lee Tidwell, County Judge of Bowie county, Texas, and his successors in office in trust for Common School District No.12, Bowie County, Texas, all that certain five (5) acres of land in the B P Sevey Headright survey in Bowie County, Texas, the same being five acres out of the northeast corner of the following tract of land;(The tract being the " Neill Tract" and conveyed by C F Neill and wife Lida Neill, to James Gould by general warranty deed dated May 16, 1914, and recorded in Volume 71, page 114 deed records of Bowie county, Texas,),to-wit:

Beginning at a point on the south line of the B P Sevey survey the southeast corner of this tract of land and the northeast corner of the L T King survey, from which a maple bears N 12-30 west 11.1 feet and a pine north 48-30 west 88.8 feet; Thence North 8-15 west 804.5 feet to a point; Thence North 81-45 east 802 feet to a point the west side of the public road from Texarkana to Sulphur River; Thence with the meanders of the road,-north 7-30 west 344 feet; North 2-00 east 171 feet; North 18-45 east 348 feet;North 1-45 East 127 feet; North 1-45 west 420 feet; North 00-30 west 727 feet, to a point the north east corner of this tract;-- Thence with the lane south 81-30 west 2788 feet to the northwest corner of this tract; Thence South 8-05 east 1301 feet; thence south 82-30 west 459 feet; Thence south 8-30 east 1745 feet to the southeast corner of this tract on the south line of the B P Sevey Survey; Thence North 81-30 east with the South line of said Sevey survey 2267 feet to the point of beginning. Containing 171.2 acres.

The five (5) acres of land herein conveyed being described by metes and bounds as follows,to-wit:

Beginning at the northeast corner of the "Neill Tract" on the west side of the Sulphur road; thence south with the west side of the Sulphur road, south 8 degrees west 470 feet, a stake; thence south 89-1/2 degrees west 433-7/10 feet; Thence North 1/2 degrees west 466-7/10 feet to a stake on the north boundary line of said " Neill tract" Thence North 89-1/2 degrees east 498-7/10 feet, to place of beginning, containing five (5) acres of land.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Lee Tidwell, County Judge of Bowie county, Texas, and his successors in office, and I do hereby bind myself, my heirs, executors, and administrators, to warrant and forever defend, all and singular the said premises unto the said Lee Tidwell, County Judge of Bowie County, Texas, and his successors in office against every person whomsoever lawfully claiming or to claim the same or any part thereof.

Witness my hand at Pine Bluff, Arkansas, this the 26th. day of June, A.D.1915.

Jas. Gould

State of Arkansas, }
County of Jefferson. } Before me, Fred T. Goode, a Notary Public, in and for Jefferson county, Arkansas, on this day personally appeared, James Gould, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he had executed the same for the purposes and considerations therein expressed.

(Seal) Given under my hand and seal of office, this the 28th day of June, A.D., 1915.

Fred T.Goode, Notary Public,
Jefferson County, Arkansas.

My Commission expires the 30th day of December, A.D.,1916.

(This Deed bears one dollar in Internal Revenue Stamps and same is duly cancelled according to law.)

Filed for record on the 29th day of June, 1915 at 2 O'Clock P.M.And recorded on the 30th day of June 1915 at 8 O'Clock A.M.

Joe White, Clerk, County Court.
By [signature] Deputy. (JPL)

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

J. W. Farrier and wife - - - - -to - - - Rufus S.Farrier, - - Warranty Deed.-

The state of Texas,)
County of Bowie.) KNOW ALL MEN BY THESE PRESENTS:That we, Joseph W. Farrier, and his wife, Roberta L.Farrier, of the county of Bowie and state of Texas, for and in consideration of the sum of one ($1.00) Xp/100 dollars, paid and the further consideration of love and affection existing between the said Joseph W.Farrier and his wife Roberta L.Farrier; and their son Rufus S. Farrier; (This deed bears 50 Cents in Internal Revenue Stamps and are duly cancelled)(Clerk's Note) have granted, sold and conveyed, and by these presents do grant, sell and convey, unto the said Rufus S.Farrier, of the County of Red River, and state of Texas, all that certain tract and parcel of land lying in the county of Bowie, state of Texas, about eighteen miles S W of Boston, being a part of the H R Survey of W K Dalby for four hundred eighty acres and more particularly described as follows, beginning at the N W corner of the H R survey of Benjamin Booth, a stake, thence a red oak bears S.-50°W. 7 varas off. Thence W. with Ellis to the N E corner of J D Lumpkin's land; thence south thence east, thence south with the said J D Lumpkin's line to the S line of W K Dalby H R Survey; thence E. with said line to a corner a stake, on the W. boundary line of B Booth's survey, whence a red oak bears N 43 1/2 W 14 varas, a Do.N.80 W.18 vrs a post oak bears S 42o W 9 Vrs a post oak marked W K D Thence N 1896 varas to beginnine. —

Less one (1) acre of land heretofore deeded to the M E Church South now known as the School House lot; also the several lots, known as the Flood, Cox, Tisdale and others, heretofore sold from a plat located in the south east corner of above described property the said property to be known as the Dalby Springs property

Also that certain parcel of land lying and being situated in said county and being in the town of Dalby Springs and described as follows,to-wit:

Beginning at a stake on the N boundary line of J W Whitecotton's survey N of S R Barry's N W Corner; thence south passing S R Barry's N corner and running with said S R Barry's west line to a stake on said line, 50 feet from beginning; thence west to the W boundary line of said Whitecottons survey a stake; thence S.50,feet to the Whitecotton N W corner a stake Thence E with said Whitecotton's N boundary line to beginning;

Also all that certain parcel of land lying and being situated in the town of Dalby Springs in Bowie county, Texas, and described as follows,to-wit:

Beginning at the S W corner of a lot owned by J D Welch, on the south line of Montgomery's survey; a stake the same being N of S R Barry's N W corner;thence north with Welches' west passing his corner and at 50 feet a stake; thence west to the west boundary line of the Montgomery survey; the same being the dividing line between the W K Dalby and B Booth H R Surveys, a stake on said line; thence south with said original W K Dalby line to the S W corner of the Montgomery survey the same being the N W corner of the Whitecotton survey thence east with the Montgomery south line to the beginning; the same being a part of the survey of land, surveyed in the name of Wm. Montgomery a part of the B.Booth H.R.Survey.

To have and to hold the above described premises, together with all and singular the rights and appurtenances thereto in anywise belonging, unto the said Joseph W.Farrier, and his wife, Roberta L.Farrier heirs and assigns forever; and we do hereby bind ourselves, heirs, executors and administrators, to warrant and forever defend, all and singular, the said premises unto the said Rufus S.Farrier, heirs and assigns, against every person whomsoever lawfully claiming, or to claim the same or any part thereof.

Witness----------hand --at----------this---day of------A.D.191--

J. W. Farrier
R. L. Farrier

The state of Texas,)
County of Bowie.) Before me, U. U. Shaw, Notary Public, in and for Bowie County, Texas, on this day personally appeared J.W.Farrier, known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

(Seal) Given under my hand and seal of office, this 30th day of June, A.D. 1915. U.U.Shaw,Notary Public, Bowie Co., Tex.

The state of Texas,)
County of Bowie.) Before me, U.U.Shaw, Notary Public in and for Bowie county, Texas, on this day personally appeared R.L.Farrier, and - - - wife of J.W.Farrier, known to me to be the persons whose names- is subscribed to the foregoing instrument, and acknowledged to me that she executed the same for the purposes and consideration therein expressed; and the said R.L. Farrier, wife of said J.W.Farrier, having been examined by me, privily and apart from her husband, and having the same by me fully explained to her, she, the said R.L.Farrier, acknowledged such instrument to be her act and deed, and she declared she had willingly signed the same for the purposes and consideration therein expressed, and that she did not wish to retract it.

(Seal) Given under my hand and seal of office, this 30th day of June, A.D.,1915. U.U.Shaw, Notary Public, Bowie Co., Tex.

Filed for record July 1st 1915 at 9 O'Clock A.M.Recorded on the same day.at 3 O'Clock P.M.

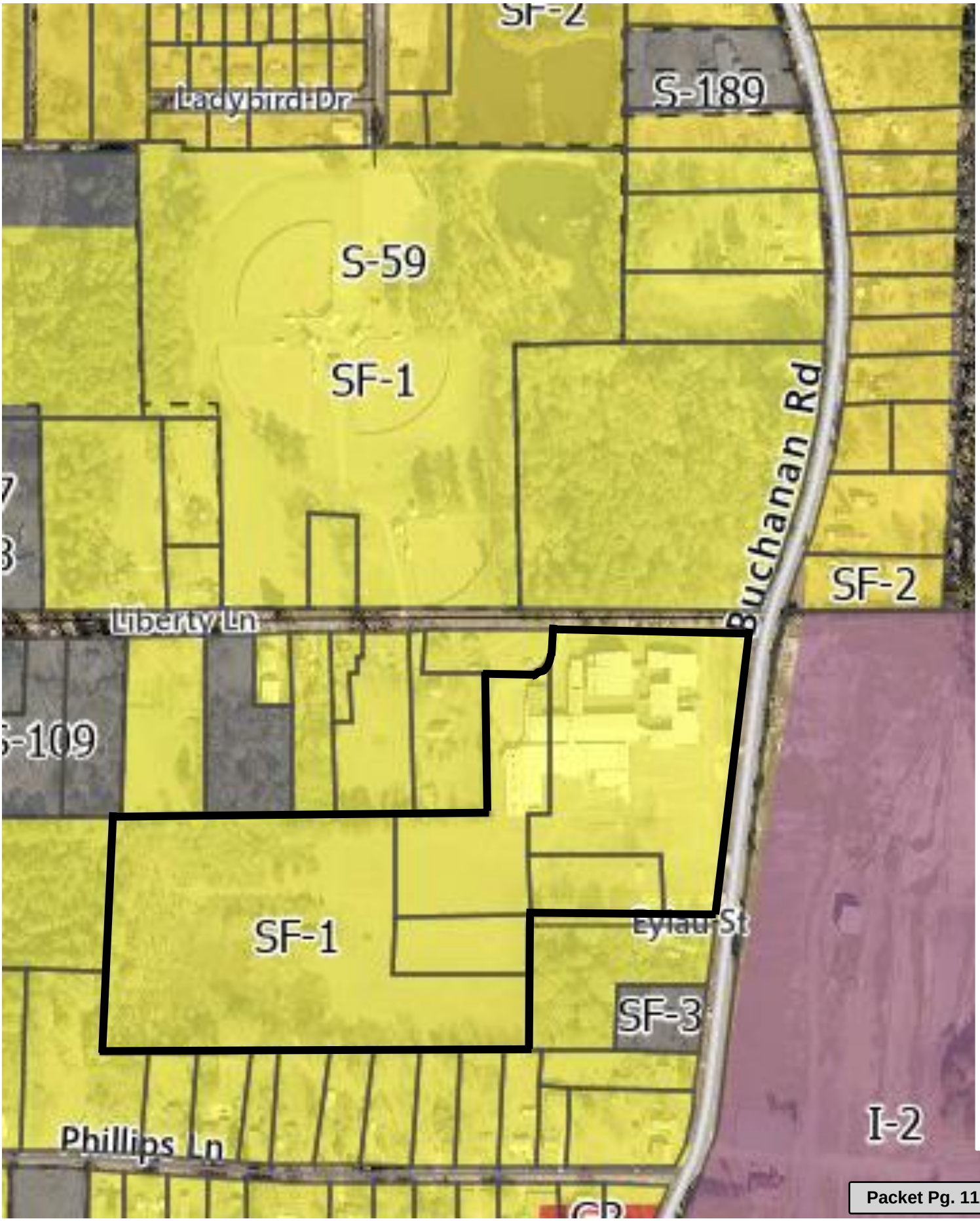
Joe White, Clerk, County Court.

By _____ Deputy.(JPL).

Attachment: 2024-034 EXH 'A' (Legal Description) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

2024-034 ATTH 01
Z-24-2

2300 Buchanan Road



Attachment: 2024-034 ATTH 01 (Maps) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

2024-034 ATTH 01
Z-24-2

2300 Buchanan Road



Attachment: 2024-034 ATTH 01 (Maps) (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-034 Goals & Perspectives (4207 : 2024-034 ORD rezoning SF-1 to PD C at 2300 Buchanan Road)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/22/2024 9:55 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-035 rezoning an approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564, located at 5613 Richmond Road from Single Family-1 to Planned Development General Retail. Josh Morriss, Morriss Family LP, owners, and Jason Bolling, Guggenheim Development Services LLC, agent.		

Briefing: 4/22/2024 **Public Hearing:** 4/22/2024 **Council Vote:** 4/22/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Josh Morriss, Morriss Family LP, owners, and Jason Bolling, Guggenheim Development Services LLC, agent, to rezone on an approximate 4-acre tract of land (being Tract 64), J.A. Talbot HRS, A-564, located at 5613 Richmond Road from Single Family-1 to Planned Development-General Retail. The intended use is a Jiffy Lube.

The Future Land Use Map has designated this property as “Neighborhood Retail”.

The adjacent zoning is Single Family-1 to the north, office to the west, Planned Development-General retail to the south, and General Retail to the east. The adjacent land use is vacant land north and west, car wash south and mixed uses east.

Staff recommends for approval this request.

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

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

Potential Options:

Approved

Fiscal Implications:
NOT APPLICABLE

Staff Recommendation:
Staff recommends for approval of this request.

Advisory Board/Committee Review:
Planning and Zoning Commission

Board/Committee Recommendation:
The Planning and Zoning Commission unanimously recommended for approval of this request.

Advisory Board/Committee Meeting Date and Minutes:
March 4, 2024

Attachments

a. 2024-035 ORD Rezoning 5613 Richmond Rd (DOCX)
b. 2024-035 EXH 'A' (Legal Description) (PDF)
c. 2024-035 ATTH 01 (Maps) (PDF)
d. 2024-035 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
	03/21/2024 8:52 AM			
Public Works Department		Dusty Henslee	Reviewer	Completed
	03/21/2024 9:04 AM			
City Manager	David Orr	Reviewer	Completed	03/22/2024
3:46 PM				
City Council	Jennifer Evans	Meeting	Completed	03/25/2024
6:00 PM				

Meeting History

Z-24-4

ORDINANCE NO. 2024-035

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING ON AN APPROXIMATE 4-ACRE TRACT OF LAND (BEING TRACT 64), J. A. TALBOT HRS, A-564, LOCATED AT 5613 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO PLANNED DEVELOPMENT-GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on an **approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564 (Exhibit 'A'), located at 5613 Richmond Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Planned Development-General Retail**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to Planned Development-General Retail on an approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564 (Exhibit 'A'), located at 5613 Richmond Road** to the City Council of Texarkana, Texas; and

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

Attachment: 2024-035 ORD Rezoning 5613 Richmond Rd (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

70, passed and approved on September 14, 1970, be and is hereby further amended to rezone on an **approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564 (Exhibit 'A'), located at 5613 Richmond Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Planned Development-General Retail.**

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

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

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

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

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-035 ORD Rezoning 5613 Richmond Rd (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

Property Description
0.839 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the J. A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas Conor Stilwell, as Independent Executor of the Estate of Martha Louise Arnold Stilwell to Thomas Conor Stilwell and Meagan Rachel Stilwell Ingersoll, dated January 21, 2022, recorded in Document No. 2022-00001331 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the trustees deed from Regions Bank, F/K/A The State First National Bank of Texarkana to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas H. Arnold, as Independent Executor of the Estate of Martha Thomas Arnold to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, and same being that certain tract of land described as Tract No. 5 with 58.95 acres (4/5 undivided interest) in the deed from Josh R. Morriss and Martha W. Morriss to the Josh R. Morriss, Jr. Family Limited Partnership, dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod, capped Lonnie Pace RPLS 1573 TX, found for a corner, lying in the intersection of the South line of the said 58.95 acre tract and the West right-of-way line of Richmond Road, and being the Northeast corner of Lot No. 2 of Richmond-Moores Subdivision, according to the plat recorded in Document No. 2021-00011060, and filed in Plat Cabinet D, Sleeve 102 of the Real Property Records of Bowie County, Texas;

THENCE North 89 degrees 08 minutes 16 seconds West a distance of 211.44 feet along the South line of the said 58.95 acre tract, and the North line of the said Lot No. 2 to a 1/2 inch steel rod set for a corner, capped MTG ENG, said corner bears North 89 degrees 08 minutes 16 seconds West a distance of 131.45 feet to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, being an angle point of the said 58.95 acre tract, and the Northwest corner of the said Lot No. 2;

THENCE North 30 degrees 15 minutes 43 seconds West a distance of 147.63 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG;

THENCE North 59 degrees 44 minutes 17 seconds East, a distance of 161.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the beginning of a curve to the right, tangent to the said line;

THENCE in a Southeasterly direction along the arc of the said circular curve a distance of 31.42 feet, with a delta angle of 90 degrees 00 minutes 00 seconds, a radius of 20.00 feet, a chord bearing of South 75 degrees 15 minutes 43 seconds East, and a chord distance of 28.28 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, lying in the West right-of-way line of the said Richmond Road;

THENCE South 30 degrees 15 minutes 43 seconds East a distance of 236.92 feet along the West right-of-way line of the said Richmond Road to the point of beginning and containing 0.839 acres of land, at the time of this survey.

Attachment: 2024-035 EXH 'A' (Legal Description) (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

Property Description
0.253 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the J. A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas Conor Stilwell, as Independent Executor of the Estate of Martha Louise Arnold Stilwell to Thomas Conor Stilwell and Meagan Rachel Stilwell Ingersoll, dated January 21, 2022, recorded in Document No. 2022-00001331 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the trustees deed from Regions Bank, F/K/A The State First National Bank of Texarkana to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas H. Arnold, as Independent Executor of the Estate of Martha Thomas Arnold to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, and same being that certain tract of land described as Tract No. 5 with 58.95 acres (4/5 undivided interest) in the deed from Josh R. Morriss and Martha W. Morriss to the Josh R. Morriss, Jr. Family Limited Partnership, dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod set for a corner, capped MTG ENG, lying in the West right-of-way line of Richmond Road, at the beginning of a circular curve to the left, said corner bears South 30 degrees 15 minutes 43 seconds East a distance of 236.92 feet along the West right-of-way line of the said Richmond Road to a 5/8 inch steel rod, capped Lonnie Pace RPLS 1573 TX, found for a corner, lying in the intersection of the South line of the said 58.95 acre tract and the West right-of-way line of the said Richmond Road, and being the Northeast corner of Lot No. 2 of Richmond-Moores Subdivision, according to the plat recorded in Document No. 2021-00011060, and filed in Plat Cabinet D, Sleeve 102 of the Real Property Records of Bowie County, Texas;

THENCE in a Northwesterly direction along the arc of the said circular curve a distance of 31.42 feet, with a delta angle of 90 degrees 00 minutes 00 seconds, a radius of 20.00 feet, a chord bearing of North 75 degrees 15 minutes 43 seconds West, and a chord distance of 28.28 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the end of the said circular curve;

THENCE South 59 degrees 44 minutes 17 seconds West a distance of 161.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG;

THENCE North 30 degrees 15 minutes 43 seconds West a distance of 60.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG;

THENCE North 59 degrees 44 minutes 17 seconds East a distance of 161.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the beginning of a circular curve to the left, tangent to the said line;

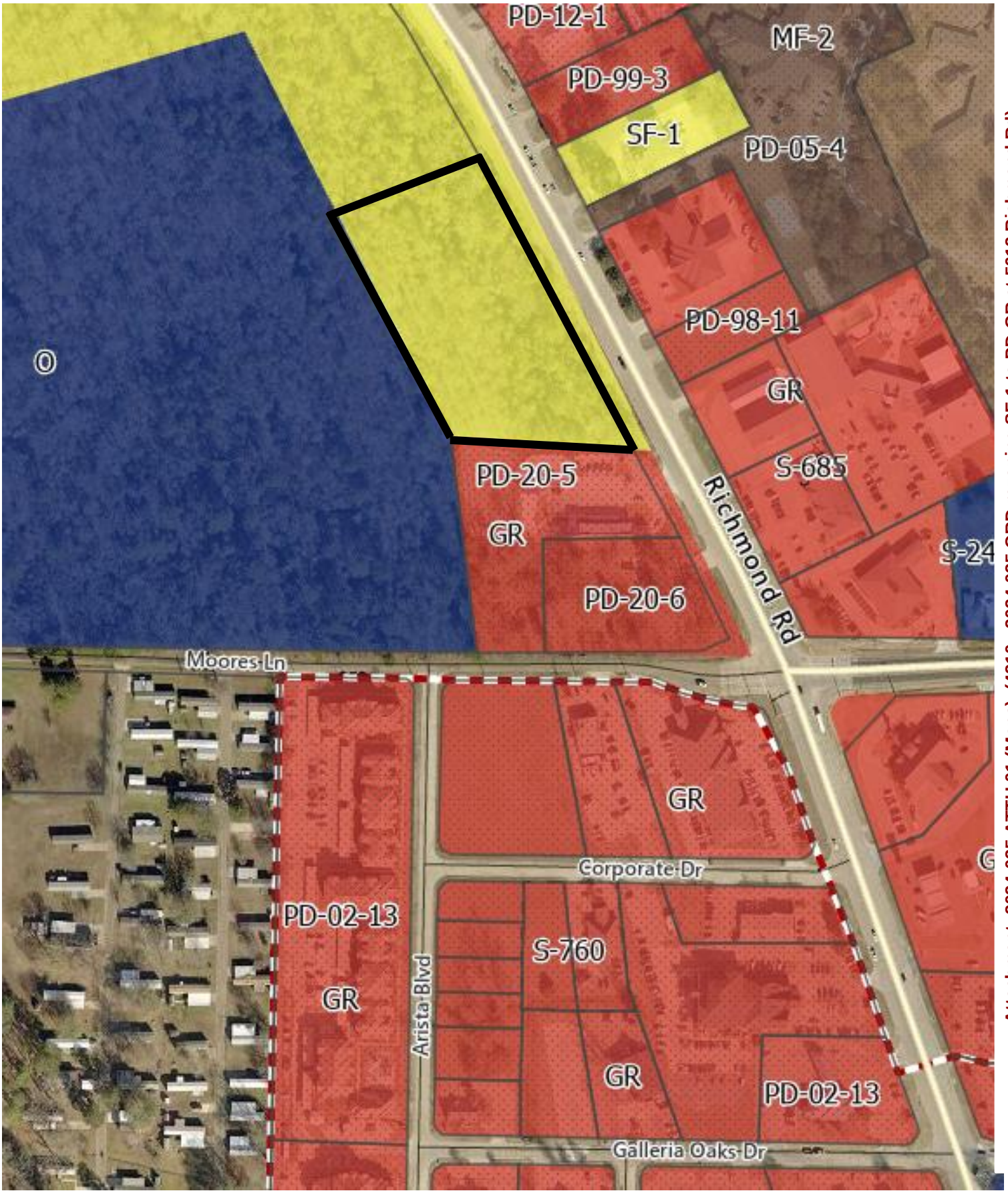
THENCE in a Northeasterly direction along the arc of the said circular curve a distance of 31.42 feet, with a delta angle of 90 degrees 00 minutes 00 seconds, a radius of 20.00 feet, a chord bearing of North 14 degrees 44 minutes 17 seconds East, and a chord distance of 28.28 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the end of the said circular curve, lying in the West right-of-way line of the said Richmond Road;

THENCE South 30 degrees 15 minutes 43 seconds East a distance of 100.00 feet along the West right-of-way line of the said Richmond Road to the point of beginning and containing 0.253 acres of land, at the time of this survey.

Attachment: 2024-035 EXH 'A' (Legal Description) (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

2024-035 ATTH 01
Z-24-4

5613 Richmond Road



Attachment: 2024-035 ATTH 01 (Maps) (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

2024-035 ATTH 01
Z-24-4

5613 Richmond Road



Attachment: 2024-035 ATTH 01 (Maps) (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-035 Goals & Perspectives (4210 : 2024-035 ORD rezoning SF-1 to PD-GR at 5613 Richmond Rd)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 3/21/2024 8:44 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-036 amending PD-24-1(GR) for site plan approval on an approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564, located at 5613 Richmond Road. Josh Morriss, Morriss Family LP, owner, and Jason Bolling, Guggenheim Development Services LLC, agent.		

Briefing: 4/22/2024 **Public Hearing:** 4/22/2024 **Council Vote:** 4/22/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Josh Morriss, Morriss Family LP, owners, and Josh Bolling, Guggenheim Development Services LLC, agent for site plan approval on an approximate 4-acre tract of land (being Tract 64) J.A. Talbot HRS, A-564 located at 5613 Richmond Road. The current zoning is Planned Development-General Retail. The property is currently vacant property. The proposed use is a Jiffy Lube.

The Future Land Use Map designates this property as “Neighborhood Retail”.

The adjacent zoning is Single Family-1 to the north, office to the west, Planned Development-General retail to the south, and General Retail to the east. The adjacent land use is vacant land north and west, car wash south and mixed uses east.

The site plan consists of the following:

1. The construction of 3,052 sq ft building.
2. The access driveway will be off Richmond Road.
3. There will be 11 parking spaces and includes 1 handicapped space. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6’X8’ monument style sign. No Electronic messaging will be allowed.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Meet Ordinance regarding sidewalk along Richmond Road.
7. A Fire Lane may be required due to the most remote part of the building being more than 150 feet away from the public street.
8. Screened dumpster site.

Staff recommends for approval of the site plan with stipulations.

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

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

March 4, 2024

Attachments

a. 2024-036 -ORD site plan approval 5613 Richmond Rd (DOCX)
b. 2024-036 EXH 'A' (Site Plan)(PDF)
c. 2024-036 EXH 'B' (Legal Description) (PDF)
d. 2024-036 ATTH 01 (Maps) (PDF)
e. 2024-036 ATTH 02 (Elevations) (PDF)
f. 2024-036 ATTH 03 (Floorplan) (PDF)
g. 2024-036 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/21/2024 8:52 AM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/21/2024 8:55 AM
City Manager	David Orr	Reviewer	Completed	03/22/2024 3:45 PM
City Council	Jennifer Evans	Meeting	Completed	03/25/2024 6:00 PM

Meeting History

ORDINANCE NO. 2024-036

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-24-1 (GR) FOR SITE PLAN APPROVAL ON A 4-ACRE TRACT OF LAND (BEING TRACT 64), J. A. TALBOT HRS, A-564 (EXHIBIT 'A'), LOCATED AT 5613 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit 'A') on an approximate 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564 (Exhibit 'B'), located at 5613 Richmond Road** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-Commercial [PD-24-1 (GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-24-1 (GR); and

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

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

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

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

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

SECTION 1: That the site plan **(Exhibit 'A') on a 4-acre tract of land (being Tract 64), J. A. Talbot HRS, A-564 (Exhibit 'B'), located at 5613 Richmond Road** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-24-1 (GR).

Attachment: 2024-036 -ORD site plan approval 5613 Richmond Rd (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613

SECTION 2: PD-24-1 (GR) is hereby amended by approval of the site plan (**Exhibit 'A'**), incorporated herein by reference for all purposes and includes the following:

1. The construction of 3,052 sq ft building.
2. The access driveway will be off Richmond Road.
3. There will be 11 parking spaces and includes one (1) handicapped space. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6'X8' monument style sign. No Electronic messaging will be allowed.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. Meet ordinance regarding sidewalk along Richmond Road.
7. A fire lane may be required due to the most remote part of the building being more than 150 feet away from the public street.
8. Screened dumpster site.

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

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

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

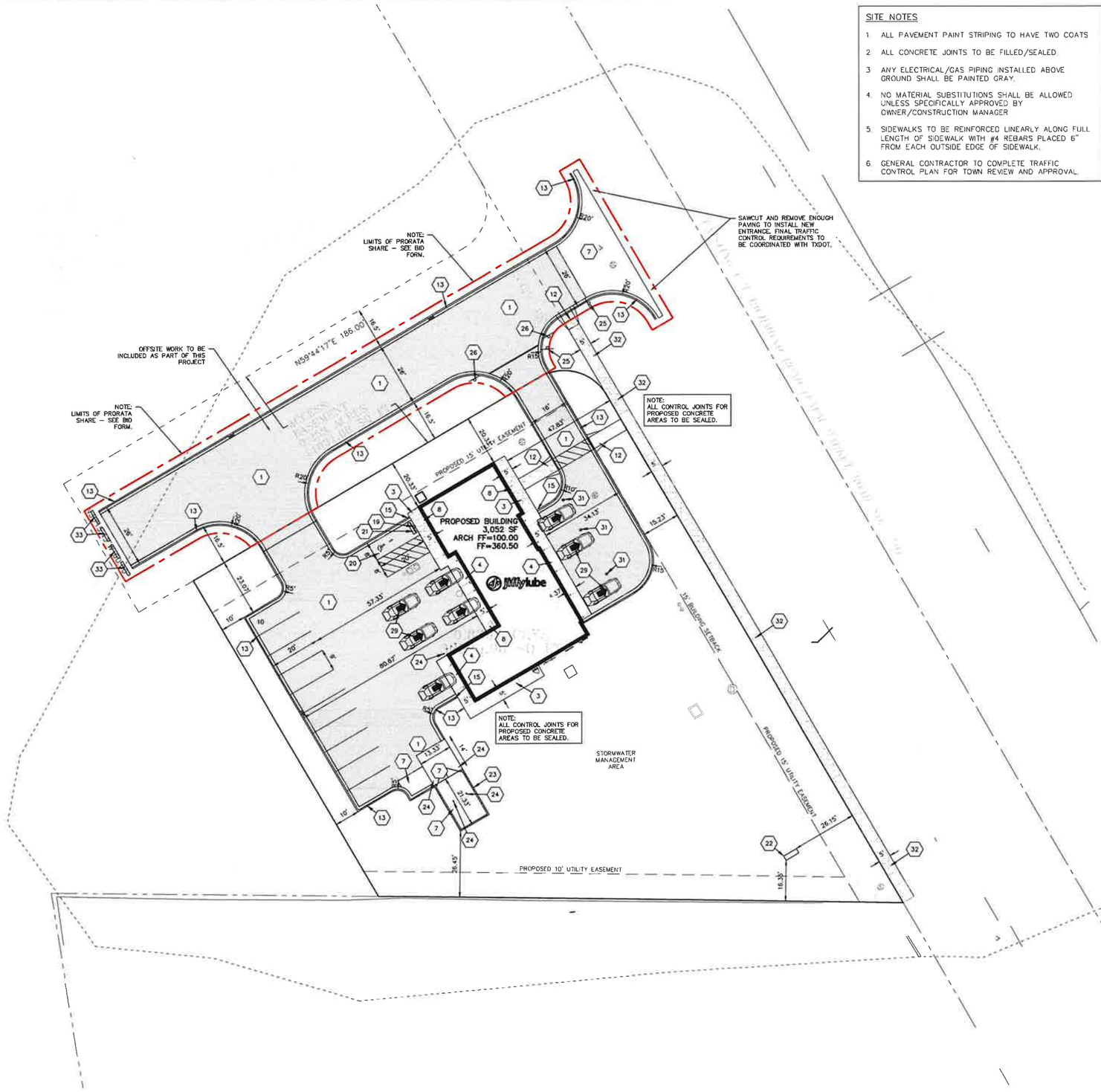
PASSED AND APPROVED in Regular Council Session on this the **22nd day of April, 2024.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-036 -ORD site plan approval 5613 Richmond Rd (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613



SITE NOTES

1. ALL PAVEMENT PAINT STRIPING TO HAVE TWO COATS
2. ALL CONCRETE JOINTS TO BE FILLED/SEALED.
3. ANY ELECTRICAL/GAS PIPING INSTALLED ABOVE GROUND SHALL BE PAINTED GRAY.
4. NO MATERIAL SUBSTITUTIONS SHALL BE ALLOWED UNLESS SPECIFICALLY APPROVED BY OWNER/CONSTRUCTION MANAGER
5. SIDEWALKS TO BE REINFORCED LINEARLY ALONG FULL LENGTH OF SIDEWALK WITH #4 REBARS PLACED 6" FROM EACH OUTSIDE EDGE OF SIDEWALK.
6. GENERAL CONTRACTOR TO COMPLETE TRAFFIC CONTROL PLAN FOR TOWN REVIEW AND APPROVAL.

SITE INFORMATION:

PROPERTY AREA:	AREA = 36,526 S.F. (0.84 ACRES).
EXISTING ZONING:	SF-1 SINGLE FAMILY DWELLING
PROPOSED ZONING:	GR-PD GENERAL RETAIL WITH PLANED DEVELOPMENT
PROPOSED USE:	AUTOMOBILE SERVICE SHOP
AREA OF SITE DISTURBANCE:	1.31 ACRES
SETBACKS: BUILDING:	FRONT = 15' SIDE = 0' REAR = 0'
PAVEMENT:	FRONT = N/A SIDE = N/A REAR = N/A

PROPOSED BUILDING HEIGHT: 21' (MAX. HEIGHT ALLOWED: 3 STORIES)

PARKING REQUIRED: 1 SPACE PER 200 S.F (EXCLUDING SERVICE BAYS)
1069 / 200 = 6 STALLS REQUIRED

PARKING PROVIDED: 11 SPACES (1 H.C. ACCESSIBLE)

HANDICAP STALLS REQUIRED: 1, HANDICAP STALLS PROVIDED: 1

MAXIMUM LOT COVERAGE – BUILDING ONLY: 40%

SITE PLAN KEYNOTES

1	STANDARD ASPHALT SECTION (TYP.)
3	CONCRETE SIDEWALK (TYP.)
4	STANDARD DUTY CONCRETE (TYP)
7	DUMPSTER PAD/APRON/HEAVY DUTY CONCRETE (TYP.)
8	CONCRETE STOOP (TYP.) SEE ARCH. PLANS FOR DETAILS.
12	CURB RAMP (TYP.)
13	18" CURB & GUTTER (TYP.)
15	CURB TAPER (TYP.)
19	HANDICAP SIGN (TYP.)
20	HANDICAP STALL & STRIPING PER STATE CODES
21	PRECAST CONCRETE WHEEL STOP (TYP.)
22	FREE STANDING SIGN (DETAILS, FINAL LOCATION, & APPROVAL BY SIGN VENDOR)
23	DUMPSTER ENCLOSURE (SEE ARCH PLANS FOR DETAILS)
24	BOLLARDS (SEE DETAIL ON ARCH. PLAN)
25	STOP SIGN (MUTCD R1-1). (TYP)
26	DO NOT ENTER SIGN (MUTCD R5-1). (TYP)
29	TRAFFIC FLOW ARROWS. COLOR TO MATCH PARKING STALL STRIPING
31	SAFETY SQUARE PAINT MARKING (TYP)
32	REINFORCED CONCRETE SIDEWALK WITH #3 REBAR REINFORCING (18" O.C. BOTH WAYS) PER TXDOT SPECIFICATIONS (TYP). EXPANSION JOINTS TO BE 1" ASPHALT BOARD. SEE DETAIL ON C2.1.
33	(4) TYPE III ROADWAY BARRICADES WITH BOTTOM CAST IN 4' WIDE (6" THICK) CONCRETE APRON. SEE DETAIL ON SHEET C2.2 (TYP)

EXISTING SITE DATA

	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	1.13	49,048	
BUILDING FLOOR AREA	0.00	0	0.0%
PAVEMENT (ASP. & CONC.)	0.00	0	0.0%
TOTAL IMPERVIOUS	0.00	0	0.0%
LANDSCAPE/ OPEN SPACE	1.13	49,048	100.0%

PROPOSED SITE DATA

	AREA (AC)	AREA (SF)	RATIO
PROJECT SITE	1.13	49,048	
BUILDING FLOOR AREA	0.08	3,303	6.7%
PAVEMENT (ASP. & CONC.)	0.40	17,468	35.6%
TOTAL IMPERVIOUS	0.48	20,771	42.3%
LANDSCAPE/ OPEN SPACE	0.65	28,277	57.7%

PAVEMENT HATCH KEY:

- STANDARD ASPHALT
- CONCRETE
- CONCRETE SIDEWALK

NORTH

1" = 20' SCALE — 20' 0 20' 40' FEET

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MULTI-CARE SERVICES
CRITERIA V2020.10-1X4
TEXARKANA, TX

REVISIONS

PROFESSIONAL OF RECORD

Drawn /Checked By:	-
Project Number	2230320
Owner Date	2/9/2024
Permit Date	2/14/2024
Bid Date	

C1.1

Attachment: 2024-036 EXH 'A' (Site Plan) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

Property Description
0.839 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the J. A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas Conor Stilwell, as Independent Executor of the Estate of Martha Louise Arnold Stilwell to Thomas Conor Stilwell and Meagan Rachel Stilwell Ingersoll, dated January 21, 2022, recorded in Document No. 2022-00001331 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the trustees deed from Regions Bank, F/K/A The State First National Bank of Texarkana to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas H. Arnold, as Independent Executor of the Estate of Martha Thomas Arnold to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, and same being that certain tract of land described as Tract No. 5 with 58.95 acres (4/5 undivided interest) in the deed from Josh R. Morriss and Martha W. Morriss to the Josh R. Morriss, Jr. Family Limited Partnership, dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 5/8 inch steel rod, capped Lonnie Pace RPLS 1573 TX, found for a corner, lying in the intersection of the South line of the said 58.95 acre tract and the West right-of-way line of Richmond Road, and being the Northeast corner of Lot No. 2 of Richmond-Moores Subdivision, according to the plat recorded in Document No. 2021-00011060, and filed in Plat Cabinet D, Sleeve 102 of the Real Property Records of Bowie County, Texas;

THENCE North 89 degrees 08 minutes 16 seconds West a distance of 211.44 feet along the South line of the said 58.95 acre tract, and the North line of the said Lot No. 2 to a 1/2 inch steel rod set for a corner, capped MTG ENG, said corner bears North 89 degrees 08 minutes 16 seconds West a distance of 131.45 feet to a 1/2 inch steel rod, capped MTG 101011-00, found for a corner, being an angle point of the said 58.95 acre tract, and the Northwest corner of the said Lot No. 2;

THENCE North 30 degrees 15 minutes 43 seconds West a distance of 147.63 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG;

THENCE North 59 degrees 44 minutes 17 seconds East, a distance of 161.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the beginning of a curve to the right, tangent to the said line;

THENCE in a Southeasterly direction along the arc of the said circular curve a distance of 31.42 feet, with a delta angle of 90 degrees 00 minutes 00 seconds, a radius of 20.00 feet, a chord bearing of South 75 degrees 15 minutes 43 seconds East, and a chord distance of 28.28 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, lying in the West right-of-way line of the said Richmond Road;

THENCE South 30 degrees 15 minutes 43 seconds East a distance of 236.92 feet along the West right-of-way line of the said Richmond Road to the point of beginning and containing 0.839 acres of land, at the time of this survey.

Attachment: 2024-036 EXH 'B' (Legal Description) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

Property Description
0.253 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the J. A. Talbot Headright Survey, Abstract 564, Bowie County, Texas, being a part of that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas Conor Stilwell, as Independent Executor of the Estate of Martha Louise Arnold Stilwell to Thomas Conor Stilwell and Meagan Rachel Stilwell Ingersoll, dated January 21, 2022, recorded in Document No. 2022–00001331 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the trustees deed from Regions Bank, F/K/A The State First National Bank of Texarkana to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 27, 2011, recorded in Volume 6120, Page 299 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 58.95 acres (1/10 undivided interest) in the deed from Thomas H. Arnold, as Independent Executor of the Estate of Martha Thomas Arnold to Thomas H. Arnold and Martha Louise Arnold Stilwell, dated July 21, 2011, recorded in Volume 6120, Page 302 of the Real Property Records of Bowie County, Texas, and same being that certain tract of land described as Tract No. 5 with 58.95 acres (4/5 undivided interest) in the deed from Josh R. Morriss and Martha W. Morriss to the Josh R. Morriss, Jr. Family Limited Partnership, dated December 29, 1997, recorded in Volume 2772, Page 166 of the Real Property Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod set for a corner, capped MTG ENG, lying in the West right–of–way line of Richmond Road, at the beginning of a circular curve to the left, said corner bears South 30 degrees 15 minutes 43 seconds East a distance of 236.92 feet along the West right–of–way line of the said Richmond Road to a 5/8 inch steel rod, capped Lonnie Pace RPLS 1573 TX, found for a corner, lying in the intersection of the South line of the said 58.95 acre tract and the West right–of–way line of the said Richmond Road, and being the Northeast corner of Lot No. 2 of Richmond–Moores Subdivision, according to the plat recorded in Document No. 2021–00011060, and filed in Plat Cabinet D, Sleeve 102 of the Real Property Records of Bowie County, Texas;

THENCE in a Northwesterly direction along the arc of the said circular curve a distance of 31.42 feet, with a delta angle of 90 degrees 00 minutes 00 seconds, a radius of 20.00 feet, a chord bearing of North 75 degrees 15 minutes 43 seconds West, and a chord distance of 28.28 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the end of the said circular curve;

THENCE South 59 degrees 44 minutes 17 seconds West a distance of 161.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG;

THENCE North 30 degrees 15 minutes 43 seconds West a distance of 60.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG;

THENCE North 59 degrees 44 minutes 17 seconds East a distance of 161.00 feet across the said 58.95 acre tract to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the beginning of a circular curve to the left, tangent to the said line;

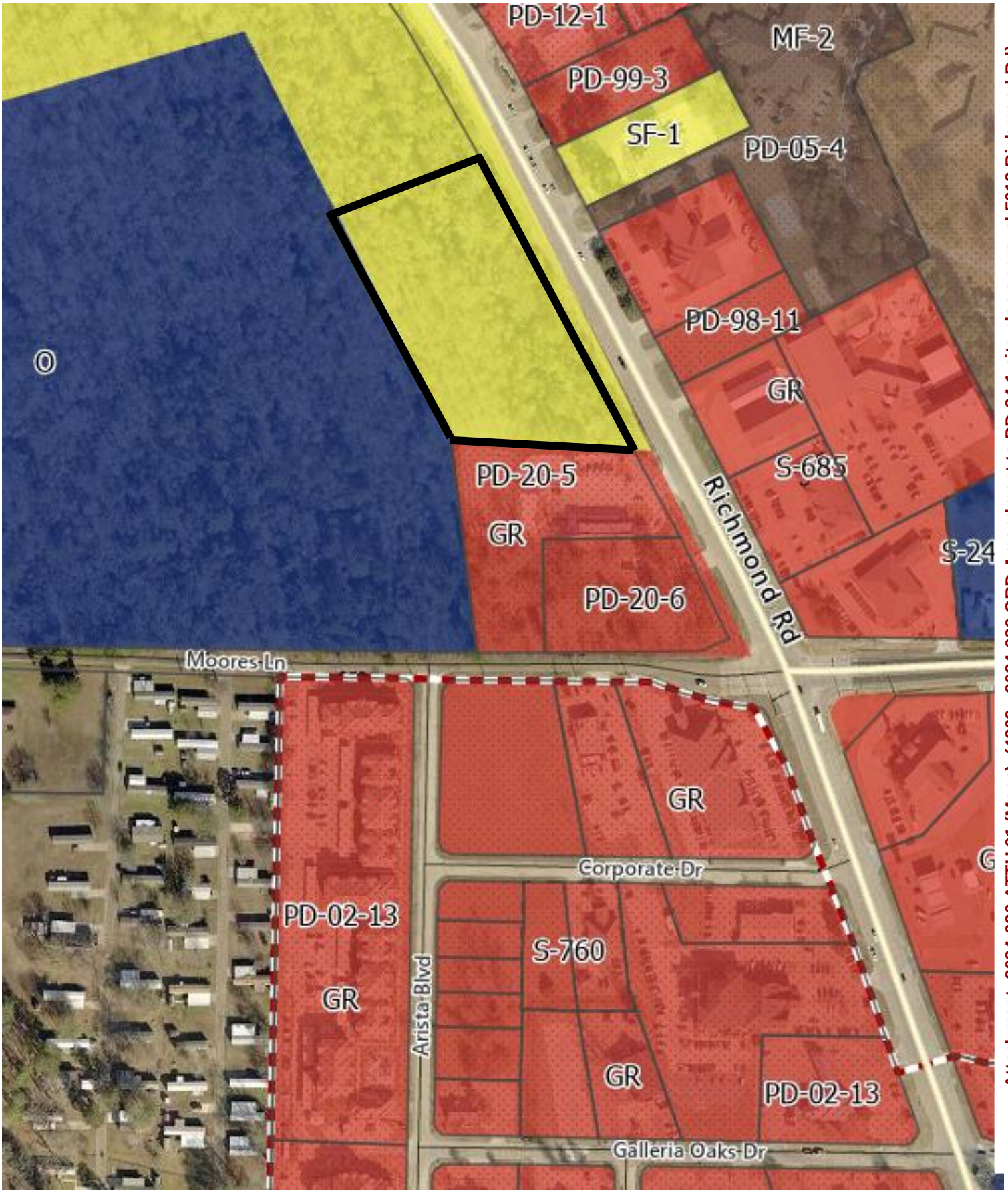
THENCE in a Northeasterly direction along the arc of the said circular curve a distance of 31.42 feet, with a delta angle of 90 degrees 00 minutes 00 seconds, a radius of 20.00 feet, a chord bearing of North 14 degrees 44 minutes 17 seconds East, and a chord distance of 28.28 feet to a 1/2 inch steel rod set for a corner, capped MTG ENG, at the end of the said circular curve, lying in the West right–of–way line of the said Richmond Road;

THENCE South 30 degrees 15 minutes 43 seconds East a distance of 100.00 feet along the West right–of–way line of the said Richmond Road to the point of beginning and containing 0.253 acres of land, at the time of this survey.

Attachment: 2024-036 EXH 'B' (Legal Description) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

2024-036 ATTH 01
Amendment to PD-24-4

5613 Richmond Road



Attachment: 2024-036 ATTH 01 (Maps) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

2024-036 ATTH 01
Amendment to PD-24-4

5613 Richmond Road



Attachment: 2024-036 ATTH 01 (Maps) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)



ENTRY PERSPECTIVE

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Design Development Plans

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Texarkana, TX

2/13/2024

Attachment: 2024-036 ATTH 02 (Elevations) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

Amendment to PD-24-1



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Attachment: 2024-036 ATTH 02 (Elevations) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

Amendment to PD-24-1



REAR PERSPECTIVE

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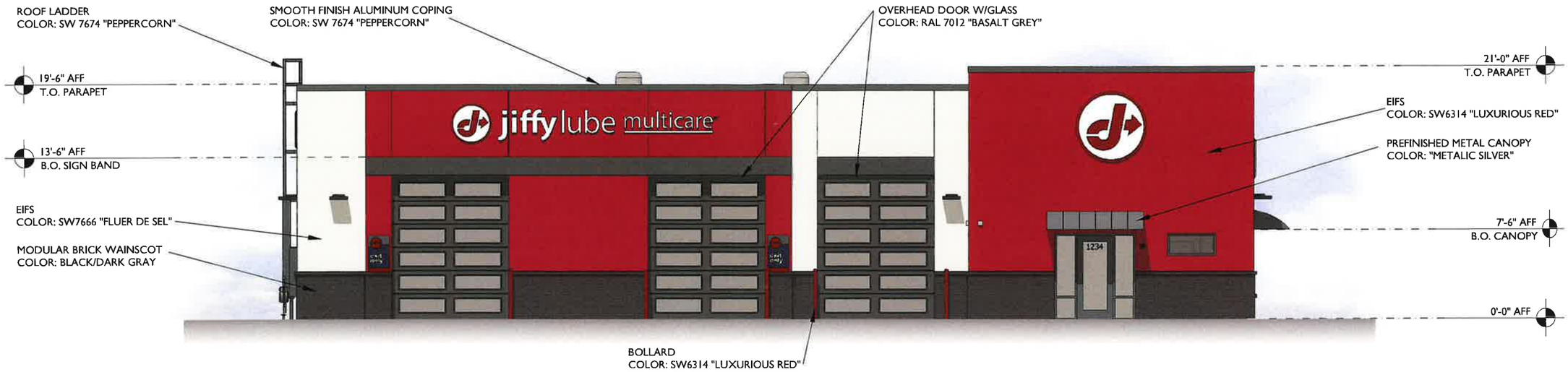
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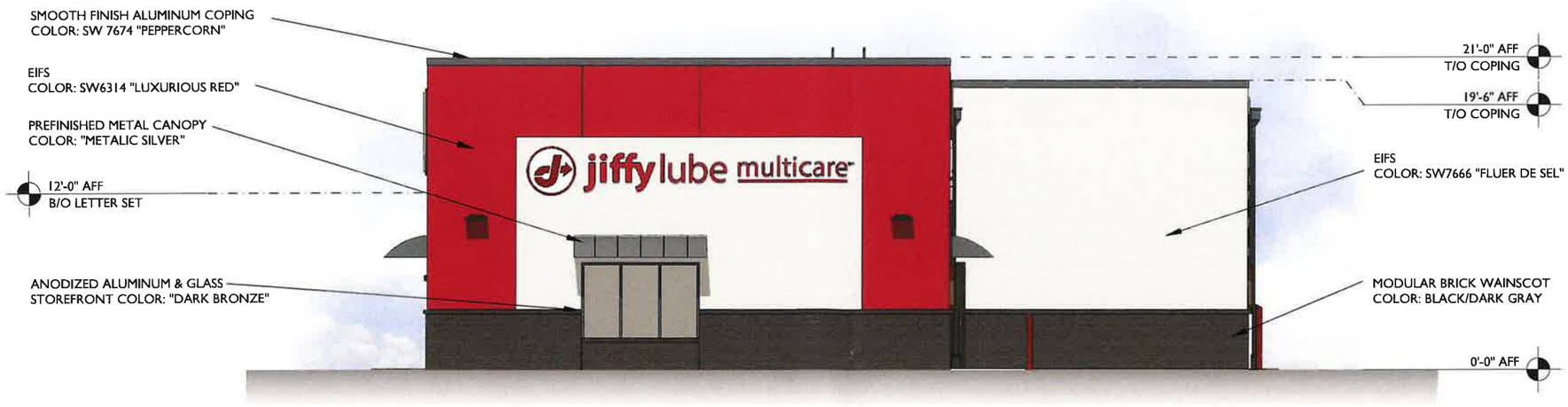
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Texarkana, TX

2/13/2024

Attachment: 2024-036 ATTH 02 (Elevations) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)



FRONT ELEVATION



LEFT ELEVATION

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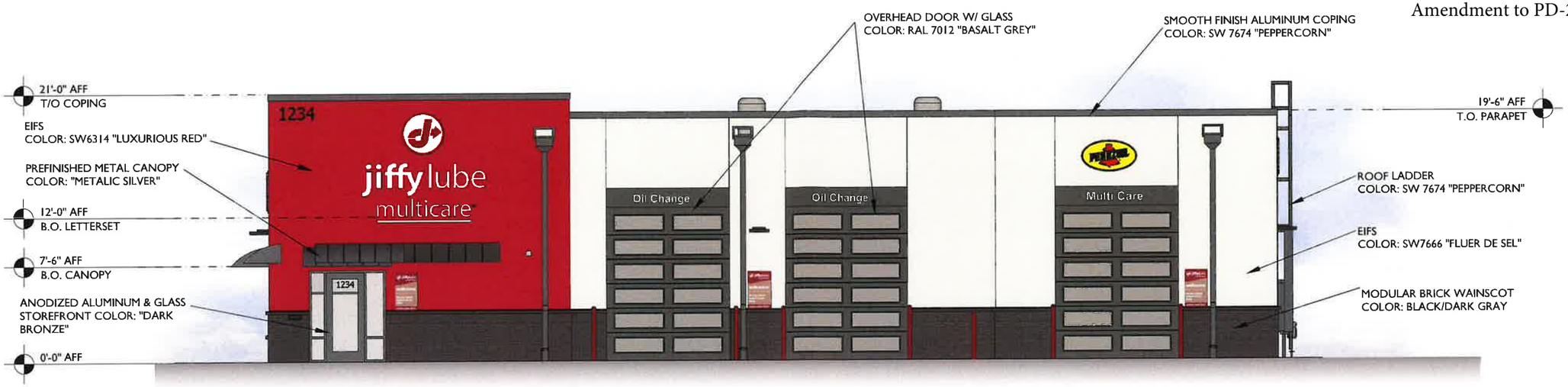
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Design Development Plans

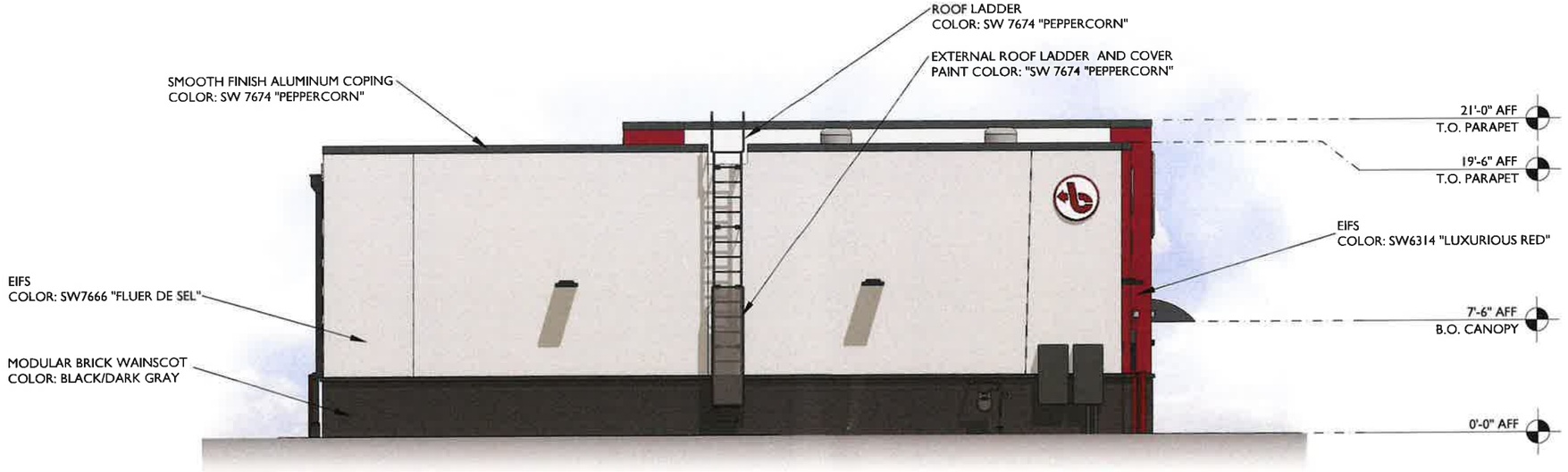
Proposed Jiffy Lube Multicare
NWQ Richmond Rd. & Moores Ln.
Texarkana, TX

2/13/2024

Attachment: 2024-036 ATTH 02 (Elevations) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)



REAR ELEVATION



RIGHT ELEVATION

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Design Development Plans

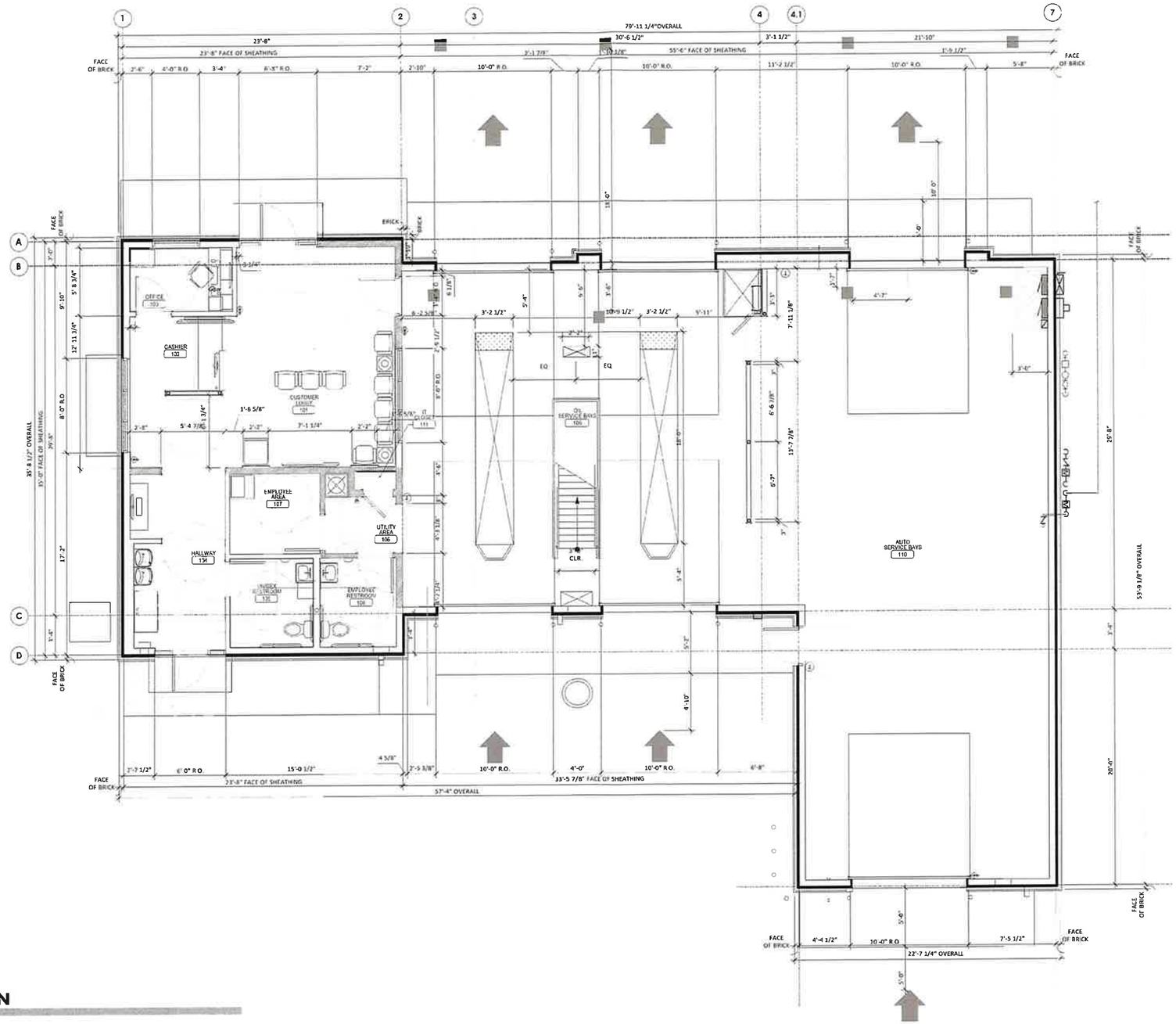
Proposed Jiffy Lube Multicare
NWQ Richmond Rd. & Moores Ln.
Texarkana, TX

2/13/2024

Attachment: 2024-036 ATTH 02 (Elevations) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

2024-036 ATTH 03

Amendment to PD-24-1



FLOOR PLAN

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Texarkana, TX

2/13/2024

Attachment: 2024-036 ATTH 03 (Floorplan) (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-036 Goals & Perspectives (4209 : 2024-036 ORD Amendment to PD-24-1 site plan approval 5613 Richmond Rd)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 2/27/2024 11:19 AM

Lead Department: Building Code Administration **Action Officer:** Mashell Daniel,

Subject: Ordinance No. 2024-021 amending the Zoning Code, Chapter 140, by adding Section 140-182, "Telecommunications Tower & Stealth Telecommunications Tower", adding corresponding definitions to Section 140-179 and corresponding uses to "Utility and Service Uses" in Section 140-81, and adding compliance provisions to Section 140-108, "Planned Development".

Briefing: 3/25/2024 **Public Hearing:** 3/25/2024 **Council Vote:** 3/25/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Current City Code provisions and administrative practices allow for locating telecommunications towers in certain zoning areas only with a specific use permit approved by the City Council. The locations of cell towers within the City are depicted in ATTH 01.

Telecommunications companies typically perform months, even years, of research and due diligence to determine the optimum locations for telecommunications towers for provision of cellular and broadband coverage needs. City staff researched and studied ordinances of other municipalities in an effort to recommend to the City Council revisions to the City Code for greater predictability on locating telecommunications towers in specific zoning districts within the City together with defining by ordinance an administrative process specific to such towers.

Highlights of the proposed ordinance:

- Defining both “telecommunications tower” and “stealth telecommunications tower”, and providing for a use by right for such towers in the following zoning districts [see zoning map – ATTH 02 and ATTH 04]:

P	Parking District
O	Office District
GR	General Retail District
LC	Limited Commercial District
CB	Central Business District
C	Commercial District
I-1	Light Industrial District
I-2	Heavy Industrial District

- Requiring a specific use permit for towers or stealth towers in zoning districts Agricultural District and Neighborhood Service District
- Not allowing towers or stealth towers in any residential zoning districts.
- No waiver of any Code requirements governing Planned Development and excluding the UPDD from its provisions
- Providing a detailed application process and design plan submission, including drawings to scale and visual depictions of simulations of the proposed tower or stealth tower and ancillary facilities, to scale, together with engineering plans certified by a Texas registered professional engineer
- Requiring monopole construction for both towers and stealth towers as distinguished from lattice and guy towers [see pictures contained in ATTH 03]
- Requiring landscaping and screening for all towers and stealth towers
- Providing for notice procedures of any change in operational status and, under defined circumstances of disuse, removal and restoration of the site
- Providing for a performance bond for all new towers and new stealth towers, including relocated towers
- Excepting certain provisions from application to legacy towers authorized by prior ordinance of the City Council
- Providing a penalty for failure to comply or noncompliance with the ordinance

Additional information:

GAO 20-535:
BROADBAND -- Observations on Past and Ongoing Efforts to Expand Access and Improve Mapping Data https://www.gao.gov/assets/gao-20-535.pdf

GAO 22-104611:
BROADBAND -- National Strategy Needed to Guide Federal Efforts to Reduce Digital Divide
https://www.gao.gov/assets/gao-22-104611.pdf

National Spectrum Strategy
https://www.ntia.gov/sites/default/files/publications/national_spectrum_strategy_final.pdf

Potential Options:

Approval, approval with changes, or denial.

Fiscal Implications:

The proposed administrative changes are within budgeted parameters.

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

City staff hosted a workshop for the Planning & Zoning Commission (P&Z) on September 5, 2023, to present a summary of the data collected and an initial draft of a proposed ordinance, to which P&Z made comments which were addressed in subsequent drafts and P&Z regular meetings held on October 2, 2023, November 6, 2023, December 4, 2023, January 2, 2024, February 5, 2024, and March 4, 2024.

Board/Committee Recommendation:

The proposed ordinance was presented to P&Z during its regular meeting on March 4, 2024, and P&Z unanimously recommended to the City Council approval of this ordinance to revise the Zoning Code.

Advisory Board/Committee Meeting Date and Minutes:

February 5, 2024; March 4, 2024

Attachments

a. 2024-021 ORD cell towers (DOCX)
b. 2024-021 ATTH 01 Existing Cell Towers (PDF)
c. 2024-021 ATTH 02 Zoning Map (PDF)
d. 2024-021 ATTH 03 Tower Pictures (DOCX)
e. 2024-021 ATTH 04 Use by right & SUP for towers (PDF)
f. 2024-021 Goals & Perspectives (DOCX)
g. 2024-021 ORD Cell Towers signed (PDF)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel	Department Head Review	02/27/2024 11:01 AM
City Attorney	Jeffery C. Lewis	City Attorney Review	Completed	02/27/2024 11:19 AM
City Manager	David Orr	City Manager Review	Completed	02/27/2024 5:31 PM
City Council	Jennifer Evans	Meeting	Completed	03/11/2024 6:00 PM

Meeting History

03/11/24 City Council MOVED FORWARD Next: 03/25/24

PUBLISH

ORDINANCE NO. 2024-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING CODE, CHAPTER 140, OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADDING SECTION 140-182, "TELECOMMUNICATIONS TOWER AND STEALTH TELECOMMUNICATIONS TOWER"; ADDING CORRESPONDING DEFINITIONS TO SECTION 140-179 AND CORRESPONDING USES TO "UTILITY AND SERVICE USES" IN SECTION 140-81; ADDING COMPLIANCE PROVISIONS TO SECTION 140-108, "PLANNED DEVELOPMENT"; CONTAINING SEVERABILITY AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, the telecommunications industry and federal government investments over the past years have expanded access to broadband in the United States: from 2009 through 2017, the industry made capital investments of about $795 billion, including investments in broadband infrastructure; federal investments totaled about $47.3 billion to target broadband infrastructure for rural areas over the same time; the Federal Communications Commission's Universal Service Fund high-cost program expanded service to about 2.3 million residential and small business locations, mostly from 2015 through 2017; the FCC reported that fixed broadband service was available to 94.4 percent of the U.S. population in 2018, up from 81.2 percent in 2012, although affordability and digital literacy remain barriers to adoption and use; and while service availability for people in rural areas increased from 45.7 percent in 2012 to 77.7 percent in 2018, service in rural areas continues to lag behind urban areas [source: United States Government Accountability Office (GAO-20-535), released June 25, 2020]; and

WHEREAS, in 2022, the United States Government Accountability Office, finding that the U.S. broadband efforts were not guided by a national strategy with clear roles, goals, objectives, and performance measures, recommended that the National Telecommunications and Information Administration (NTIA) identify key statutory limitations to program alignment and develop legislative proposals as appropriate, and that the Executive Office of the President develop and implement a national broadband strategy [source: United States Government Accountability Office (GAO-22-104611) released May 31, 2022];

WHEREAS, in 2023, NTIA issued the National Spectrum Strategy, a comprehensive plan to modernize federal spectrum policy and make the most efficient use possible of this vital national resource: the strategy focuses on promoting innovation and United States leadership in wireless technologies; collaborative long-term planning among government agencies and the private sector to support the nation's evolving spectrum needs; driving technological innovation, including innovative spectrum sharing technologies; boosting United States industrial competitiveness; protecting the security of the American people; fostering scientific advancements and promoting digital equity and inclusion; maintaining U.S. leadership in global markets for wireless equipment

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

PUBLISH

and services; and the ultimate goal -- enhancing the quality of life for all Americans by expanding access to advanced wireless broadband networks and technologies [source: NTIA "National Spectrum Strategy" released November 13, 2023]; and

WHEREAS, under federal and state law, the location and type of wireless facility project determines a municipality's time to review and act on a request for locating such a project: for locations on private property, federal law, as interpreted by the FCC, and FCC rules, governs; and for locations on rights-of-way, Chapter 284 of the Texas Local Government Code governs; and

WHEREAS, current City Code provisions and administrative practices allow for locating telecommunications towers in certain zoning areas only with a specific use permit approved by the City Council; and

WHEREAS, telecommunications companies typically perform months, even years, of research and due diligence to determine the optimum locations for telecommunications towers for provision of cellular and broadband coverage needs, and City staff researched and studied ordinances of other municipalities in an effort to recommend to the City Council revisions to the City Code for greater predictability on locating telecommunications towers in specific zoning districts within the City together with defining by ordinance an administrative process specific to such towers; and

WHEREAS, City staff hosted a workshop for the Planning & Zoning Commission (P&Z) on September 5, 2023, to present a summary of the data collected and an initial draft of a proposed ordinance, to which P&Z made comments which were addressed in subsequent drafts and P&Z regular meetings held on October 2, 2023, November 6, 2023, December 4, 2023, January 2, 2024, and February 5, 2024, culminating in presentment of the submitted proposed ordinance to P&Z during its regular meeting on March 4, 2024, and P&Z unanimously recommending to the City Council approval of this ordinance to revise the Zoning Code; and

WHEREAS, the City Council finds and determines that this ordinance: furthers federal, state, and local policy for citizens' access to telecommunications technology; provides for greater predictability in locating telecommunications towers within the City; provides for an appropriate administrative process specific to requests for locating such towers; is necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and is in the best interests of the citizens of the City of Texarkana, Texas.

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

SECTION 1: The Zoning Code, Chapter 140, Article VII – Supplemental Regulations, Section 140-179, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add the following definitions:

> *Telecommunications tower* ("tower") means a facility, including self-supporting lattice towers, guy towers or monopole towers, but not including stealth communication towers, designed to support one or more antennas and to contain ancillary facilities designed and used for the purpose of transmitting, receiving, and relaying voice, data, and other similar signals to or from various wireless

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

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communication devices; provided, however, that a *telecommunication tower* shall not be defined to include the following: "*Radio, television, or microwave towers*"; amateur radio transmission facilities not used for commercial purposes; or facilities used exclusively for the transmission of television and radio signals.

Stealth telecommunications tower ("stealth tower") means a facility that is designed in such a way that the facility is not readily recognizable as a *telecommunications tower* or telecommunications equipment. By way of example and not limitation, *stealth towers* may include the following: totally enclosed antennas; wireless facilities that replicate, duplicate, or simulate the construction of common structures such as flagpoles, signs, monopoles with totally enclosed antennas, or light poles and that serve as a function of the use or uses of the site; or camouflaged wireless facilities that are constructed to blend into the surrounding environment.

SECTION 2: The Zoning Code, Chapter 140, Article VII – Supplemental Regulations, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add the following new section 140-182, "Telecommunications Tower and Stealth Telecommunications Tower", to provide as follows:

Sec. 140-182. - Telecommunications Tower and Stealth Telecommunications Tower.

(a) Location, placement, and distance.

(1) Use and Zoning Districts. Subject to the requirements of this section, land use for a Telecommunications tower ("tower") and Stealth telecommunications tower ("stealth tower") is a use by right in zoning districts P, O, GR, LC, CB, C, I-1, and I-2, but shall only be allowed by specific use permit in zoning districts A and NS. Towers and stealth towers shall not be allowed in any residential zoning districts.

(2) Setbacks. Towers and stealth towers shall be setback either a minimum of five hundred feet (500') or two feet for each foot in height, whichever is greater, from a one-family, two-family, or multifamily district or from any residential zoning or residential use.

(3) Distance from other towers or stealth towers. A minimum of a half-mile (or 2,640 feet) shall be required between each and every tower or stealth tower.

(4) Planned Development. Nothing in this section shall be construed to waive the requirements of section 140-108 (Planned development).

(5) The Board of Adjustment (*see* section 140-342, *et seq.*) shall not have authority to grant variances to the requirements of this subsection.

(b) Application for placement approval; design plan.

(1) Application; general requirements. A property owner desiring to locate a tower or stealth tower as authorized by 140-182(a)(1) shall submit an application to the Inspections Department with authorizations and information required by this section and a performance bond and removal bond as required by section (g).

(2) Owner or agent authorization. The property owner or agent of the

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

property owner shall sign the application. An agent of the property owner must be authorized by power of attorney or other notarized document granting the agent both the authority to represent the property owner and the authority to use the specific land for situs of a tower or stealth tower.

a. The application shall include a plan or plans containing the following: The metes and bounds legal description of the entirety of the owner's property where the tower or stealth tower is proposed to be located.

b. The metes and bounds of the specific area within the owner's property where the tower or stealth tower and ancillary facilities are to be located.

c. A drawing or drawings to scale of the following:

   i. location and height of the tower or stealth tower, including all ancillary facilities;

   ii. tower or stealth tower proximity to all buildings and other structures on both the owner's property and on adjacent properties;

   iii. compliance with setback and distance requirements contained in 140-182(a)(2) and 140-182(a)(3); and

   iv. landscaping plan for the site of the tower or stealth tower, showing existing and proposed topography, existing and proposed fencing and finished color, method of camouflage and illumination, and irrigation methods (type, spacing, and size). Applicable to stealth towers only, the drawing or drawings should demonstrate designs for an appearance that blends with the surrounding landscape; and acceptable designs include trees, flagpoles, or other appearances as approved by the Chief Building Official or Zoning Administrator.

d. A visual depiction or simulation of the proposed tower or stealth tower and ancillary facilities, to scale, in the existing natural or built environment for both day and night views, depicting all written warnings, markings, and lighting as may be proposed or otherwise required by law or regulations, and from the points-of-view of closest public street, closest occupied structure, aerial view, and any other location specified by the Chief Building Official or Zoning Administrator.

e. Engineering plans certified by a Texas registered professional engineer to include, with respect to the proposed tower or stealth tower, wind loads, foundation design, structural analysis, and capacity in terms of the number and types of antennae to be placed or accommodated.

f. A system plan to include the following: rationales for the particular location, design, and height of the tower or stealth

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

tower; the provider's telecommunication facilities presently constructed or approved; and a map indicating the provider's current coverage for the City and the projected coverage change with construction of the tower or stealth tower.

(c) Construction requirements.

(1) All towers or stealth towers shall be of monopole construction, shall meet FCC and FAA guidelines, and shall comply with the current building codes adopted by the City.

(2) Towers and stealth towers shall not be illuminated by artificial means or display strobe lights or other warning lighting unless required by the Federal Aviation Administration or any other federal, state or city law, rule or regulation. Any lighting shall be shielded or directed so as not to project directly onto property zoned residential or any residential use; and light fixtures used to illuminate ancillary facilities, sports facilities, parking or storage areas, or other similar areas may be attached to a tower or stealth tower only when incorporated into the approved design.

(3) Any new tower must be constructed to support a minimum of two separate antenna arrays and at least one additional antenna for every fifteen feet (15') or fraction thereof above sixty feet (60') in height and provide the ground space for any equipment necessary for the operation of additional antenna.

(4) Any new stealth tower must be able to support at least one additional antenna for every fifteen feet (15') or fraction thereof above sixty feet (60') in height and provide the ground space for any equipment necessary for the operation of additional antenna.

(d) Landscaping and screening requirements.

(1) All towers or stealth towers and ancillary facilities must have an eight-foot (8') solid screening fence or corresponding screening shrubs as described below.

a. The screening fence shall be constructed of wood, brick, stone, or reinforced concrete.

b. Screening shrubs shall be installed around a fence and screen from view the associated structures. All screening shrubs shall be a minimum of three feet (3') in height at planting, have the potential to grow to a mature height of a minimum of six feet (6') in three years and must have a permanently installed irrigation system that provides total water coverage to all plant materials. The vegetation shall always be kept in an attractive state and in good condition. The preservation of mature trees on the existing lot may be proposed as an alternative for screening shrubs.

(2) Outdoor storage of vehicles, materials, or equipment is prohibited. Outside parking of vehicles or equipment is prohibited unless such is being used by an authorized person on site in direct support of the tower or stealth tower and ancillary facilities.

(3) Unless expressly required by federal or state laws, rules, or regulations, or unless otherwise disclosed and approved in the visual depiction submitted pursuant to 140-182(b)(2)(e), banners, signs, moving objects, or other

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

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attention devices are prohibited on the tower or stealth tower and ancillary facilities.

(e) Notice of change in status; removal upon cessation of operation.

(1) With respect to the normal business operation as proposed of the tower or stealth tower, the property owner or agent of the property owner shall give notice to the Chief Building Official within forty-five (45) days of any of the following: any change in the status of operation; any disconnection of electrical service for more than thirty (30) days; or any cessation for more than thirty (30) days of the use of a tower or stealth tower for the support of active communications antennae.

(2) If disconnection of electrical service or cessation of use of all antennae on the tower or stealth tower to transmit, receive, or relay voice and data signals to or from wireless communication devices persists for twelve (12) months, the property owner shall promptly remove the tower or stealth tower (and associated components of the facility) and restore the site to its original condition to a depth of two feet.

(3) After notice and opportunity to be heard is provided, the City may remove or cause the removal of a tower or stealth tower (and associated components of the facility) described in subsection (e)(2) of this section and assess the costs of removal, storage, and disposal against the property. The City shall mail to the property owner a notice of the City's intent to remove or cause such removal before taking such action; the property owner may request a hearing before the Board of Adjustment to show cause why the abandoned tower or stealth tower and associated components should not be removed from the property at the expense of the property owner; and the failure by a property owner to request a hearing within thirty (30) days after receipt of notice shall be deemed a failure to exhaust administrative remedies and a waiver of the right to a hearing.

(f) Exclusions. This section does not apply to the following:

(1) The UPDD -- section 140-111 of this Code; and

(2) Temporary, mobile towers erected under the authority of Chapter 14 of this Code.

(g) A performance bond shall be required for all new towers and new stealth towers, including relocated towers, where a previous bond has not been accepted, in a form acceptable to the City; a cash deposit may be substituted in lieu of a bond, in an amount sufficient to provide for removal, storage, and disposal of the tower, plus an additional fifteen percent (15%) contingency to restore the site, including stabilization and re-vegetation as necessary. An estimate of the removal cost from a Texas-licensed company experienced in contracting for removal of standard components shall accompany the bond. Unless the tower or stealth tower is located on property owned by a governmental entity where a guarantee is in place for removal of the tower when no longer in use, a separate bond will be required for each tower regardless of owner(s) or location. All bonds shall provide for the City to collect the full amount of the guarantee if the applicant fails to comply with this section. This subsection shall not apply to a governmental entity or public utility company.

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

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(h) Limited legacy exception. Subsections (a), (b), (c), and (d)(1) shall not apply to legacy towers or stealth towers authorized by a specific ordinance of the City Council adopted prior to enactment of this section.

(i) Penalty. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction, be fined not less than $500.00 or more than $2,000.00, and each day any violation or non-compliance continues shall constitute a separate and distinct offense.

SECTION 3: The Zoning Code, Chapter 140, Article VII – Supplemental Regulations, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add "Telecommunications Tower" and "Stealth Telecommunications Tower" to the listing of "Utility and Service Uses" contained in Section 140-81 – "Legend for interpreting schedule of use".

SECTION 4: The Zoning Code, Chapter 140, Article V – Special District Designations, section 140-108, "Planned development", subsection (b) "Application procedures", sub-subsection (b)(1) "Proposed uses", of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add a concluding sentence as follows (additional sentence in underscore and boldface):

(1) Proposed uses. An application for a PD district shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the referenced district, including those permitted through the cumulative provision of this chapter. **If an application for a PD district specifies a tower or stealth tower, regardless of whether such use is a permitted use in the referenced district, a separate application in compliance with the provisions of section 140-178 shall also be required.**

SECTION 5: In the event a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6: Except as provided herein, in the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control; provided, however, that all ordinances or parts of ordinances authorizing towers or stealth towers prior to enactment of this Ordinance shall control and remain in full force and effect except as provided or augmented in the "limited legacy exception" set out in Section 140-182 (f) of the Code of Ordinances.

SECTION 7: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 8: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)

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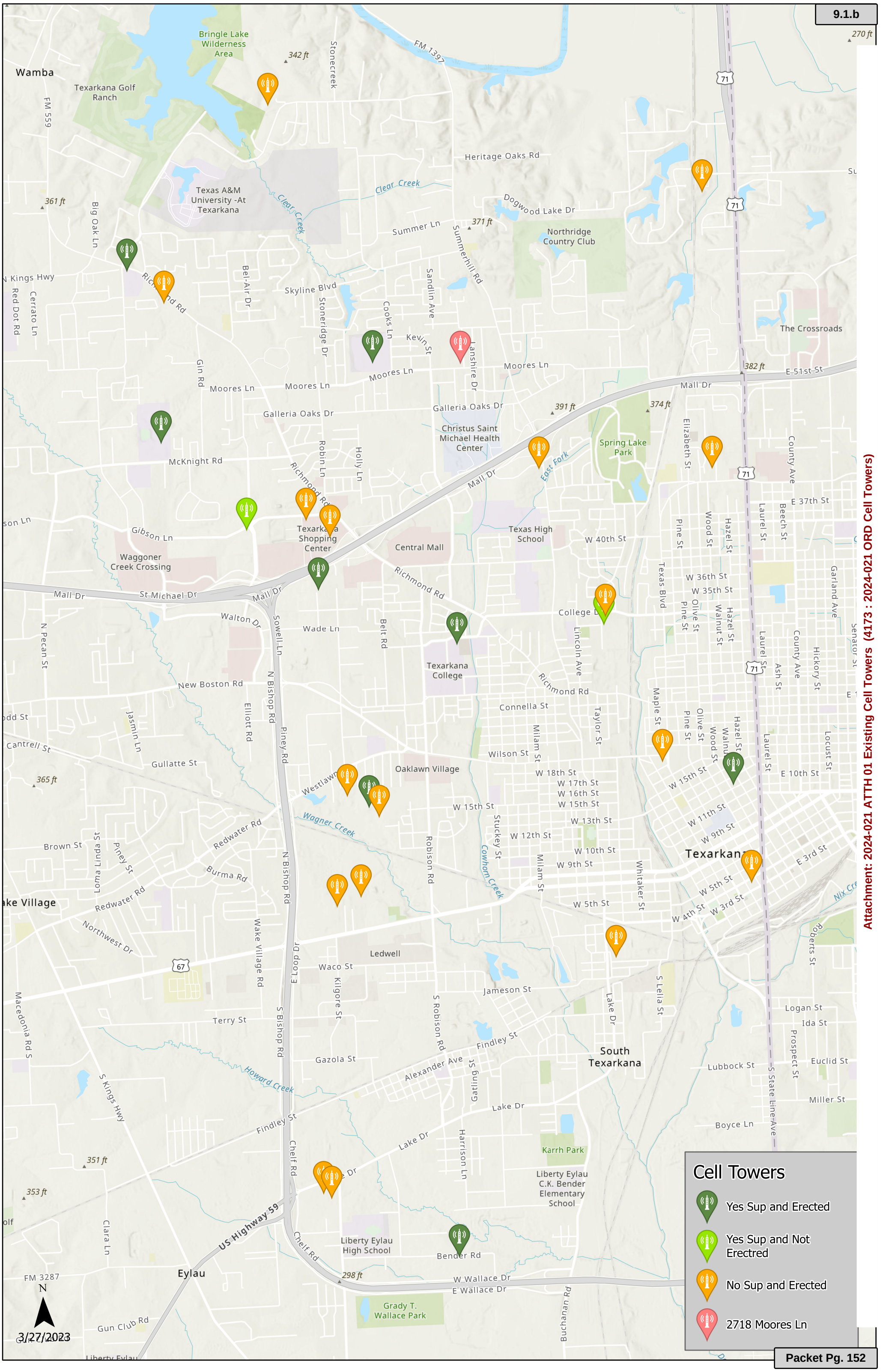
SECTION 9: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

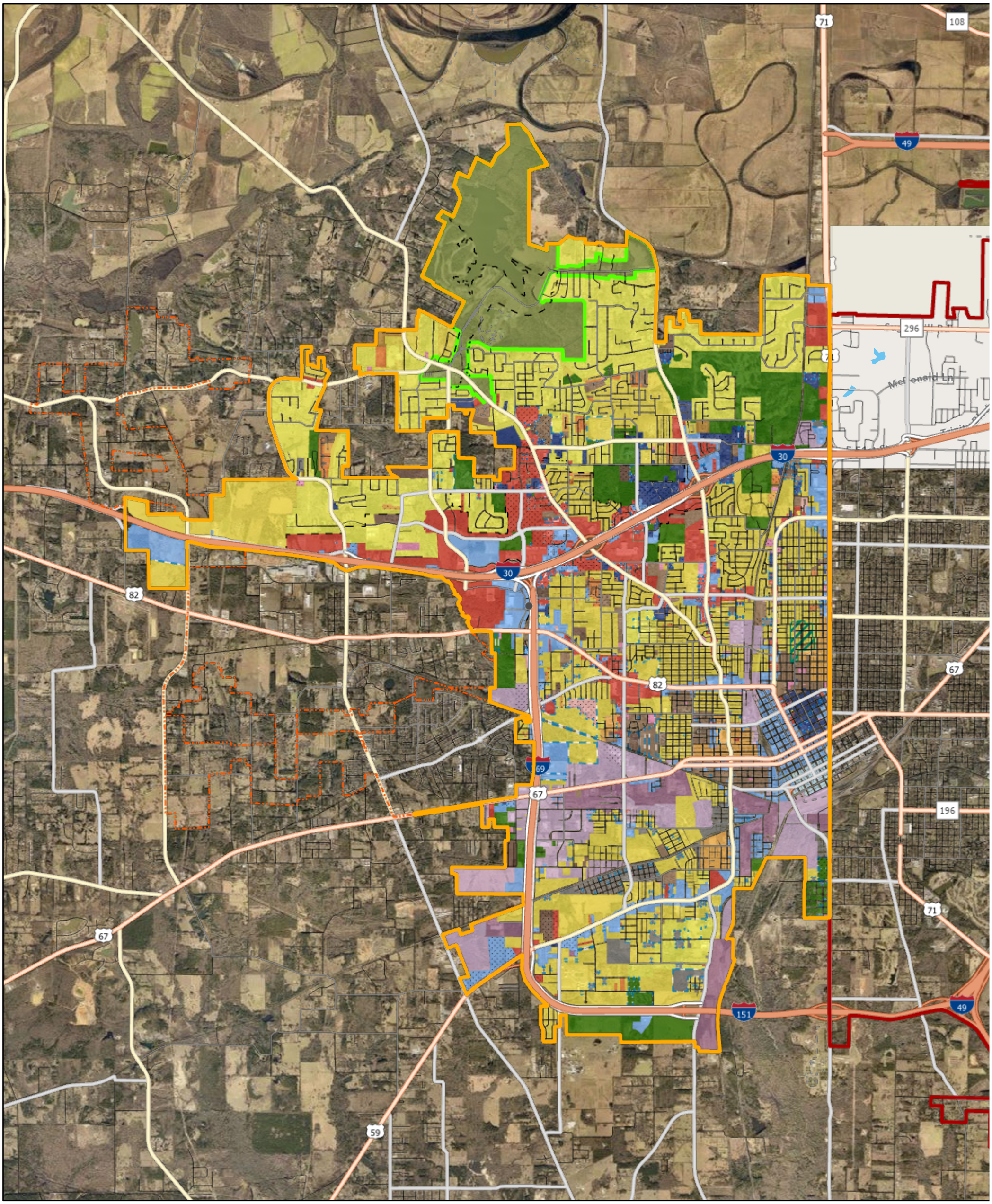
ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-021 ORD cell towers (4173 : 2024-021 ORD Cell Towers)



Attachment: 2024-021 ATTH 01 Existing Cell Towers (4173 : 2024-021 ORD Cell Towers)



Attachment: 2024-021 ATTH 02 Zoning Map (4173 : 2024-021 ORD Cell Towers)

2/8/2024, 11:41:19 AM

Municipal Boundaries
- Leary
- Nash
- Red Lick, TX
- Wake Village
- Texarkana, AR
- Texarkana, TX

Street Centerline
- Freeway
- Highway
- Frontage Road
- Major Arterial
- Minor Arterial
- Collector
- Local
- Ramp
- Service

Zoning Texarkana TX
- Agricultural District
- Neighborhood Service
- Limited Commercial
- Commercial
- General Retail
- Central Business District
- Office
- Industrial 1
- Industrial 2
- Parking

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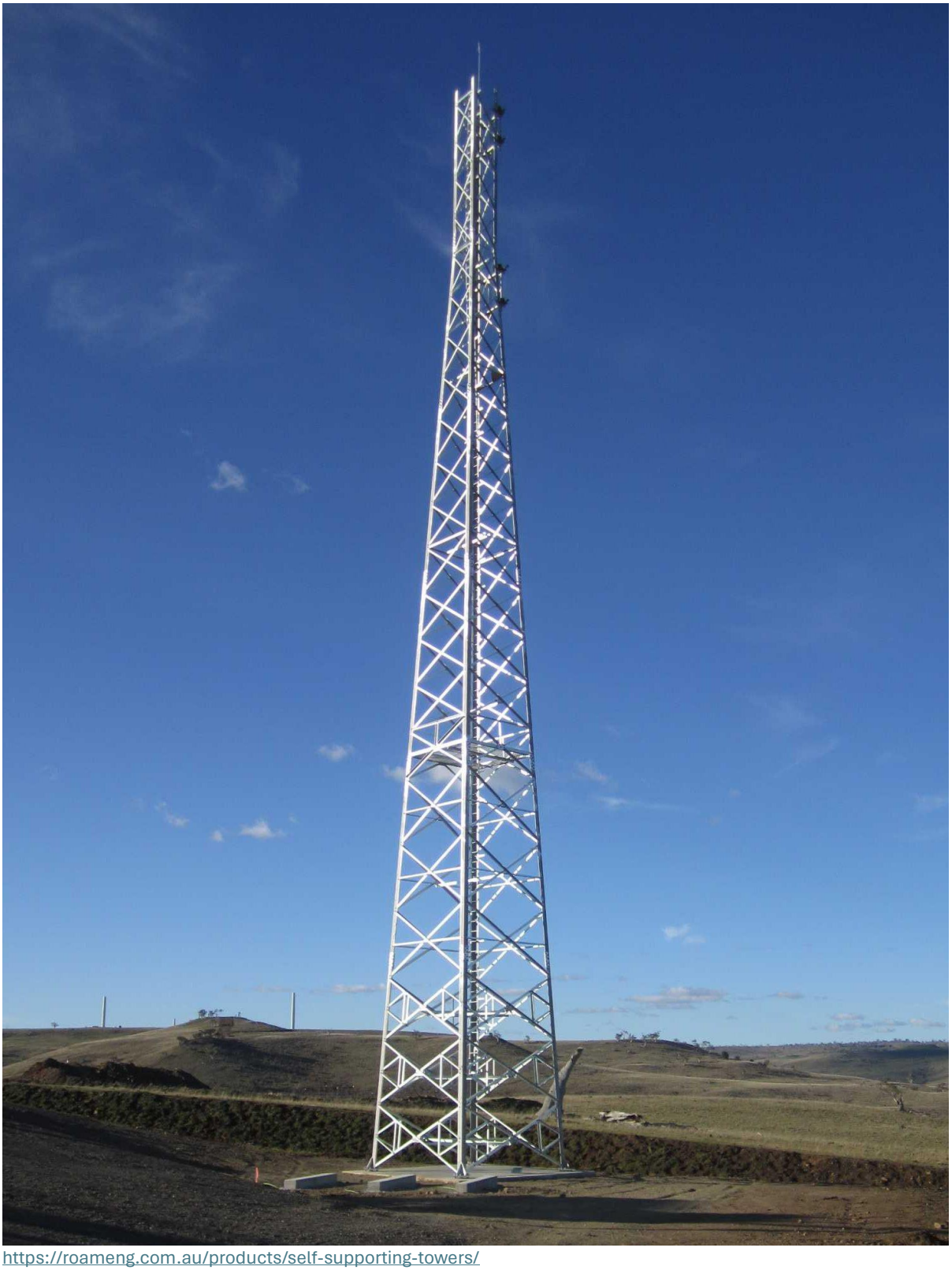
0 0.5 1 2 mi

0 1 2 4 km

City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS | none | GISMO |

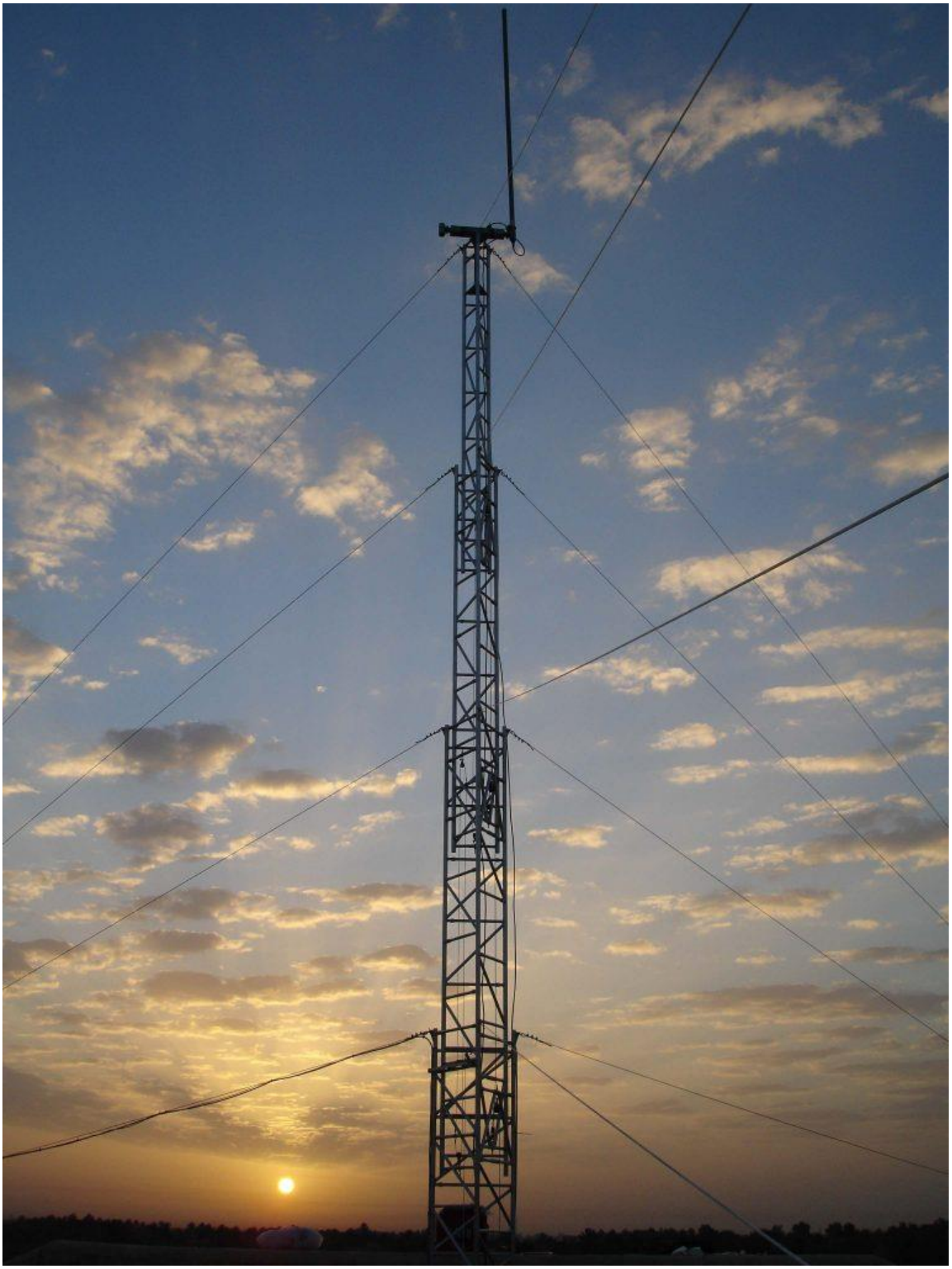
Self-Supporting Lattice Tower



https://roameng.com.au/products/self-supporting-towers/

Attachment: 2024-021 ATTH 03 Tower Pictures (4173 : 2024-021 ORD Cell Towers)

Guy Tower



https://www.alumatower.com/products/towers/telescopic-guyed/

Attachment: 2024-021 ATTH 03 Tower Pictures (4173 : 2024-021 ORD Cell Towers)

Monopole Tower



https://www.nelloinc.com/wireless-cell-towers/monopole-towers.cfm

Attachment: 2024-021 ATTH 03 Tower Pictures (4173 : 2024-021 ORD Cell Towers)

Stealth Tower



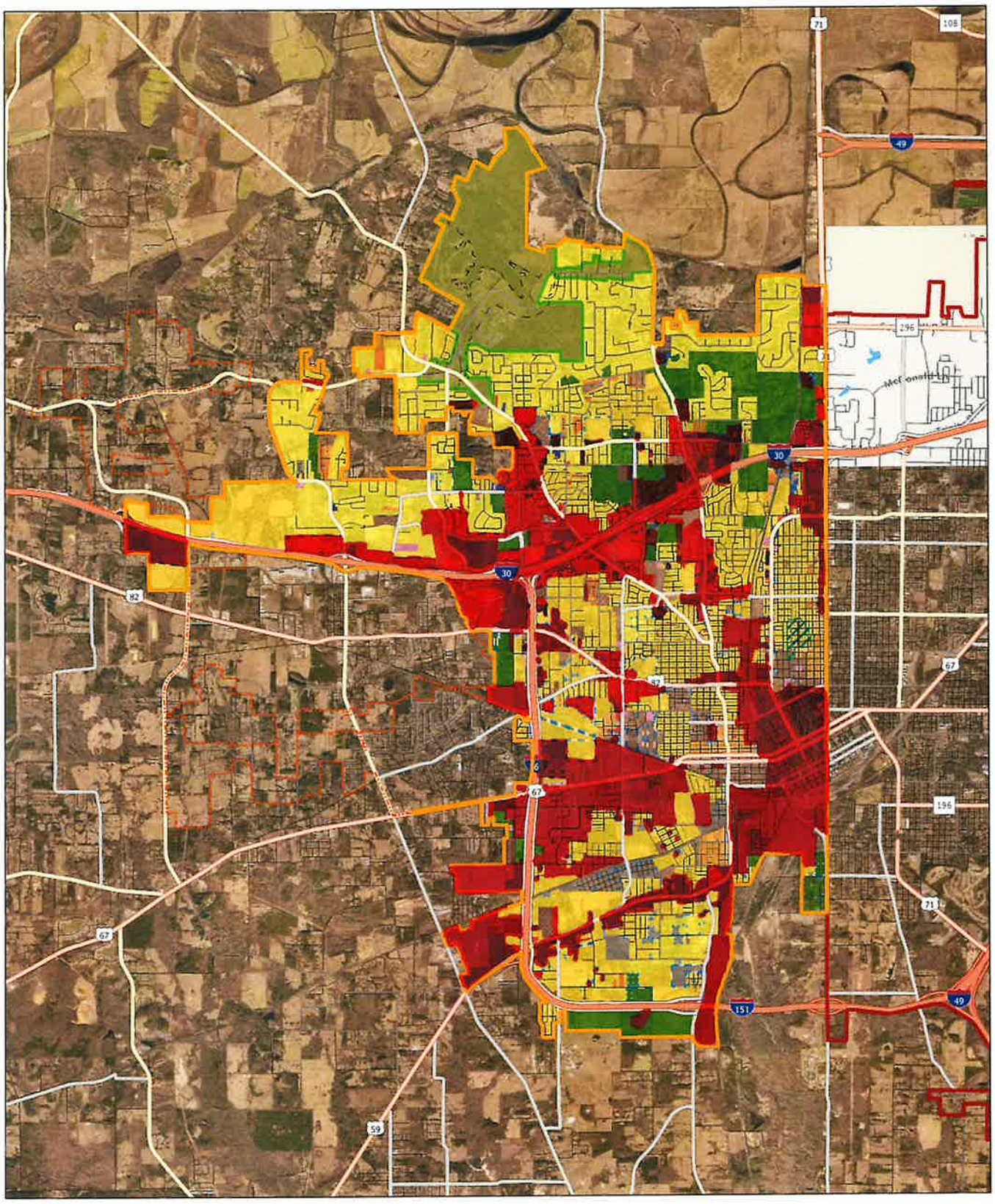
https://www.raycap.com/products/tree-towers/



https://www.raycap.com/products/towers-silos-signs/

Attachment: 2024-021 ATTH 03 Tower Pictures (4173 : 2024-021 ORD Cell Towers)

Telecommunications Tower Locations **ArcGIS Web Map** Allowed as Use by Right



2/8/2024, 11:41:19 AM

Municipal Boundaries
- Leary
- Nash
- Red Lick, TX
- Wake Village
- Texarkana, AR
- Texarkana, TX

Street Centerline
- Freeway
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- Local
- Ramp
- Service

Zoning Texarkana TX
- Agricultural District
- Neighborhood Service
- Limited Commercial
- Commercial
- General Retail
- Central Business District
- Office
- Industrial 1
- Industrial 2
- Parking

Area Towers are Allowed

1:72,224

0 0.5 1 2 mi

0 1 2 4 km

City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

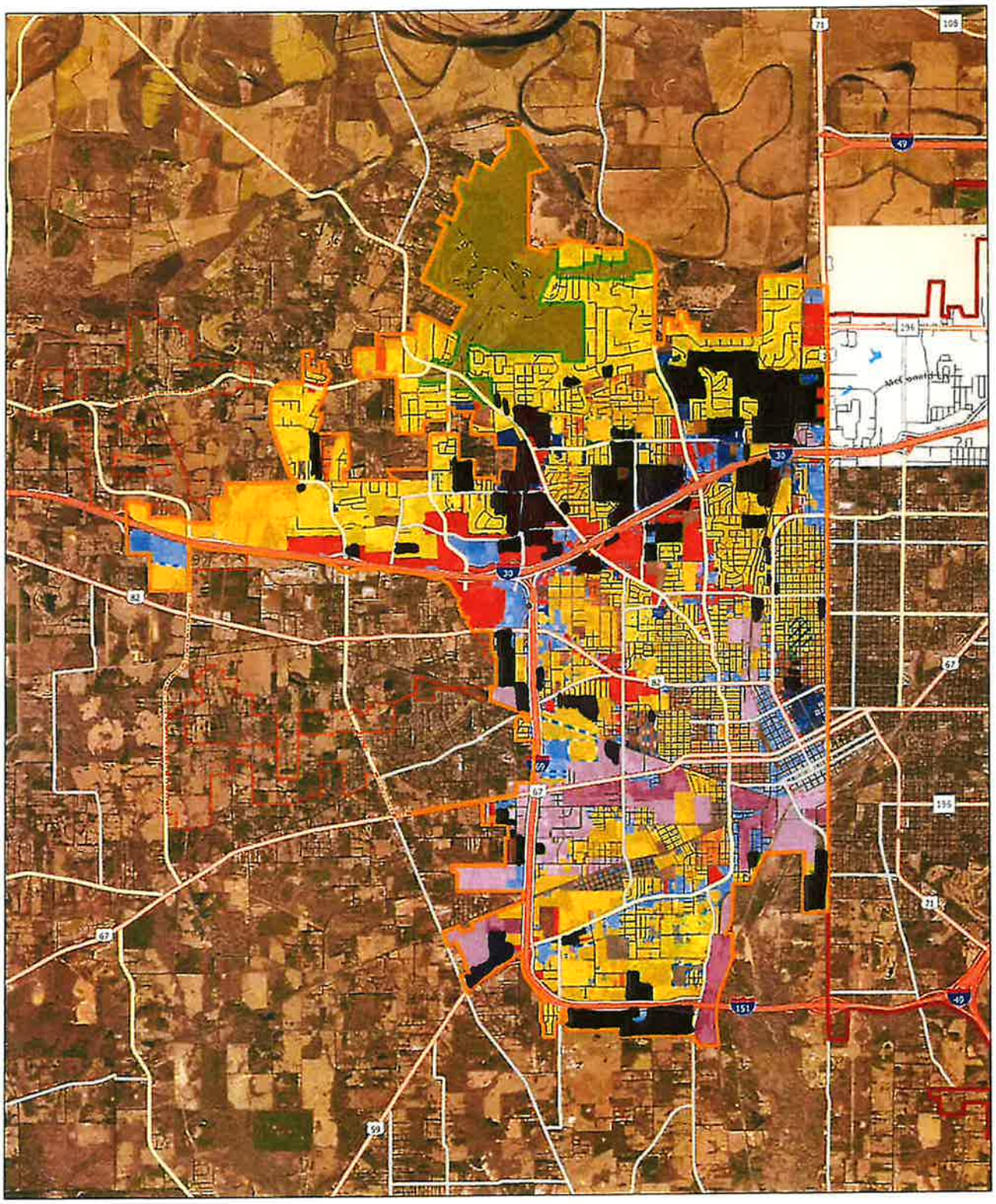
ArcGIS Web AppBuilder

City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USF

Attachment: 2024-021 ATTH 04 Use by right & SUP for towers (4173 : 2024-021 ORD Cell Towers)

SUP Required for Tower Placement

ArcGIS Web Map



2/8/2024, 11:41:19 AM

Municipal Boundaries
- Leary
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- Neighborhood Service
- Limited Commercial
- Commercial
- General Retail
- Central Business District
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- Industrial 2
- Parking

SUP Required for Tower

1:72,224

0 0.5 1 2 mi
0 1 2 4 km

City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS

ArcGIS Web AppBuilder

City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, Esri, TomTom, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, USDA, USFWS | none | GISMO |

Attachment: 2024-021 ATTH 04 Use by right & SUP for towers (4173 : 2024-021 ORD Cell Towers)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-021 Goals & Perspectives (4173 : 2024-021 ORD Cell Towers)

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ORDINANCE NO. 2024-021

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING CODE, CHAPTER 140, OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY ADDING SECTION 140-182, "TELECOMMUNICATIONS TOWER AND STEALTH TELECOMMUNICATIONS TOWER"; ADDING CORRESPONDING DEFINITIONS TO SECTION 140-179 AND CORRESPONDING USES TO "UTILITY AND SERVICE USES" IN SECTION 140-81; ADDING COMPLIANCE PROVISIONS TO SECTION 140-108, "PLANNED DEVELOPMENT"; CONTAINING SEVERABILITY AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, the telecommunications industry and federal government investments over the past years have expanded access to broadband in the United States: from 2009 through 2017, the industry made capital investments of about $795 billion, including investments in broadband infrastructure; federal investments totaled about $47.3 billion to target broadband infrastructure for rural areas over the same time; the Federal Communications Commission's Universal Service Fund high-cost program expanded service to about 2.3 million residential and small business locations, mostly from 2015 through 2017; the FCC reported that fixed broadband service was available to 94.4 percent of the U.S. population in 2018, up from 81.2 percent in 2012, although affordability and digital literacy remain barriers to adoption and use; and while service availability for people in rural areas increased from 45.7 percent in 2012 to 77.7 percent in 2018, service in rural areas continues to lag behind urban areas [source: United States Government Accountability Office (GAO-20-535), released June 25, 2020]; and

WHEREAS, in 2022, the United States Government Accountability Office, finding that the U.S. broadband efforts were not guided by a national strategy with clear roles, goals, objectives, and performance measures, recommended that the National Telecommunications and Information Administration (NTIA) identify key statutory limitations to program alignment and develop legislative proposals as appropriate, and that the Executive Office of the President develop and implement a national broadband strategy [source: United States Government Accountability Office (GAO-22-104611) released May 31, 2022];

WHEREAS, in 2023, NTIA issued the National Spectrum Strategy, a comprehensive plan to modernize federal spectrum policy and make the most efficient use possible of this vital national resource: the strategy focuses on promoting innovation and United States leadership in wireless technologies; collaborative long-term planning among government agencies and the private sector to support the nation's evolving spectrum needs; driving technological innovation, including innovative spectrum sharing technologies; boosting United States industrial competitiveness; protecting the security of the American people; fostering scientific advancements and promoting digital equity and inclusion; maintaining U.S. leadership in global markets for wireless equipment

Attachment: 2024-021 ORD Cell Towers signed (4173 : 2024-021 ORD Cell Towers)

and services; and the ultimate goal -- enhancing the quality of life for all Americans by expanding access to advanced wireless broadband networks and technologies [source: NTIA "National Spectrum Strategy" released November 13, 2023]; and

WHEREAS, under federal and state law, the location and type of wireless facility project determines a municipality's time to review and act on a request for locating such a project: for locations on private property, federal law, as interpreted by the FCC, and FCC rules, governs; and for locations on rights-of-way, Chapter 284 of the Texas Local Government Code governs; and

WHEREAS, current City Code provisions and administrative practices allow for locating telecommunications towers in certain zoning areas only with a specific use permit approved by the City Council; and

WHEREAS, telecommunications companies typically perform months, even years, of research and due diligence to determine the optimum locations for telecommunications towers for provision of cellular and broadband coverage needs, and City staff researched and studied ordinances of other municipalities in an effort to recommend to the City Council revisions to the City Code for greater predictability on locating telecommunications towers in specific zoning districts within the City together with defining by ordinance an administrative process specific to such towers; and

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WHEREAS, the City Council finds and determines that this ordinance: furthers federal, state, and local policy for citizens' access to telecommunications technology; provides for greater predictability in locating telecommunications towers within the City; provides for an appropriate administrative process specific to requests for locating such towers; is necessary to protect health, life, and property and to preserve the good government, order, and security of the municipality and its inhabitants; and is in the best interests of the citizens of the City of Texarkana, Texas.

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Sec. 140-182. - Telecommunications Tower and Stealth Telecommunications Tower.

(a) Location, placement, and distance.

(1) Use and Zoning Districts. Subject to the requirements of this section, land use for a Telecommunications tower ("tower") and Stealth telecommunications tower ("stealth tower") is a use by right in zoning districts P, O, GR, LC, CB, C, I-1, and I-2, but shall only be allowed by specific use permit in zoning districts A and NS. Towers and stealth towers shall not be allowed in any residential zoning districts.

(2) Setbacks. Towers and stealth towers shall be setback either a minimum of five hundred feet (500') or two feet for each foot in height, whichever is greater, from a one-family, two-family, or multifamily district or from any residential zoning or residential use.

(3) Distance from other towers or stealth towers. A minimum of a half-mile (or 2,640 feet) shall be required between each and every tower or stealth tower.

(4) Planned Development. Nothing in this section shall be construed to waive the requirements of section 140-108 (Planned development).

(5) The Board of Adjustment (*see* section 140-342, *et seq.*) shall not have authority to grant variances to the requirements of this subsection.

(b) Application for placement approval; design plan.

(1) Application; general requirements. A property owner desiring to locate a tower or stealth tower as authorized by 140-182(a)(1) shall submit an application to the Inspections Department with authorizations and information required by this section and a performance bond and removal bond as required by section (g).

(2) Owner or agent authorization. The property owner or agent of the

Attachment: 2024-021 ORD Cell Towers signed (4173 : 2024-021 ORD Cell Towers)

property owner shall sign the application. An agent of the property owner must be authorized by power of attorney or other notarized document granting the agent both the authority to represent the property owner and the authority to use the specific land for situs of a tower or stealth tower.

a. The application shall include a plan or plans containing the following: The metes and bounds legal description of the entirety of the owner's property where the tower or stealth tower is proposed to be located.

b. The metes and bounds of the specific area within the owner's property where the tower or stealth tower and ancillary facilities are to be located.

c. A drawing or drawings to scale of the following:
   i. location and height of the tower or stealth tower, including all ancillary facilities;
   ii. tower or stealth tower proximity to all buildings and other structures on both the owner's property and on adjacent properties;
   iii. compliance with setback and distance requirements contained in 140-182(a)(2) and 140-182(a)(3); and
   iv. landscaping plan for the site of the tower or stealth tower, showing existing and proposed topography, existing and proposed fencing and finished color, method of camouflage and illumination, and irrigation methods (type, spacing, and size). Applicable to stealth towers only, the drawing or drawings should demonstrate designs for an appearance that blends with the surrounding landscape; and acceptable designs include trees, flagpoles, or other appearances as approved by the Chief Building Official or Zoning Administrator.

d. A visual depiction or simulation of the proposed tower or stealth tower and ancillary facilities, to scale, in the existing natural or built environment for both day and night views, depicting all written warnings, markings, and lighting as may be proposed or otherwise required by law or regulations, and from the points-of-view of closest public street, closest occupied structure, aerial view, and any other location specified by the Chief Building Official or Zoning Administrator.

e. Engineering plans certified by a Texas registered professional engineer to include, with respect to the proposed tower or stealth tower, wind loads, foundation design, structural analysis, and capacity in terms of the number and types of antennae to be placed or accommodated.

f. A system plan to include the following: rationales for the particular location, design, and height of the tower or stealth

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tower; the provider's telecommunication facilities presently constructed or approved; and a map indicating the provider's current coverage for the City and the projected coverage change with construction of the tower or stealth tower.

(c) Construction requirements.

(1) All towers or stealth towers shall be of monopole construction, shall meet FCC and FAA guidelines, and shall comply with the current building codes adopted by the City.

(2) Towers and stealth towers shall not be illuminated by artificial means or display strobe lights or other warning lighting unless required by the Federal Aviation Administration or any other federal, state or city law, rule or regulation. Any lighting shall be shielded or directed so as not to project directly onto property zoned residential or any residential use; and light fixtures used to illuminate ancillary facilities, sports facilities, parking or storage areas, or other similar areas may be attached to a tower or stealth tower only when incorporated into the approved design.

(3) Any new tower must be constructed to support a minimum of two separate antenna arrays and at least one additional antenna for every fifteen feet (15') or fraction thereof above sixty feet (60') in height and provide the ground space for any equipment necessary for the operation of additional antenna.

(4) Any new stealth tower must be able to support at least one additional antenna for every fifteen feet (15') or fraction thereof above sixty feet (60') in height and provide the ground space for any equipment necessary for the operation of additional antenna.

(d) Landscaping and screening requirements.

(1) All towers or stealth towers and ancillary facilities must have an eight-foot (8') solid screening fence or corresponding screening shrubs as described below.

a. The screening fence shall be constructed of wood, brick, stone, or reinforced concrete.

b. Screening shrubs shall be installed around a fence and screen from view the associated structures. All screening shrubs shall be a minimum of three feet (3') in height at planting, have the potential to grow to a mature height of a minimum of six feet (6') in three years and must have a permanently installed irrigation system that provides total water coverage to all plant materials. The vegetation shall always be kept in an attractive state and in good condition. The preservation of mature trees on the existing lot may be proposed as an alternative for screening shrubs.

(2) Outdoor storage of vehicles, materials, or equipment is prohibited. Outside parking of vehicles or equipment is prohibited unless such is being used by an authorized person on site in direct support of the tower or stealth tower and ancillary facilities.

(3) Unless expressly required by federal or state laws, rules, or regulations, or unless otherwise disclosed and approved in the visual depiction submitted pursuant to 140-182(b)(2)(e), banners, signs, moving objects, or other

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attention devices are prohibited on the tower or stealth tower and ancillary facilities.

(e) Notice of change in status; removal upon cessation of operation.

(1) With respect to the normal business operation as proposed of the tower or stealth tower, the property owner or agent of the property owner shall give notice to the Chief Building Official within forty-five (45) days of any of the following: any change in the status of operation; any disconnection of electrical service for more than thirty (30) days; or any cessation for more than thirty (30) days of the use of a tower or stealth tower for the support of active communications antennae.

(2) If disconnection of electrical service or cessation of use of all antennae on the tower or stealth tower to transmit, receive, or relay voice and data signals to or from wireless communication devices persists for twelve (12) months, the property owner shall promptly remove the tower or stealth tower (and associated components of the facility) and restore the site to its original condition to a depth of two feet.

(3) After notice and opportunity to be heard is provided, the City may remove or cause the removal of a tower or stealth tower (and associated components of the facility) described in subsection (e)(2) of this section and assess the costs of removal, storage, and disposal against the property. The City shall mail to the property owner a notice of the City's intent to remove or cause such removal before taking such action; the property owner may request a hearing before the Board of Adjustment to show cause why the abandoned tower or stealth tower and associated components should not be removed from the property at the expense of the property owner; and the failure by a property owner to request a hearing within thirty (30) days after receipt of notice shall be deemed a failure to exhaust administrative remedies and a waiver of the right to a hearing.

(f) Exclusions. This section does not apply to the following:

(1) The UPDD -- section 140-111 of this Code; and

(2) Temporary, mobile towers erected under the authority of Chapter 14 of this Code.

(g) A performance bond shall be required for all new towers and new stealth towers, including relocated towers, where a previous bond has not been accepted, in a form acceptable to the City; a cash deposit may be substituted in lieu of a bond, in an amount sufficient to provide for removal, storage, and disposal of the tower, plus an additional fifteen percent (15%) contingency to restore the site, including stabilization and re-vegetation as necessary. An estimate of the removal cost from a Texas-licensed company experienced in contracting for removal of standard components shall accompany the bond. Unless the tower or stealth tower is located on property owned by a governmental entity where a guarantee is in place for removal of the tower when no longer in use, a separate bond will be required for each tower regardless of owner(s) or location. All bonds shall provide for the City to collect the full amount of the guarantee if the applicant fails to comply with this section. This subsection shall not apply to a governmental entity or public utility company.

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(h) Limited legacy exception. Subsections (a), (b), (c), and (d)(1) shall not apply to legacy towers or stealth towers authorized by a specific ordinance of the City Council adopted prior to enactment of this section.

(i) Penalty. Any person violating or failing to comply with any of the provisions of this section shall, upon conviction, be fined not less than $500.00 or more than $2,000.00, and each day any violation or non-compliance continues shall constitute a separate and distinct offense.

SECTION 3: The Zoning Code, Chapter 140, Article VII – Supplemental Regulations, of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add "Telecommunications Tower" and "Stealth Telecommunications Tower" to the listing of "Utility and Service Uses" contained in Section 140-81 – "Legend for interpreting schedule of use".

SECTION 4: The Zoning Code, Chapter 140, Article V – Special District Designations, section 140-108, "Planned development", subsection (b) "Application procedures", sub-subsection (b)(1) "Proposed uses", of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add a concluding sentence as follows (additional sentence in underscore and boldface):

(1) Proposed uses. An application for a PD district shall specify and describe the category or type of use or the combination of uses proposed. Permitted uses under PD zoning shall be specified in each PD ordinance. If such ordinance specifies permitted uses by references to a zoning district, the permitted uses shall include those uses permitted in the referenced district, including those permitted through the cumulative provision of this chapter. **If an application for a PD district specifies a tower or stealth tower, regardless of whether such use is a permitted use in the referenced district, a separate application in compliance with the provisions of section 140-178 shall also be required.**

SECTION 5: In the event a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION 6: Except as provided herein, in the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control; provided, however, that all ordinances or parts of ordinances authorizing towers or stealth towers prior to enactment of this Ordinance shall control and remain in full force and effect except as provided or augmented in the "limited legacy exception" set out in Section 140-182 (f) of the Code of Ordinances.

SECTION 7: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 8: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

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SECTION 9: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:36p.m.

Attachment: 2024-021 ORD Cell Towers signed (4173 : 2024-021 ORD Cell Towers)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 3/22/2024 9:30 AM

Lead Department: Building Code Administration **Action Officer:** Mashell Daniel,

Subject: Ordinance No. 2024-028 amending the Zoning Code, Chapter 140, Article V - Special District Regulations, Section 140-111, "UPDD University Planned Development District", by amending subsections 140-111(e) and 140-111(h) to provide for "wayfinding guides" applicable for educational institutions.

Briefing: 3/25/2024 **Public Hearing:** 3/25/2024 **Council Vote:** 3/25/2024

Item Schedule

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

Updates/History of Briefing:

N/A

Executive Summary and Background Information:

Texas A&M University – Texarkana has requested to allow the use of way-finding banners to existing street light poles along University Drive on each side of their main entrance. These way-finding guides are defined as a network of signs, minimal in number, installed and maintained by educational institutions to which the Texas Education Code applies, which guide the traveling public to said institution.

In order to receive approval, the University will have to submit signage locations, details of the proposed design and graphics, an updated site plan, and written permission from the pole owner in which the way-finding guides will be placed. When all documents are sufficient, the UPDD Committee will review the request through the site plan approval process.

Potential Options:

Approve or deny

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

Recommendation for approval

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

March 4, 2024

Attachments

a. 2024-028 ORD Wayfinding UPDD v2 (DOCX)
b. 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (DOCX)
c. 2024-028 ATTH 02 UPDD w-wayfinding revised [short detail] (DOCX)
d. 2024-028 ATTH 03 TAMU-T Banner Examples (PDF)
e. 2024-028 Goals & Perspectives (DOCX)
f. 2024-028 ORD Wayfinding guide in UPDD signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	03/06/2024 2:34 PM
City Attorney	Jeffery C. Lewis	Department Head Review	Completed	03/06/2024 3:14 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	03/06/2024 3:18 PM
City Manager	David Orr	Reviewer	Completed	03/07/2024 10:35 AM
City Manager	David Orr	City Manager Review	Completed	03/07/2024 10:35 AM
City Council	Jennifer Evans	Meeting	Completed	03/11/2024 6:00 PM

Meeting History

03/11/24	City Council	MOVED FORWARD	Next: 03/25/24

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ORDINANCE NO. 2024-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING CODE, CHAPTER 140, ARTICLE V – SPECIAL DISTRICT REGULATIONS, SECTION 140-111, "UPDD UNIVERSITY PLANNED DEVELOPMENT DISTRICT", OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING SUBSECTIONS 140-111(e) AND 140-111(h) TO PROVIDE FOR "WAYFINDING GUIDES" APPLICABLE TO EDUCATIONAL INSTITUTIONS; CONTAINING SEVERABILITY AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, Texas A & M University – Texarkana has requested authorization to install and maintain wayfinding guides at the entrance of the campus located in the University Planned Development District at University Drive; and

WHEREAS, wayfinding guide signs have been described as a systematic network of directional signs installed and maintained by a city to guide the traveling public to major civic, cultural, visitor, and recreational destinations within a specified region with the minimum number of signs; the goal of such a system should be to call out and promote a region's most prominent features and assets, but only as required to serve visitor guidance **[***source***:** TxDOT Guidelines for Wayfinding Guide Signing, v. 6/2007]; and many educational institutions use wayfinding guide signs to direct the traveling public to said institution and to enhance campus aesthetics; and

WHEREAS, the Texas Education Code, referencing "educational institutions", generally provides that "[t]his code applies to all educational institutions supported in whole or in part by state tax funds unless specifically excluded by this code" [Tex. Educ. Code Sec. 1.001(a)]; and

WHEREAS, during the regular meeting of the Planning & Zoning Commission on March 4, 2024, the Commission unanimously recommended approval of this ordinance, revising the Zoning Code to authorize wayfinding guide signs for educational institutions in the University Planned Development District; and

WHEREAS, the City Council finds and determines that this ordinance: furthers state and local policy for citizens' access to educational institutions; provides for an administrative process specific to the request of wayfinding guides; is necessary to preserve the good government, order, and security of the municipality and its inhabitants; and is in the best interests of the citizens of the City of Texarkana, Texas.

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

SECTION 1: The Zoning Code, Chapter 140, Article V, Special District Regulations, Section

Attachment: 2024-028 ORD Wayfinding UPDD v2 [Revision 1] (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

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140-111, "UPDD University Planned Development District", is hereby amended to provide for "Wayfinding guides" applicable to educational institutions, as follows:

A. The following definition is added to subsection (h):

> *Wayfinding guides* means a network of signs, minimal in number, installed and maintained by an educational institution to which the Texas Education Code applies, utilized as a traffic control device in off-street or access areas, whose primary purpose is to direct traffic to said institution.

B. The heading to subsection (e) is amended as follows (additions underscored):

> (e) Building and site design.

C. Item nos. 3, 4, and 5 of subsection (e)(6), "Sign regulations (excludes Single-Family Residential)", sub-part c, "Location", are amended as follows (additions underscored, deletions strikethrough):

> 3. Excepting Wayfinding guides, s~~S~~igns shall not be inside a ROW; ~~and~~
> 4. Signs can be located within a city utility easement, but any repairs or damage incurred ~~occurred~~ to signage due to utilities will be at owner's expense; and
> 5. Wayfinding guides shall only be allowed within 1,000 feet each direction from the street entrance/entrances to the educational institution site; and such guides can be attached to existing street light poles (provided, however, if a pole is not city-owned, written permission from the pole owner shall be a prerequisite to the site plan submittal).

D. Subsection (e)(6)d.2.(ii) is amended as follows (additions underscored):

> (ii) Banners (exception: Wayfinding guides)

E. Subsection (e)(8)b.3(iv) is amended as follows (additions underscored):

> (iv) Signage location and detail (including, for Wayfinding guides, proposed design and graphics);

F. Subsection (e)(8)b is amended to add item no. 7, as follows:

> 7. Changes to an approved site plan shall adhere to the same process as required by this section.

SECTION 2: In the event a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair

Attachment: 2024-028 ORD Wayfinding UPDD v2 [Revision 1] (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

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or invalidate the remainder of this Ordinance.

SECTION 3: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 4: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 5: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

SECTION 6: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-028 ORD Wayfinding UPDD v2 [Revision 1] (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

Sec. 140-111. UPDD University Planned Development District.

(a) *Purpose of district.* The purpose of this district is to provide appropriate design standards for the development of properties within the UPDD University Planned Development District boundary. These standards recognize and support the area's unique development character and significance of the university as a primary source for development in this subject area. This article's purpose and vision are paraphrased below in the goals of the district.

(b) *Goals of the district.*

(1) *Land use.*

a. Provide for a more compact and integrated mix of land uses and densities that will encourage economic vitality, maintain and embrace the integrity of the existing single-family neighborhoods, efficient use of land and city services and a strong sense of community.

b. Provide a greater variety of housing to accommodate a broad range of student and family demand, including both more urban style housing within walking distance of campus amenities and to integrate and complement the existing, single-family housing within the UPDD.

c. Retail areas should be designed to be pedestrian-oriented and be integrated with neighboring residential and commercial areas. This could be created through a mixed-use project that serves as a transition from retail to its surroundings, by the inclusion of walkways, roadways, trails and other means of access.

d. Strengthen the university's position as the cultural heart of the district by encouraging retail, restaurant and residential uses with development standards designed to enhance the district's form, character and function.

(2) *Framework.*

a. Provide University Avenue with landscaping, furnishings and public art to enhance the university lifestyle, and provide the district with cohesive design elements that accommodate vehicular, pedestrian and bicycle traffic.

b. Ensure that the character of both private and public buildings and structures reflects a sense of permanence and public pride through prominent locations and high quality of design, landscaping, materials and construction.

c. Identify and protect sceneries that contribute to the district's character and uniqueness, particularly Bringle Lake.

(3) *Development.*

a. In the mixed-use areas set out in this plan, the site layout for commercial and for loft, townhome and urban housing developments should encourage buildings to be placed close to the roadway, with parking primarily located to the rear or side of buildings.

b. Landscaping must be designed, installed, maintained and replanted to ensure that design objectives and the long-term health of plant materials are achieved.

c. Building facades should be consistent with the overall Texas A&M University-Texarkana (TAMU-T) Campus. The facades of large commercial buildings should be designed and detailed in a manner and scale that minimizes their visual impact on the district.

d. Implement sign standards to minimize visual clutter while providing clear identity and information.

e. Use site design considerations including layout, screening and buffering to minimize negative visual impacts on adjacent properties.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(4) University district design concept (from TAMU-T campus entrance to University Avenue Bridge). Boundary areas (refer to UPDD site map):

a. *Area boundaries.* UPDD development areas are those areas within close proximity to Texas A&M University-Texarkana campus and the University Corridor from Richmond Road to Summerhill Road, as shown in the boundary map on file in the city secretary's office.

b. *Compliance required.* All property within the boundaries of the UPDD shall adhere to the UPDD development standards.

c. *Application to develop inside UPDD.* Upon receipt of a request for building permit or subdivision plat within the designated UPDD development area, the applicant will receive a copy of the UPDD development standards and submittal requirements.

(c) *UPDD zoning districts established.* The UPDD is hereby divided into nine zoning districts. The use, height and area regulations as set out herein are uniform throughout each district. The boundaries of the zoning districts set out herein are delineated by the zoning district map of the UPDD on file in the city secretary's office. The nine districts established herein shall be known as:

(1) Texas A&M University-Texarkana Campus.

(2) Reserved.

(3) Retail and Mixed Uses.

Additional Retail and Mixed Uses.

(4) Bringle Lake and park.

(5) Single-Family Residential.

(6) Mixed-Use Residential.

(7) Office and Residential Uses.

(8) Richmond Road Mixed-Use Development.

(9) Summerhill Road Retail Development.

(10) Future district expansion.

(d) *Use regulations.* A church or chapel is allowed in all areas.

(1) Texas A&M University-Texarkana Campus:

a. Office use;

b. Educational buildings;

c. Public schools;

d. Food services;

e. High density university housing;

f. Parking garages;

g. Sporting event centers; and

h. College or university.

(2) Reserved.

(3) Retail and Mixed Uses:

a. School, public;

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

b. Bank, credit union, or financial services;

c. Food and beverage store (no package stores);

d. Restaurant or eateries (no drive-thru service allowed east of bridge) roof top/patio/outside seating allowed (only along Bringle Lake frontage);

e. Office use;

f. Mixed uses with ground floor retail, personal services and/or offices, upper floor condominiums;

g. Brownstone condominiums;

h. Department stores;

i. Dry cleaner stores with cleaning facilities outside the UPDD;

j. Civic, cultural, and community facilities;

k. Medical clinic;

l. Coffee, bakery or confectionary shop;

m. Retail and shops under 10,000 square feet of gross leasable floor area; and

n. Single-family homes (site-built homes, not modular or industrial/manufactured homes).

(4) Additional Retail and Mixed Uses:

a. Hotels;

b. Apartments, townhomes;

c. University housing;

d. Restaurant or eateries (drive thru service allowed east of bridge);

e. Parking garages;

f. Drug store or pharmacy; and

g. Cinema/theatre.

(5) Bringle Lake and Park:

a. Nature and walking/mountain biking trails;

b. Park pavilions and picnic areas;

c. Playgrounds;

d. Boat ramps; and

e. Park buildings (including restrooms, maintenance and offices).

(6) Single-Family Residential: Single-family homes (one unit per lot, only site-built homes no modular or industrial/manufactured homes).

(7) Mixed Use Residential (no apartments, townhomes or duplexes allowed):

a. Brownstone townhome/condominiums; and

b. Single-family homes (one unit per lot, only site-built homes no modular or industrial/manufactured homes).

(8) Office and Residential Uses:

a. Office use;

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

b. Single-family homes (one unit per lot, only site-built homes no modular or industrial/manufactured homes); and

c. Brownstone townhomes/condominiums.

(9) Additional Retail and Mixed Use:

a. Special event venue; and

b. Bed and breakfast inn.

(10) Richmond Road Mixed Use Development: All that is allowed in Retail and Mixed-Use, plus:

a. Fast food eateries;

b. Gas stations;

c. Townhomes (no duplexes, triplexes or apartments);

d. Day care facility;

e. Neighborhood health center;

f. Landscape maintenance business with outdoor display sales and equipment;

g. Application of permanent cosmetics;

h. Mini-warehouse development with retail and/or office uses fronting on Richmond Road, University Avenue, Kings Highway or Pleasant Grove Road;

i. Garden shop and plant sales;

j. Veterinarian (office only);

k. Barber and beauty shop; and

l. Day spa.

(11) Summerhill Road Retail Development (all that is allowed in Mixed Use Residential), plus:

a. Food and beverage store (no package store);

b. Fast food eateries;

c. Gas stations;

d. Offices;

e. Retail stores;

f. Dry cleaners; and

g. Coffee, bakery or confectionary shop.

(12) Future Development (golf course and Bringle Lake Park property):

a. Golf course;

b. Golf course amenities;

c. Golf course clubhouse with restaurant and bar;

d. Golf course clubhouse gift shop; and

e. Park green space.

(e) *Building and site design.*

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(1) *Height regulations (see University District map).* In the following zoning districts, the maximum height of buildings and structures shall be:

a. Texas A&M University-Texarkana Campus—No height restriction.

b. (Removed from district).

c. Retail and Mixed Uses—Three stories (35-foot maximum) six stories.

d. Additional Retail and Mixed Uses.

e. Bringle Lake and Park—2½ stories (35-foot maximum).

f. Single-family Residential—2½ stories (35-foot maximum).

g. Mixed Use Residential—3½ stories (40-foot maximum).

h. Office and Residential Uses—2½ stories (35-foot maximum).

i. Richmond Road Mixed Use Development—3½ stories (40-foot maximum).

j. Summerhill Road Retail Development—2½ stories (35-foot maximum).

k. Future Development—2½ stories (35-foot maximum).

(2) *Architectural style requirements; applicability.* All structures/buildings with the exception of Single-Family Residential within the district shall comply with the standards in this section.

a. *Exterior building material requirements; masonry requirement*. One hundred percent of the exterior of all buildings (excluding doors and windows) shall be finished in one or more of the following materials:

1. Brick, stone, cast stone, rock, marble and/or granite shall be used in at least 50 percent of exterior walls of the building.

2. Exterior Insulating Finishing System (E1FS) shall not exceed 30 percent of any exterior wall of the building, nor be located in the first ten feet of the structure.

3. Glass with less than 20 percent reflectance. However, only a maximum of 30 percent of a building facade may be constructed in glass. Buildings over three stories will be allowed to increase glass surface with UPDD site plan approval.

4. Poured-in-place concrete and tilt-wall concrete shall have an integrated color and be textured or patterned. Tilt-wall concrete structures shall include reveals, punch-outs, or other similar surface characteristics and adornments to enhance the facade on at least ten percent of each facade.

5. Wood and concrete board, such as Hardy Plank or other similar material, properly installed may be allowed up to 30 percent of a facade, excluding all windows, doors and glass construction materials.

6. Established chain restaurants and national retailers with specific tradedress designs will be allowed with UPDD site plan approval.

b. *Architectural features.* The facades of all primary commercial and multifamily structures which face a street shall include the following key architectural features:

1. Classical architectural elements, such as a distinct base, wall, columns and cornice or top.

2. The use of covered walkways, architectural awnings, canopies or porticos is required along the primary facade.

3. Windows, which may include see-through doors, shall be provided along all facades which face streets.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

4. TAMU-T University is the focal point of the district and designs shall enhance or complement the overall architectural features of the campus.

c. *Roofs.*

1. Roofline variations are required to reduce the visual scale of buildings and to create additional interest. The roofs of nonresidential and multifamily residential buildings shall include:

(i) Parapet walls that conceal flat roofs and rooftop equipment from public view at adjacent public streets. Parapet walls shall vary in height and will include architectural detailing, cornices, moldings, trims, variations in brick coursing and/or other similar type detailing.

(ii) Or at least two of the following elements:

A. Overhanging eaves, extending no less than 18 inches past the supporting walls.

B. Two or more roof slope planes.

C. Sloped roofs shall be finished with tile, 30-year or better deep profile composite shingle, metal shingles, slate shingles or standing seam metal. UPDD site plan approval is required for material color.

D. Roof top patios.

2. Single-family residential buildings shall have sloped roofs.

3. Brownstone townhomes shall have sloped roofs on 75 percent of the building.

d. *Color.* All commercial and multifamily buildings shall comply with the standards in this section.

1. Exterior colors shall be low reflectance, subtle, neutral, earth tone or colors compatible with the surrounding area. Some color recommendations are neutral or earth tones such as beige, brown, white, earthy greens and yellows or colors matching with the university, such as a muted red brick.

2. The use of high intensity, primary or fluorescent colors is prohibited.

3. Established chain restaurants with specific tradedress colors will be allowed with UPDD site plan approval.

e. *Retaining walls; visible.*

1. Retaining wall blocks and designs shall consist of the same materials as the building facade. Keystone or gravity stone may also be used in a color palette consistent to the color palette of the facade.

2. Retaining wall blocks and designs are required to be detailed in the site plan approval process.

3. Nonvisible. Alternate materials must be approved by the UPDD.

(3) *Site design.*

a. Building placement and site orientation (except Single-Family Residential).

1. Minimum setbacks from property lines adjacent to University Avenue:

(i) Fifteen-foot front yard setbacks;

(ii) Ten-foot side yard setbacks;

(iii) Fifteen-foot rear yard setback.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

2. Minimum setbacks from property lines not adjacent to University Avenue:

    (i) Fifteen-foot front yard setbacks;

    (ii) Five-foot side yard setbacks;

    (iii) Five-foot rear yard setback.

3. Minimum setbacks from property lines adjacent to Bringle Lake:

    (i) Fifteen-foot front yard setbacks (facing university);

    (ii) Ten-foot side yard setbacks;

    (iii) Zero-foot rear setback for deck (lake side);

    (iv) Twenty-foot rear setback for building (lake side).

4. Minimum setbacks from property lines for Brownstone townhome/condominium:

    (i) Fifteen-foot front yard setbacks (facing university).

    (ii) Ten-foot side yard setback from end of building cluster. No side yard setback is required between attached buildings.

    (iii) Five-foot rear yard setback.

    (iv) A brownstone condominium shall not contain more than eight dwelling units and shall not exceed 200 feet in length.

5. Buildings not adjacent to the lake should be located as close as possible to the front property line to improve the overall appearance from adjacent streets and provide a strong building wall on either side of street.

6. Site layouts on individual lots shall be developed in such a manner that pedestrian connections between buildings both on that lot and between lots within the overall district can be achieved.

7. Residential parking areas shall be placed at the side or rear of buildings adjacent to University Avenue to improve the overall appearance from the streets.

b. *Single-family residential building placement and site orientation.*

1. Minimum setbacks from property lines adjacent to University Avenue:

    (i) Twenty-five foot front yard setbacks;

    (ii) Eight-foot side yard setbacks;

    (iii) Ten-foot rear yard setback.

2. New driveways for Residential Use must provide an on-site turn-around to prevent backing out onto University Avenue.

c. *Accessory uses.*

1. Residential accessory buildings are structures allowed only within a residential dwelling unit. These structures shall be of consistent material and color to the primary structure and located in the rear yard only. Accessory buildings shall not exceed 50 percent of the rear yard. Only one of each type listed below is allowed per lot:

    (i) Storage building or shed;

    (ii) Free standing garage;

    (iii) Workshops;

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(iv) Gazebos; and

(v) Pool house.

2. Commercial accessory buildings shall be of the same material and color of the primary structure.

d. *Lot regulations.* The following table provides information on lot regulations:

Dwelling Type	Minimum Lot Area Per Dwelling Unit (S.F.)	Minimum Lot Width (Feet)	Minimum Lot Depth (Feet)	Lot Coverage
Single-family	12,000	90	100	40%
Duplex	5,000	70	100	40%
Triplex	3,000	70	100	40%
Fourplex	2,500	70	100	50%
Townhouses	1,600	16	100	60%
Apartments/condominiums	1,800	60	100	60%
Mixed use lofts	1,000	n/a	n/a	60%
Dorms	550	n/a	n/a	60%
Nonresidential	n/a	n/a	n/a	50%

e. *Parking regulations.*

1. *Parking space requirements.* It is the intent of the district to be a pedestrian friendly community. In the event of a UPDD parking garage, parking minimums may be decreased. Credit can be given for bike racks. The following table provides parking requirements per building use:

Building Use	Parking Requirements
Hotel	One space per guestroom, one space per employee per shift, one space per three seats in meeting room, (plus restaurant requirements)
Restaurant	One space per three seats, one space per employee per shift
Retail	One space per 200 square feet
Single-Family Residential	Two spaces per unit
Multiple-Family Residential	One space per bedroom, one designated visitor space per four units
Brownstone Townhome/ Condominium	Two spaces per unit, one designated visitor space per six units
QSR-Quick Service Restaurants	One space per 100 square feet

2. *Parking layout and access requirements.*

(i) No on-street parking will be allowed on University Avenue.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(ii) No parking in grass, yard or landscaped areas.

(iii) No parking spaces shall be located in front of multiple-family residential units.

(iv) Parking space sizes shall be 180 square feet. Two-foot overhangs are allowed where a minimum five-foot sidewalk is provided or additional green space.

(v) Compact car off-street parking spaces may account for up to ten percent of the required parking spaces, provided the spaces are permanently designated by signs as being for use by compact cars only. All compact car parking spaces shall be a minimum eight feet in width and a minimum of 16 feet in depth.

(vi) All parking areas shall provide a drive aisle connection to adjoining properties for cross access. Pedestrian connections shall also connect to adjoining properties.

(vii) Three public pedestrian access points will be required from University Avenue to the lakefront boardwalk. These points are subject to development location and access shall be required. Maintenance of these boardwalk connections located off of private property will be the city's responsibility.

(viii) Required stacking space for drive-through aisles shall be a minimum of three vehicles and shall not block parking drive aisles or passageways. Stacking space shall not impair the streetscape of University Avenue.

(ix) Parking areas and driveways shall be concrete with curb and gutter. However, the utilization of other paving materials not immediately adjacent to University Avenue is allowable with UPDD approval.

(x) In areas where sidewalk is not provided adjacent to University Avenue, continuous ten-foot wide concrete sidewalks shall be placed along the entire property frontage.

(xi) Installation of bicycle racks and seating benches are encouraged to accommodate pedestrian and bicycle traffic. Installation of bicycle racks and seating benches will offset parking space 1:1 for bicycle racks and 2:1 for seating benches up to a total of two parking spaces.

3. *Parking garage requirement.*

(i) Parking spaces for restaurants and businesses may meet requirements by using assigned parking garage spaces.

(ii) Parking deck shall conform to architectural style requirements of the UPDD.

(iii) UPDD lighting requirements must be followed, including LED interior lighting or approved equivalent for parking areas.

(iv) It is encouraged that the structure be mixed use with retail space available on the ground level.

f. *Site drainage*.

1. All parking lot runoff shall be directed to sanitary sewer. Any collection of drainage shall be filtered of hydrocarbons before leaving the site. Proper maintenance of the filtration is the responsibility of the property owner.

2. Lakefront properties may be allowed to direct runoff towards Bringle Lake. Any discharge towards the lake shall be filtered of hydrocarbons, debris and harmful chemicals to fish and wildlife. Proper maintenance of the filtration is the responsibility of the property owner.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

3. All drainage calculations, sizing and reporting to city engineers shall follow the city drainage ordinance with exceptions as noted in the UPDD.

4. All stormwater pollution prevention shall be in accordance with the city MS4 permit.

(4) Landscaping, fencing and screening requirements.

a. A landscaping plan, including planting and irrigation details, shall be submitted in conjunction with the site plan review process. The landscape plan can either be a separate print or be included on the required site plan print. Minimum information required on the landscape plan shall include:

1. Locations of existing boundary lines, dimensions of the lot or property, proposed and existing utility easements on or adjacent to the lot and location of overhead power lines and any underground utilities.

2. The location of the proposed water faucets or a note indicating the installation of the irrigation system covering the entire lot.

3. A plant schedule listing the botanical and/or common names of all plants and the size of plant material, date, scale, north arrow, name and phone number.

b. Landscaping shall be required on all developments (except Single-Family Residential) and shall be completed prior to the issuance of the certificate of occupancy.

c. Tree preservation.

1. The preservation of existing trees is encouraged throughout the district. No tree over 12 inches caliper shall be removed in the district without a UPDD approved site plan.

2. All site plans shall be submitted with a tree survey showing location, size, and type of all trees greater than 12 inches in diameter. Additionally, it shall be indicated on all site plans if these trees are to be retained or removed.

3. Preservation of trees over 12 inches caliper shall be given landscaping credits:

(i) Twelve inches to 18 inches equals ten points.

(ii) Eighteen inches to 24 inches equals 15 points.

(iii) Twenty-four inches and larger equals 20 points.

d. Every site adjacent to University Avenue shall include a 15 foot buffer strip, landscaped and irrigated. The landscape buffer shall consist of trees, shrubs, groundcover, berms and related elements as specified below. All sidewalks shall be a minimum of four feet in width.

1. One three-inch caliper or greater deciduous shade tree per 75 feet of linear frontage along University Avenue. Large shade trees:

(i) Red maple (not silver maple);

(ii) White oak;

(iii) Red oak;

(iv) Shumard oak;

(v) Pin oak;

(vi) Additional selections must have UPDD approval.

2. A landscape screen with a minimum height of 18 inches and a maximum height of 36 inches (as measured from the finished grade of the parking area) shall be provided in locations where the landscape buffer separates a surface parking area from University

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

Avenue. Landscape screens can be achieved through a combination of the following methods:

(i) Shrubbery hedges forming a continuous living screen not to exceed 36 inches in height. Shrubs shall be one or a combination of the following:

A. Yaupons;

B. Boxwoods;

C. Roses;

D. Yews;

E. Additional selections must have UPDD approval.

(ii) Earthen berms not to exceed 24 inches in height shall be allowed in conjunction with small planting on top of the berm.

(iii) Any landscaping shall conform to the required visibility triangles.

e. Every site adjacent to the Bringle Lake Wilderness Area, regardless of zoning use shall include a 15-foot buffer strip, landscaped and irrigated. The landscape buffer shall consist of trees, shrubs, groundcover, berms and related elements as specified in subsection (e)d. of this section.

f. A ten-foot tree landscape buffer and fencing as noted in subsection (e)5e. of this section. Screening and fencing requirements is required covering 70 percent of the buffer area with trees along the property line between area 5 and area 7 as shown on the UPDD map and shall also include the southern boundary of zone 8 and the southwestern boundary of zone 8 along the Briarwood Circle neighborhood through Parcel 6005.

g. Parking lot landscaping. Landscaped areas in a parking lot shall be contained within the parking area, based on the standards below:

1. One two-inch caliper tree and six shrubs shall be planted for each 12 parking spaces.

2. All new trees within a parking lot shall be planted in a landscaped island of at least 150 square feet and have a minimum dimension of 8½ feet, (e.g., 8.5 feet by 18 feet). However, up to 20 percent of the required trees may be planted in islands of at least 25 square feet and have a minimum dimension of five feet.

h. Remaining site landscaping. (Points will be allowed for landscaping in the ROW.)

1. In addition to the above requirements, landscape plans must earn a minimum of 100 points by using some or all of the required electives listed below in a project:

(i) Irrigation system—20 points.

(ii) Drought tolerant vegetation (50 square feet/minimum)—Ten points (maximum 20 points).

(iii) Grass/groundcover (50 square feet/minimum)—Ten points (maximum 20 points).

(iv) Small tree (each, see plant list)—Five points.

(v) Large tree (each, see plant list)—Ten points.

(vi) Planter box (each)—Five points (maximum ten points).

(vii) Landscape entry/exit (annuals)—Ten points (maximum 20 points).

(viii) Landscape around signage—Ten points.

(ix) Foundation planting—Ten points/facade side (maximum 20 points).

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

i. All required landscaping shall be maintained in a neat and orderly manner at all times. This shall include mowing, edging, pruning or trimming, fertilizing, weeding, watering and other such activities common to the maintenance of landscaping. Plant materials which die shall be replaced with plant material of similar variety and size within 30 days, weather permitting.

j. No permits shall be issued for building, paving, grading or construction until a qualifying landscape plan is submitted. In the event that the proposed project is in a planned development district, a landscape plan is required as part of the site plan approval process by the city council.

k. Prior to the issuance of a certificate of occupancy for any building or structure all landscaping requirements shall be in place. If the building official determines that it would be impractical to plant trees, shrubs, grass or to lay turf, due to the season of the year, a temporary certificate of occupancy may be issued. All landscaping required by the landscaping plan must be installed within six months of the date of the issuance of the certificate of occupancy or penalties shall be applied.

l. Plant list. (Suggested, but other plants can be approved if plant zone requirements are met according to the temperature ranges of the Texarkana area):

Large Trees — 30 - 60 feet	
Oaks-Pin, Shumard, Red, White, Post, Live, Black, etc.	Quercus species
Pine-Loblolly	Pinus taeda
Ash	Fraxinus species
Maple Red (No Silver Maples)	Acer species
Bald Cypress	Taxodium distichum
Birches-River, Paper	Betula species
Elms-American, Cedar, Lacebark, Winged	Ulmus species
Southern Magnolia	Magnolia grandiflora
Pistache	Pistacia chinensis
Small (Accent) Trees — 10 - 20 feet	
Redbud	Ceris canadensis
Crape Myrtle (any species)	Lagerstroemia indica
Crab Apple	Malus angustifloia
Hollies-Foster, Nellie R. Stevens, Savannah	Ilex species
Loquat	Eriobotrya japonica
Magnolias-Jane, Little Gem, Saucer, Star, Sweet Bay, Tulip	Magnolia species
Redbuds-Chinese, Eastern, Mexican, Oklahoma, Texas	Cercis species
Vitex	Vitex agnus-castus
Wax Myrtle	Myrica cerifera
Japanese Maple	Acer palmatum
Dogwood	Cornus Florida
(Bradford Pears not recommended for this district)	
Shrubs — 3 - 8 feet	
Dwarf Crape Myrtle	Lagerstroemia indica nana
Yaupon Holly	Ilex vomitoria
Dwarf Yaupon Holly	Ilex vomitoria "Nana"

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

Foster Holly	Ilex fosteri
Elaeagnus	Elaeagnus species
Fraser's Photinia	Photinia Fraseri
Abelia	Abelia grandiflora
Azaleas	Rhododendron species
Barberries-Crimson, Pigmy, Golden, Rose Glow, Wintergreen	Berberis species
Boxwoods-Harland, Japanese Wintergreen	Buxus species
Cleyera	Ternstroemia gymnanthera
Hollies-Dwarf Burford, Dwarf Chinese Carissa, Helleri	Ilex species
Nandinas-Dwarf, Fire Power, Gulf Stream, Harbour Dwarf	Nandina domestica species
Pittosporum	Pittosporum tobira
Sasanquas	Camelia sasanqua species
Spiraea	Spiraea japonica
Yews	Taxus species
Loropetalum Ruby	Loropetalum Chinese var. rubrum

(5) *Screening and fencing requirements (excludes Single-Family Residential).*

a. *Screening of mechanical equipment.*

1. Properties that may be viewed from residential uses, streets, lakefront or public park areas shall screen all roof, ground and wall-mounted mechanical equipment (compressors, duct work, transformers, meters, elevator equipment, etc.) from view at ground level on adjacent properties or public streets or parks.

2. Roof-mounted mechanical equipment shall be shielded from view on four sides; use of dog-house screening is prohibited. Screening shall consist of materials consistent with the primary building materials, and may include metal screening or louvers that are painted to blend with the primary building.

3. Screening shall result in the mechanical equipment blending in with the primary building, and not appearing separate from the building,

4. Wall or ground-mounted equipment screening shall be constructed of:

(i) Planting screens.

(ii) Brick, stone or other similar masonry materials.

(iii) Redwood or cedar pressure treated wood.

(iv) All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

(v) A combination of the above.

b. *Screening of outside storage.*

1. Outside storage shall be located on the side or rear of the primary building and shall be screened from public view on streets, lakefront or park areas.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

2. Outside storage shall be screened with a minimum seven foot tall screen or a screen that is a minimum of one foot above the top of the storage materials, whichever is taller. Screening shall be:

    (i) A masonry wall or other material that is similar to the primary structure.

    (ii) A berm.

    (iii) A planting enclosure of large evergreen shrubs planted a maximum of four feet apart that shall create a solid screen to a minimum height of seven feet within two years as determined by a registered landscape architect, certified nurseryman or master gardener.

    (iv) A combination of the above.

3. Outside storage for a landscape maintenance business shall be screened with an eight-foot fence with construction materials of brick or stone columns (maximum of 20 feet between columns) and a wooden fence stained or painted to compliment the business. Gates for access to the area will match fence materials.

c. *Screening of waste containers.*

1. Waste containers shall consist of the following:

    (i) Dumpsters.

    (ii) Compactors.

    (iii) Grease storage.

    (iv) Recycling containers.

    (v) Composting areas.

    (vi) Cardboard storage.

    (vii) Crates/pallets.

2. Waste containers shall be located on the side or rear of the building and screened from public view on streets, lakefront or public park areas.

3. Waste containers shall be located outside of the required building setback areas:

    (i) When adjacent to residentially zoned property, the waste container must be located at least 50 feet away from residential property lines.

    (ii) When adjacent to the lakefront, the waste container must be located at least 50 feet away from the northern property line.

4. Waste containers shall be screened on four sides, using an enclosure that is seven feet tall or of a height that is a minimum of one foot above the top of the dumpster, whichever is taller.

    (i) Screening materials shall match the primary masonry structure exterior.

    (ii) Gates shall be solid and painted to match the primary structure. Gate materials shall consist of metal, redwood or cedar pressure treated wood. All fence posts shall be rust-protected metal, concrete-based masonry or concrete pillars.

5. Any drainage runoff occurring from dumpster shall be incorporated with overall drainage plan and filtered of pollutants.

d. *Screening of loading and service areas.*

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

1. Loading and service areas shall be located at the side or rear of buildings. Exception: Lakefront developments shall not have loading docks adjacent to the lake.
2. Loading areas shall be screened from view of any residential uses, streets, lakefront or public park areas.
3. Loading areas shall be enclosed on three sides by a wall not less than eight feet in height.
4. Loading areas shall not be located closer than 50 feet to any single-family lot, unless wholly within an enclosed building.
5. Screening materials shall be comprised of a wall that has a similar finish and material to the primary structure.

e. *Fencing.*

1. Fencing shall be required whenever a nonresidential development abuts to a single-family and multiple-family residential area. Multiple-family residential areas shall be fenced if adjacent to a single-family residential area. Fencing shall be required when the property is developed and shall be maintained by the property owner.
2. Fencing shall create a solid visual barrier.
3. Fencing materials shall be limited to the following or a combination of the following: stone, brick, decorative spit faced block masonry, decorative concrete or other masonry materials.
4. To create a consistent fence line, fencing along that line, shall be similar in material, pattern and design.
5. Fences shall be a minimum of seven feet in height, measured from ground level.
6. Fencing shall not block drainage and shall leave a two-inch space between the ground and the fence. Should drainage require additional spacing, sufficient drainage plans and fence elevations must be provided with UPDD site plan approval.

f. *Retaining walls*. See subsection (e)(2) of this section, architectural style requirements.

(6) *Sign regulations (excludes Single-Family Residential).*

a. *Monument signage.* A permanent ground sign fully supported by the base without the use of poles as the primary support that is constructed out of brick, stone, concrete or similar materials that complement the architecture of the primary structure, across the entire base of the structure.

Building Use	Maximum Height (Feet)	Maximum Copy Area (square feet)	Maximum Total Area (including copy area square feet)	Number of Signs	Minimum Spacing (feet)
Commercial, Restaurant, Office or Retail	6	60	90	One per street frontage	60
Apartments or High-Density Residential	6	30	45	One per street frontage	60

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

Multitenant Mixed Use Development, three tenants or less	8	80	110	One per street frontage	60
Multitenant Mixed Use Development, four tenants or more	10	120	150	One per street frontage	100
Directional	2.5	8	n/a	One per drive	n/a

b. *Lighting.*

1. Sign shall be internally lit or lit by the use of ground lighting incorporated with landscaping (no flood lighting);
2. No neon lighting;
3. No electronic or changeable messaging; and
4. Exception: each entrance into the UPDD will be allowed one electronic or changeable message sign. This sign will have joint use of the district for advertising purposes.

c. *Location.*

1. Signs must be located within 30 feet of ROW;
2. Signs shall not block sight distances;
3. Excepting Wayfinding guides, signs shall not be inside a ROW; ~~and~~
4. Signs can be located within a city utility easement, but any repairs or damage incurred ~~occurred~~ to signage due to utilities will be at owner's expense; and
5. Wayfinding guides shall only be allowed within 1,000 feet each direction from the street entrance/entrances to the educational institution site; and such guides can be attached to existing street light poles (provided, however, if a pole is not city-owned, written permission from the pole owner shall be a prerequisite to the site plan submittal).

d. *Business name.* Name of business and main address must be located on a single tenant sign.

1. *Wall signage*. Signs should be located and attached to the exterior of a building.
   (i) Attached signs shall not extend above the roof or parapet wall;
   (ii) Wall signs shall not exceed 150 square feet per wall facade. An additional ten square feet of signage will be allowed per 20 feet in building height over 35 feet in height;
   (iii) Lake front signage shall be limited to 30 square feet in area; and
   (iv) Individual letter height shall not exceed six feet.
2. *Prohibited signs.* The following are signs not allowed in district:
   (i) Off-premises advertising signs;
   (ii) Banners (exception: Wayfinding guides);
   (iii) Flags (does not include TAMU-T flags, state or United States of America flags);
   (iv) Inflatable objects;

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(v) 3-D imaging;

(vi) Streamers or balloons;

(vii) Coroplast, stake or placards;

(viii) Flashing or arrow signs;

(ix) A-frame or sandwich boards;

(x) Writing on windows;

(xi) Exception: on-campus signage is not regulated.

(7) *Lighting (excludes Single-Family Residential).* The intent of the lighting is to enhance amenities, promote safety and encourage dark skies. In an effort to promote dark skies, excess lighting can be limited by the UPDD.

a. The following standards shall apply to all outdoor lighting:

1. The use of LIED lighting or approved equivalent is required for all outside fixtures in the UPDD;

2. Structures of pole lighting shall match or complement the street light pole design;

3. Lighting for parking light poles shall have a maximum of 20 feet;

4. No flood lighting will be allowed;

5. Ground lighting or up lighting can be used along parking lots, screening and landscaping areas;

6. Christmas outdoor lighting will be consistent for the overall UPDD with the same signage restrictions as section 6;

7. Outdoor lighting shall be hooded, shielded, and aimed downward as shown in the images below, including doorway lighting;

8. The hood or shield shall mask the direct horizontal surface of the light source. The light shall be aimed to ensure that the illumination is only pointing downward onto the ground surface;

9. All outdoor lighting fixtures shall be designed, installed, located and maintained such that all direct illumination is kept within the boundaries of the fixture owner's property;

10. Ground mounted accent lighting for buildings, directed onto the building.

(i) Direct light emissions shall not be visible above the roofline or beyond the building edge.

(ii) All upward aimed light shall be fully shielded, fully confined from projecting into the sky by eaves, roofs or overhangs and all fixtures shall be located as close to the building being illuminated as possible.

(iii) All ground mounted accent fixtures shall be permanently fixed such that they are resistant from tampering or redirection of the light source. Ground mounted spotlights shall not be located in such a way as to have the bulb or lamp visible from a pedestrian or vehicular egress.

11. Pedestrian walkway lighting 12 feet or less in height above the adjacent walkway grade may be permitted. This includes lighting applications such as bollards, light fixtures located in retaining and landscape walls, and lighting fixtures located on or within structures utilized for pedestrian safety, for example, stairwell lighting.

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(8) *Site plan approval process.*

a. The site plan approval process will be a review to assure compliance, by a five-member panel consisting of the director of city planning or zoning, or their designee, the planning and zoning chairperson, the city engineer, or their designee, and two citizens of Ward 5 who reside in the city limits as shown by the member committee zone map (exhibit "D"). The citizen members shall serve no more than one consecutive three-year term. The initial term of one citizen member shall be two years, which citizen member to be determined by lot or chance. Appointment of the citizen members shall be by nomination from the Ward 5 city councilmember then sitting with confirmation by a vote of the city council.

b. Site plan submittal requirements for UPDD.

1. The site plan shall be clearly defined and drawn to an appropriate scale to permit accurate review for compliance with UPDD standards.

2. Two copies of the site plan shall be given not to exceed 24 inches by 36 inches. The site plan shall be drawn on dimensionally stable reproducible sheets and shall be appropriately drafted at an engineering scale of one inch equals 30 inches or larger.

3. The following features, as a minimum, shall be required on all site plans before they will be accepted for review:

(i) Legal description, address, property lines and dimensions;

(ii) Location, sizes and names of adjacent or included streets, alleys, easements and cross connectivity agreements;

(iii) Location, setbacks, dimensions and square footage of existing/proposed buildings, existing/proposed elevations with finished floor elevation;

(iv) Signage location and detail (including, for Wayfinding guides, proposed design and graphics);

(v) Location of buildings on adjoining property within 20 feet of the subject property;

(vi) Location and dimensions of existing/proposed parking spaces, driveways, vehicle maneuvering areas, curb cuts, loading facilities and sight visibility triangle areas;

(vii) Parking calculation table;

(viii) Existing/proposed surfacing, landscape/buffer areas and screening or fencing;

(ix) Location of facilities for refuse disposal with appropriate screening;

(x) Landscape and irrigation plan;

(xi) Lighting plan, including foot candles and areas affected by the lighting;

(xii) Drainage direction and outfall, filtration device, location type and size of drainage facilities (calculations when necessary);

(xiii) Proposed uses, north arrow, graphic scale and date of plan preparation;

(xiv) Floodplain limits, if applicable.

4. Where not stated in the UPDD, all building codes, drainage ordinances, subdivision platting and stormwater MS4 will still apply.

5. If denied, the appeal process for the site plan approval will go to the planning and zoning commission for recommendation to the city council. The city council will make the final

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

decision. If the planning and zoning commission recommends for denial, a percent vote of the city council will be required.

6. To amend this district, a request will be filed with the planning and zoning commission. If the request is recommended by the planning and zoning commission, it will be sent to the city council.

7. Changes to an approved site plan shall adhere to the same process as required by this section.

(f) *Penalty.* Any person violating or failing to comply with any of the provisions of this article shall be fined upon conviction not less than $500.00 or more than $2,000.00, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

(g) *Applicability of other city ordinances.* This article shall take precedence over any other city ordinance governing the matters contained herein. However, any matter not specifically controlled by this article shall continue to be governed by any other city ordinance that may be applicable.

(h) *Definitions.*

Accessory use means a use subordinate to and incidental to the primary use of the main building or to the primary use of the premises.

Apartment means a room or suite of rooms in a multifamily dwelling or apartment house arranged, designed or occupied as a place of residence by a single-family, individual or group of individuals.

Building means any structure built for the support, shelter and enclosure of persons, animals, chattels or movable property of any kind. When subdivided in a manner sufficient to prevent the spread of fire, each portion so subdivided may be deemed a separate building.

City council means the governing body of the city.

Coverage means the percent of a lot or tract covered by the roof or first floor of a building. Roof eaves to the extent of three feet from the walls of a building shall be excluded from coverage computations.

District means a section of the city for which the regulations governing the area, height or use of the land and buildings are uniform.

Dwelling, brownstone townhome condominium, means a specific type of family development consisting of single-family attached units, typically with two to four floors per unit. The exterior facade shall comply with all architectural style requirements of the UPDD.

Dwelling, multiple-family, means any building or portion thereof, which is designed, built, rented, leased or let to be occupied as three or more dwelling units or apartments or which is occupied as a home or residence of three or more families.

Dwelling, one-family, means a detached building having accommodations for and occupied by not more than one family or by one family and not more than three boarders and lodgers.

Dwelling, two-family, means a detached building having separate accommodations for and occupied by not more than two families or by two families and not more than three boarders and lodgers.

Dwelling unit means a building or portion of a building which is arranged, occupied or intended to be occupied as living quarters and includes facilities for food preparation and sleeping.

Family means any number of individuals living together as a single housekeeping unit in which not more than three individuals are unrelated by blood, marriage or adoption.

Height means the vertical distance of a building measured from the finished floor of the front door, to:

(1) The highest point of the roofs surface if a flat surface;

(2) To the deck line of mansard roofs; or

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(3) To the mean height level between eaves and ridge for hip and gable roofs and, in any event, excluding chimneys, cooling towers, elevator bulkheads, penthouses, tanks, water towers, radio towers, ornamental cupolas, domes or spires and parapet walls not exceeding ten feet in height.

If the street grade has not been officially established, the average front yard grade shall be used for a base level.

LED lighting approved equivalent means a metal halide, high pressure sodium or other fixture with the same color temperature range as existing LED street lighting.

Legal height means the maximum height of a building permitted by any airport zoning ordinance or other ordinance restricting the height of structures.

Living unit means the room, or rooms, occupied by a family and must include cooking facilities.

Lot coverage means the percentage of the total area of a lot occupied by the base (first story or floor) of buildings located on the lot or the area determined as the maximum cross sectional area of a building's. story. The height between the successive floors of a building or from the top floor to the roof. The standard height for a story is 11 feet, six inches.

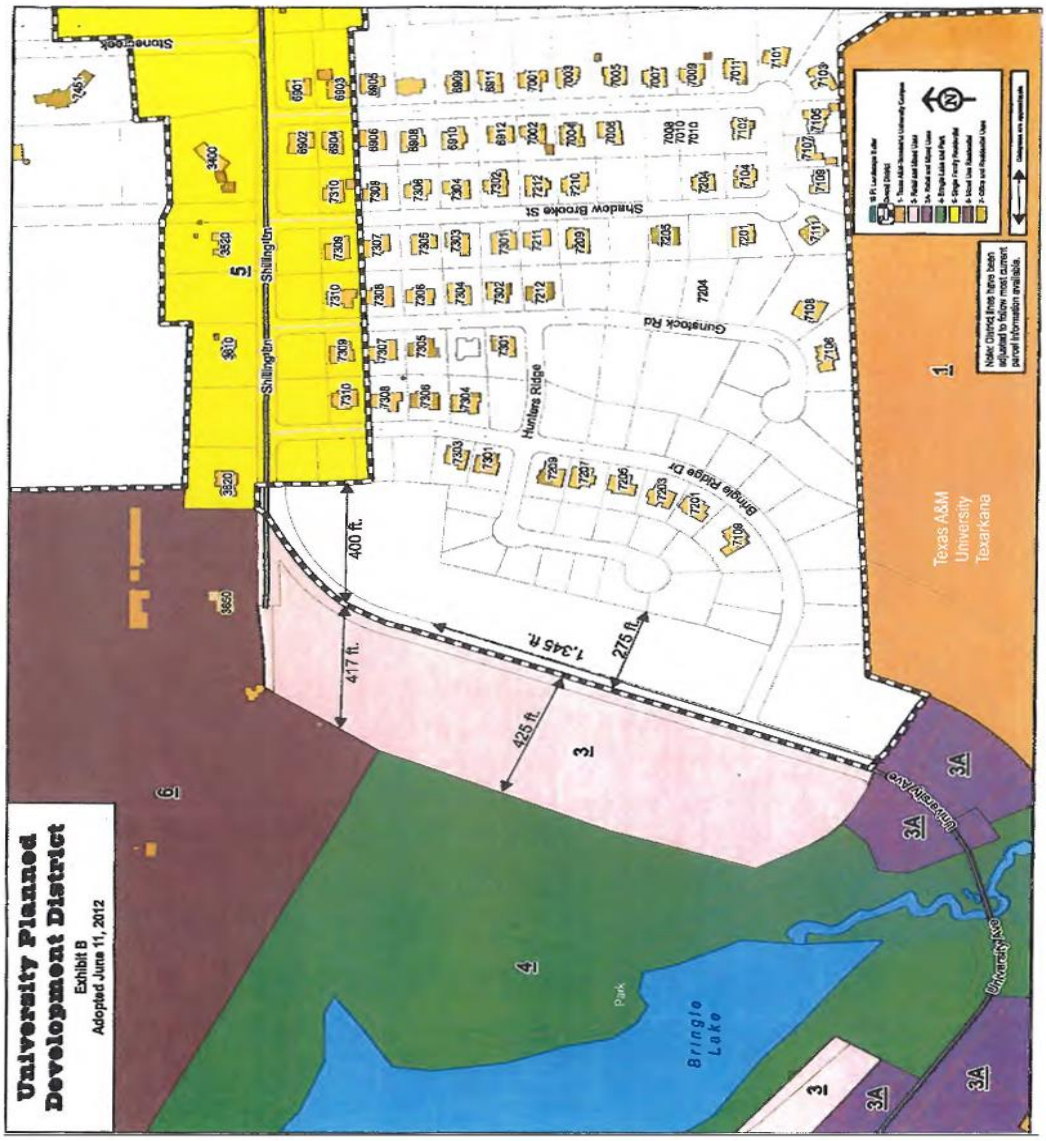
Wayfinding guides means a network of signs, minimal in number, installed and maintained by educational institutions to which the Texas Education Code applies, utilized as a traffic control device in off-street or access areas, whose primary purpose is to direct traffic to said institution.

Planning and zoning commission means the agency appointed by the city council as an advisory body to it and which is authorized to recommend changes in the zoning.

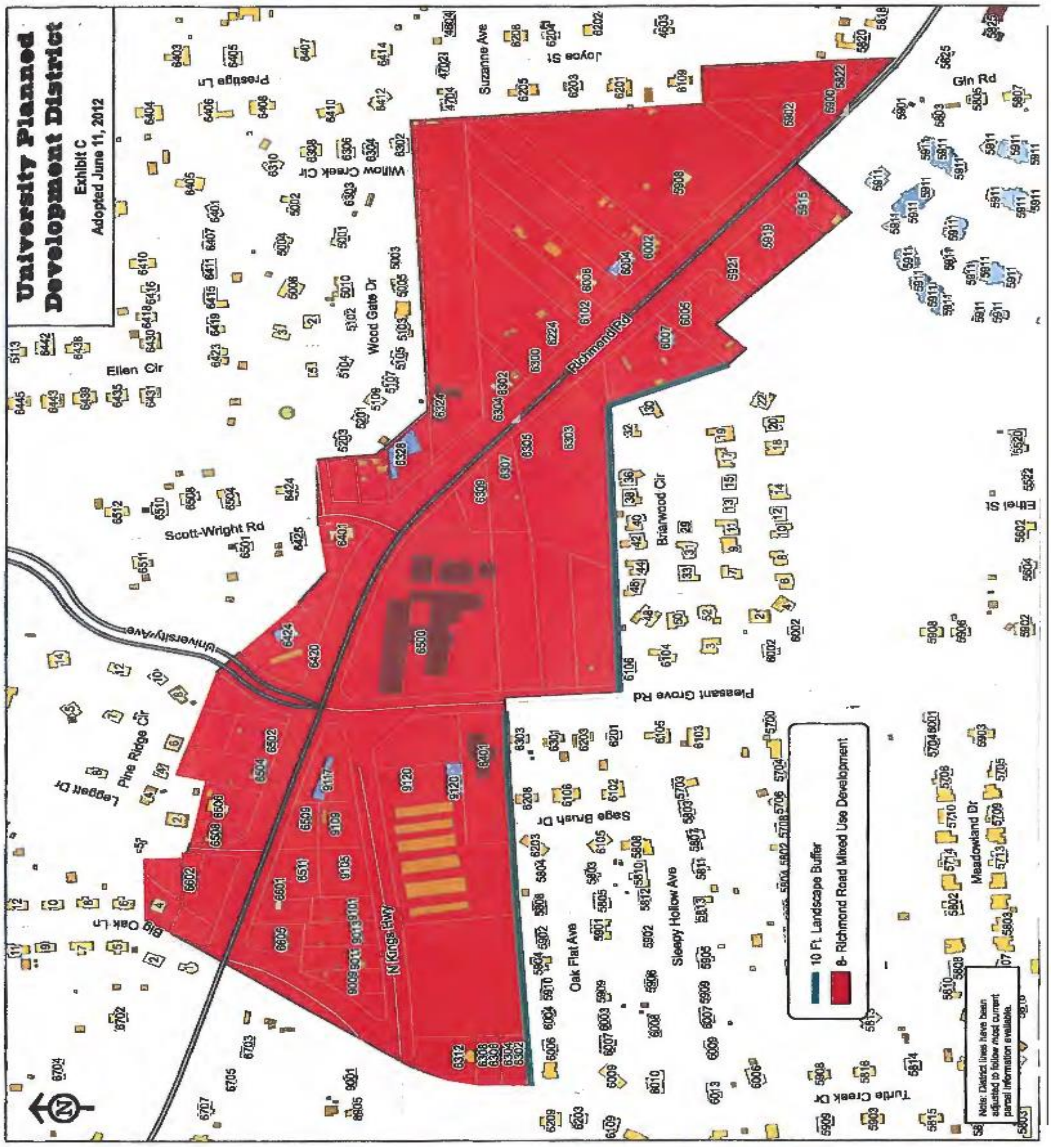
For additional definitions refer to article II of this chapter.

(i) *Review.* The UPDD will be reviewed by the planning and zoning commission and the city council for amendments no sooner than annually but not less than every five years thereafter.

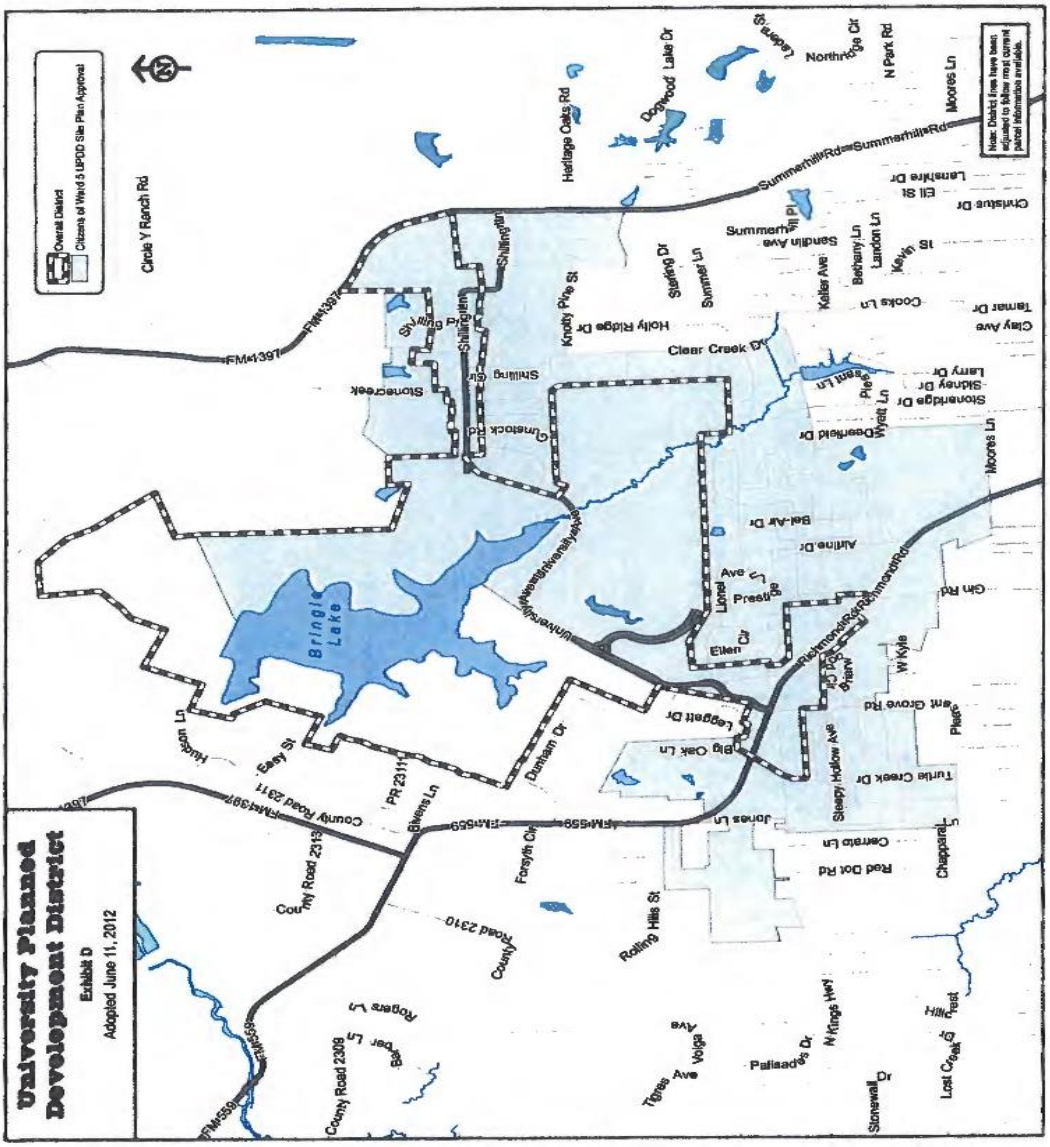
Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)



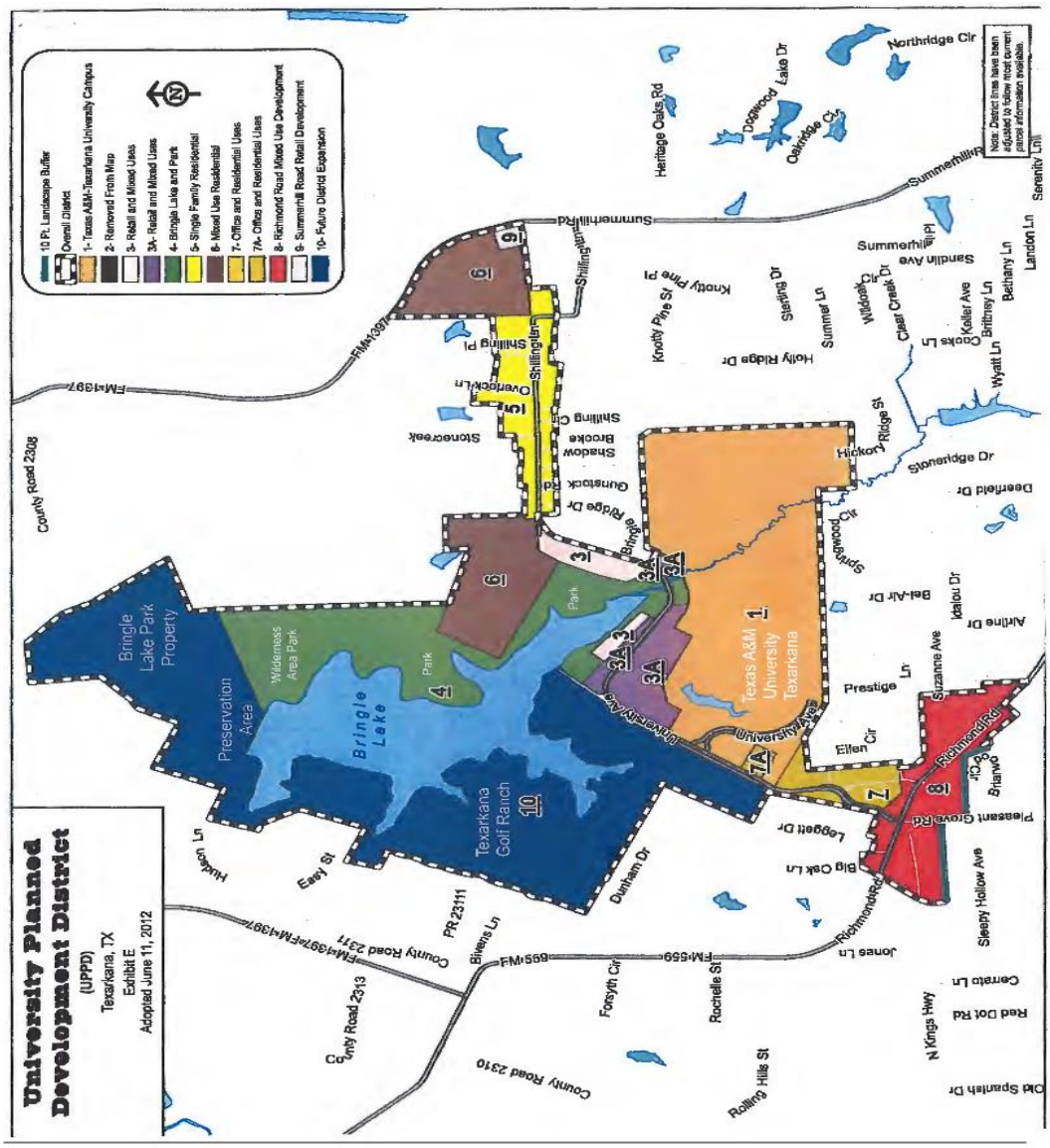
Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)



Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)



Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)



(Ord. No. 052-2012, 6-11-2012; Ord. No. 2014-069 , § 1, 7-14-2014; Ord. No. 2017-121 , § 1, 12-11-2017; Ord. No. 2019-001 , § 1, 1-28-2019)

Attachment: 2024-028 ATTH 01 UPDD red line w-wayfinding revised v2 (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

(e) *Building and site design.*

(6) *Sign regulations (excludes Single-Family Residential).*

c. *Location.*

1. Signs must be located within 30 feet of ROW;

2. Signs shall not block sight distances;

3. Excepting Wayfinding guides, signs shall not be inside a ROW; ~~and~~

4. Signs can be located within a city utility easement, but any repairs or damage incurred ~~occurred~~ to signage due to utilities will be at owner's expense; and

5. Wayfinding guides shall only be allowed within 1,000 feet each direction from the street entrance/entrances to the educational institution site; and such guides can be attached to existing street light poles (provided, however, if a pole is not city-owned, written permission from the pole owner shall be a prerequisite to the site plan submittal).

d. *Business name.* Name of business and main address must be located on a single tenant sign.

2. *Prohibited signs.* The following are signs not allowed in district:

(ii) Banners (exception: Wayfinding guides);

(8) *Site plan approval process.*

b. Site plan submittal requirements for UPDD.

3. The following features, as a minimum, shall be required on all site plans before they will be accepted for review:

(iv) Signage location and detail (including, for Wayfinding guides, proposed design and graphics);

6. To amend this district, a request will be filed with the planning and zoning commission. If the request is recommended by the planning and zoning commission, it will be sent to the city council.

7. Changes to an approved site plan shall adhere to the same process as required by this section.

(h) *Definitions.*

Wayfinding guides means a network of signs, minimal in number, installed and maintained by educational institutions to which the Texas Education Code applies, utilized as a traffic control device in off-street or access areas, whose primary purpose is to direct traffic to said institution.

Attachment: 2024-028 ATTH 02 UPDD w-wayfinding revised [short detail] (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

Pole flags 30"x80"



Attachment: 2024-028 ATTH 03 TAMU-T Banner Examples (4203 : 2024-028 ORD Wayfinding guides in the UPDD)





Attachment: 2024-028 ATTH 03 TAMU-T Banner Examples (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

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:

The addition of wayfinding banners will add positive aesthetics and a sense of pride for Texas A&M University – Texarkana.

Resource Impact:	
Staff time required if item is approved:	No Additional

Other Potential Impacts:

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

Other:

Attachment: 2024-028 Goals & Perspectives (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

PUBLISH

ORDINANCE NO. 2024-028

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING CODE, CHAPTER 140, ARTICLE V – SPECIAL DISTRICT REGULATIONS, SECTION 140-111, "UPDD UNIVERSITY PLANNED DEVELOPMENT DISTRICT", OF THE CODE OF ORDINANCES OF THE CITY OF TEXARKANA, TEXAS, BY AMENDING SUBSECTIONS 140-111(e) AND 140-111(h) TO PROVIDE FOR "WAYFINDING GUIDES" APPLICABLE TO EDUCATIONAL INSTITUTIONS; CONTAINING SEVERABILITY AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

Recitals

WHEREAS, Texas A & M University – Texarkana has requested authorization to install and maintain wayfinding guides at the entrance of the campus located in the University Planned Development District at University Drive; and

WHEREAS, wayfinding guide signs have been described as a systematic network of directional signs installed and maintained by a city to guide the traveling public to major civic, cultural, visitor, and recreational destinations within a specified region with the minimum number of signs; the goal of such a system should be to call out and promote a region's most prominent features and assets, but only as required to serve visitor guidance [*source*: TxDOT Guidelines for Wayfinding Guide Signing, v. 6/2007]; and many educational institutions use wayfinding guide signs to direct the traveling public to said institution and to enhance campus aesthetics; and

WHEREAS, the Texas Education Code, referencing "educational institutions", generally provides that "[t]his code applies to all educational institutions supported in whole or in part by state tax funds unless specifically excluded by this code" [Tex. Educ. Code Sec. 1.001(a)]; and

WHEREAS, during the regular meeting of the Planning & Zoning Commission on March 4, 2024, the Commission unanimously recommended approval of this ordinance, revising the Zoning Code to authorize wayfinding guide signs for educational institutions in the University Planned Development District; and

WHEREAS, the City Council finds and determines that this ordinance: furthers state and local policy for citizens' access to educational institutions; provides for an administrative process specific to the request of wayfinding guides; is necessary to preserve the good government, order, and security of the municipality and its inhabitants; and is in the best interests of the citizens of the City of Texarkana, Texas.

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

SECTION 1: The Zoning Code, Chapter 140, Article V, Special District Regulations, Section

Attachment: 2024-028 ORD Wayfinding guide in UPDD signed (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

PUBLISH

140-111, "UPDD University Planned Development District", is hereby amended to provide for "Wayfinding guides" applicable to educational institutions, as follows:

A. The following definition is added to subsection (h):

> *Wayfinding guides* means a network of signs, minimal in number, installed and maintained by an educational institution to which the Texas Education Code applies, utilized as a traffic control device in off-street or access areas, whose primary purpose is to direct traffic to said institution.

B. The heading to subsection (e) is amended as follows (additions underscored):

> (e) Building and site design.

C. Item nos. 3, 4, and 5 of subsection (e)(6), "Sign regulations (excludes Single-Family Residential)", sub-part c, "Location", are amended as follows (additions underscored, deletions strikethrough):

> 3. Excepting Wayfinding guides, sSigns shall not be inside a ROW; ~~and~~
> 4. Signs can be located within a city utility easement, but any repairs or damage incurred ~~occurred~~ to signage due to utilities will be at owner's expense; and
> 5. Wayfinding guides shall only be allowed within 1,000 feet each direction from the street entrance/entrances to the educational institution site; and such guides can be attached to existing street light poles (provided, however, if a pole is not city-owned, written permission from the pole owner shall be a prerequisite to the site plan submittal).

D. Subsection (e)(6)d.2.(ii) is amended as follows (additions underscored):

> (ii) Banners (exception: Wayfinding guides)

E. Subsection (e)(8)b.3(iv) is amended as follows (additions underscored):

> (iv) Signage location and detail (including, for Wayfinding guides, proposed design and graphics);

F. Subsection (e)(8)b is amended to add item no. 7, as follows:

> 7. Changes to an approved site plan shall adhere to the same process as required by this section.

SECTION 2: In the event a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect, impair

Attachment: 2024-028 ORD Wayfinding guide in UPDD signed (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

PUBLISH

or invalidate the remainder of this Ordinance.

SECTION 3: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 4: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

SECTION 5: The City Secretary shall give notice of the passage of this Ordinance as provided in Article XI, Section 3, of the Charter of the City of Texarkana, Texas.

SECTION 6: This Ordinance shall be in full force and effect ten (10) days after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:38 p.m.

Attachment: 2024-028 ORD Wayfinding guide in UPDD signed (4203 : 2024-028 ORD Wayfinding guides in the UPDD)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/7/2024 3:08 PM

Lead Department: Fire Department **Action Officer:** Chris Black, Fire Chief

Subject: Ordinance No. 2024-029 authorizing assignment pay for a Firefighter assigned to specialized duties of Building Maintenance and Repair, and setting conditions and rate of pay.

Briefing: 3/25/2024 **Public Hearing:** 3/25/2024 **Council Vote:** 3/25/2024

Item Schedule

Updates/History of Briefing:

Executive Summary and Background Information:

Beginning FY 2024, the City's Fire Department became responsible for all building maintenance and repairs to the seven properties that the Fire Department utilizes. These properties include five fire stations, one administration building, and a 5-acre plot of land that includes the Fire Department's training field, classroom and warehouse. A person to properly monitor and manage the issues that arise to these facilities on a day-to-day basis requires consistent knowledge of the facilities and the steps needed to ensure proper maintenance and repairs are taking place. This person will also have to be available nights and weekends to schedule emergency repairs. Due to this need, it is recommended to identify a member of the administrative staff to manage and oversee the maintenance of the City's Fire Department facilities. These additional duties have been taken on by Captain Nick Smith and require him to perform outside the scope of a typical Captain within the department.
After consulting with the Human Resources Department, City staff seeks approval of assignment pay in the amount of $250.00 per month for a designated Fire Captain to oversee building maintenance for the City's Fire Department's facilities. Assignment pay is allowed under Civil Service, Section 143.042, for additional duties.

Potential Options:

- Approve
- Not Approve

Fiscal Implications:

Funds are available in the current budget to cover a pay increase.

Staff Recommendation:

Staff recommends approval.

City of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-029 ORD Fire Dept. Assignment Pay (DOCX)
b. 2024-029 ATTH 01 LGC 143.042 (DOCX)
c. 2024-029 Goals & Perspectives (DOCX)
d. 2024-029 ORD Fire Bldg Maint Assign. Pay signed (PDF)

Staff Coordination

Fire Department	Chris Black	Department Head Review	Completed	02/29/2024 1:05 PM
City Attorney	Jennifer Evans	Review	Skipped	02/29/2024 3:18 PM
Finance Department	Kristin Peeples	Review	Completed	03/01/2024 10:14 AM
City Manager	David Orr	City Manager Review	Completed	03/01/2024 1:43 PM
City Council	Jennifer Evans	Meeting	Completed	03/11/2024 6:00 PM

Meeting History

03/11/24	City Council	MOVED FORWARD	Next: 03/25/24

ORDINANCE NO. 2024-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING ASSIGNMENT PAY FOR FIREFIGHTERS ASSIGNED TO SPECIALIZED DUTIES OF BUILDING MAINTENANCE AND REPAIR; SETTING CONDITIONS AND RATE OF PAY FOR SAID DUTIES; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 143.042 allows for a municipality's governing body to authorize assignment pay for firefighters who perform specialized functions in the Fire Department; and

WHEREAS, assignment pay for specialized functions is in addition to regular pay, with conditions and rate of pay for such duties set by ordinance; and

WHEREAS, the Fire Department has a firefighter currently performing the duties of building maintenance and repair; and

WHEREAS, the City Council finds and determines that the best interests of the citizens of the City of Texarkana, Texas, will be served by authorizing Building Maintenance and Repair assignment pay, for the Fire Department, in the amount of $250 per month for the firefighter assigned to such duties as appointed by the Fire Chief.

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

SECTION 1: The Building Maintenance and Repair assignment pay for the Fire Department is authorized in the amount of $250 per month for the firefighter assigned to those duties as appointed by the Fire Chief.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 3: 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: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-029 ORD Fire Dept. Assignment Pay (4199 : 2024-029 ORD Fire Dept. Assignment Pay)

Sec. 143.042. ASSIGNMENT PAY. (a) This section does not apply to a municipality with a population of 1.5 million or more.

(b) The governing body of a municipality may authorize assignment pay for fire fighters and police officers who perform specialized functions in their respective departments.

(c) The assignment pay is in an amount and is payable under conditions set by ordinance and is in addition to the regular pay received by members of the fire or police department.

(d) If the ordinance applies equally to each person who meets the criteria established by the ordinance, the ordinance may provide for payment to each fire fighter and police officer who meets training or education criteria for an assignment, or the ordinance may set criteria that provide for payment only to a fire fighter or police officer in a special assignment.

(e) The head of the fire or police department is not eligible for the assignment pay authorized by this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Attachment: 2024-029 ATTH 01 LGC 143.042 (4199 : 2024-029 ORD Fire Dept. Assignment Pay)

City of Texarkana, Texas

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

Resource Impact:	
Staff time required if item is approved:	No Additional
Other Potential Impacts:	

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

Attachment: 2024-029 Goals & Perspectives (4199 : 2024-029 ORD Fire Dept. Assignment Pay)

ORDINANCE NO. 2024-029

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING ASSIGNMENT PAY FOR FIREFIGHTERS ASSIGNED TO SPECIALIZED DUTIES OF BUILDING MAINTENANCE AND REPAIR; SETTING CONDITIONS AND RATE OF PAY FOR SAID DUTIES; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 143.042 allows for a municipality's governing body to authorize assignment pay for firefighters who perform specialized functions in the Fire Department; and

WHEREAS, assignment pay for specialized functions is in addition to regular pay, with conditions and rate of pay for such duties set by ordinance; and

WHEREAS, the Fire Department has a firefighter currently performing the duties of building maintenance and repair; and

WHEREAS, the City Council finds and determines that the best interests of the citizens of the City of Texarkana, Texas, will be served by authorizing Building Maintenance and Repair assignment pay, for the Fire Department, in the amount of $250 per month for the firefighter assigned to such duties as appointed by the Fire Chief.

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

SECTION 1: The Building Maintenance and Repair assignment pay for the Fire Department is authorized in the amount of $250 per month for the firefighter assigned to those duties as appointed by the Fire Chief.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 3: 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: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:39p.m.

Attachment: 2024-029 ORD Fire Bldg Maint Assign. Pay signed (4199 : 2024-029 ORD Fire Dept. Assignment Pay)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 3/8/2024 9:52 AM

Lead Department: Fire Department **Action Officer:** Chris Black, Fire Chief

Subject: Ordinance No. 2024-030 authorizing assignment pay for a Firefighter assigned to the specialized duties of Deputy Emergency Management Coordinator, and setting conditions and rate of pay.

Briefing: 3/25/2024 **Public Hearing:** 3/25/2024 **Council Vote:** 3/25/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City of Texarkana, Texas Fire Department has a need to help ensure the City's emergency management preparedness is capable of properly protecting the health and safety of our community. The City of Texarkana, Texas had a shared Office of Emergency Management with the City of Texarkana, Arkansas until 2013. The office housed an Emergency Management Coordinator (EMC) and a Deputy Emergency Management Coordinator. After the passing of the EMC (Dave Hall), and the resigning of the Deputy EMC, the Texarkana, Texas Fire Department absorbed those positions for the City of Texarkana, Texas. The Fire Chief holds the position of (EMC), but the workload necessitates the support of another individual that has historically been done by the Deputy EMC. The key functions of the Deputy EMC have included daily monitoring of weather systems to ensure the City is prepared for severe weather events, assisting with grants that have resulted in significant financial savings to the City in the purchase of equipment for public safety, updating the hazard mitigation plan which provides for future grant opportunities, reviewing annexes in the City's Hazard Mitigation Plan that ensure the City is prepared for future emergency events and require ongoing updates throughout the year. The Texarkana, Texas Fire Department employed a Deputy EMC since inception until October of 2022 when that individual retired and since October of 2022, the additional workload of the Deputy EMC has fallen to the Fire Chief to manage. To better address the day-to-day functions of the duties previously held by the City's Deputy EMC, Driver/Engineer Owen Jones has been learning and performing this position for the past 1 ½ years. The additional duties placed on Driver/Engineer Jones has required him to perform outside the scope of a typical Driver/Engineer and has necessitated hours of additional training in order to ensure the City remains compliant with its emergency management program with regards to both State and Federal requirements.

After consultation with and consideration of the Human Resources Department, staff is recommending assignment pay of $250.00 per month for the additional responsibilities of helping to manage the City's emergency management program.

Potential Options:

- Approve
- Not Approve

Fiscal Implications:

Funds are available in the current budget to cover the pay increase.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-030 ORD Deputy EMC Pay (DOCX)
b. 2024-030 ATTH 01 LGC 143.042 (DOCX)
c. 2024-030 Goals & Perspectives (DOCX)
d. 2024-030 ORD Fire EMC Assign. Pay signed (PDF)

Staff Coordination

Fire Department	Chris Black	Department Head Review	Completed	02/29/2024 3:36 PM
City Attorney	Jeffery C. Lewis	Review	Completed	02/29/2024 3:58 PM
Finance Department	Kristin Peeples	Review	Completed	02/29/2024 4:38 PM
City Manager	David Orr	City Manager Review	Completed	03/01/2024 1:44 PM
City Council	Jennifer Evans	Meeting	Completed	03/11/2024 6:00 PM

Meeting History

03/11/24 City Council MOVED FORWARD Next: 03/25/24

ORDINANCE NO. 2024-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING ASSIGNMENT PAY FOR FIREFIGHTERS ASSIGNED TO SPECIALIZED DUTIES OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR; SETTING CONDITIONS AND RATE OF PAY FOR SAID DUTIES; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texas Local Government Code Section 143.042 allows for a municipality's governing body to authorize assignment pay for firefighters who perform specialized functions in the Fire Department; and

WHEREAS, assignment pay for specialized functions is in addition to regular pay, with conditions and rate of pay for such duties set by ordinance; and

WHEREAS, the Fire Department has a firefighter currently performing the duties of Deputy Emergency Management Coordinator; and

WHEREAS, the City Council finds and determines that the best interests of the citizens of the City of Texarkana, Texas, will be served by authorizing Deputy Emergency Management Coordinator assignment pay, for the Fire Department, in the amount of $250 per month for the firefighter assigned to such duties as appointed by the Fire Chief.

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

SECTION 1: The Deputy Emergency Management Coordinator assignment pay is authorized in the amount of $250 per month for the firefighter assigned to those duties as appointed by the Fire Chief.

SECTION 2: All ordinances or parts of ordinances in conflict herewith are specifically repealed to the extent of such conflict.

SECTION 3: 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: The Recitals set out in this Ordinance are true and correct and are incorporated herein and made a part hereof as legislative findings of the City Council for all purposes.

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

PASSED AND APPROVED in Regular Council Session on this the **25th day of March, 2024**.

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-030 ORD Deputy EMC Pay [Revision 1] (4200 : 2024-030 ORD Deputy EMC Assignment Pay)

Sec. 143.042. ASSIGNMENT PAY. (a) This section does not apply to a municipality with a population of 1.5 million or more.

(b) The governing body of a municipality may authorize assignment pay for fire fighters and police officers who perform specialized functions in their respective departments.

(c) The assignment pay is in an amount and is payable under conditions set by ordinance and is in addition to the regular pay received by members of the fire or police department.

(d) If the ordinance applies equally to each person who meets the criteria established by the ordinance, the ordinance may provide for payment to each fire fighter and police officer who meets training or education criteria for an assignment, or the ordinance may set criteria that provide for payment only to a fire fighter or police officer in a special assignment.

(e) The head of the fire or police department is not eligible for the assignment pay authorized by this section.

Acts 1987, 70th Leg., ch. 149, Sec. 1, eff. Sept. 1, 1987.

Attachment: 2024-030 ATTH 01 LGC 143.042 (4200 : 2024-030 ORD Deputy EMC Assignment Pay)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

Public Information Plan:

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

Other:

Attachment: 2024-030 Goals & Perspectives (4200 : 2024-030 ORD Deputy EMC Assignment Pay)

ORDINANCE NO. 2024-030

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING ASSIGNMENT PAY FOR FIREFIGHTERS ASSIGNED TO SPECIALIZED DUTIES OF DEPUTY EMERGENCY MANAGEMENT COORDINATOR; SETTING CONDITIONS AND RATE OF PAY FOR SAID DUTIES; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

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JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:40p.m.

Attachment: 2024-030 ORD Fire EMC Assign. Pay signed (4200 : 2024-030 ORD Deputy EMC Assignment Pay)