CITY OF TEXARKANA

CITY COUNCIL

MINUTES ● OCTOBER 28, 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	
Steve Thompson	Ward 3	Present	
Christie Page	Ward 4	Present	
Cole Meador	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peeples, Gary Smith, Cory Berry, Mashell Daniel, Dusty Henslee, Chiquita Burks, Brandon Uselton, Robby Robertson, J.W. Bramlett, Vashil Fernandez, Chris Black, Daphnea Ryan, Jaylon Scott, and Brooke Stone.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY COUNCIL MEMBER JAY DAVIS

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings
Tuesday, November 12, 2024, at 6:00 p.m.
Monday, December 9, 2024, at 6:00 p.m.

Parks & Recreation Activities

Oct 29th	Fall Farmers Market - 4pm to 7pm	Spring Lake Park
Nov 1st	TISD Trail Field Day - 8:30 am	Bringle Lake Trail

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

Perot Theatre Event
The **"Blockbuster Broadway with Norm Lewis"** will be hosted by the Texarkana Symphony Orchestra on November 9th at 7:00 pm.

Tickets for Perot Theatre shows are available at perottheatre.org.

Bark in the Park
Bark In the Park will be held on Saturday, November 2nd from 9am to 12pm at Kylee Sullivan Dog Park Pavilion in Spring Lake Park. Free rabies vaccinations and city registration will be available.

Early Voting Begins
Early Voting started on Monday, October 21st and will continue through Friday, November 1st from 7am to 7pm.

Residents can vote at the following locations: **Bowie County Courthouse** 710 James Bowie Dr., New Boston, TX, **Southwest Center**, 3222 W. 7th Street, Texarkana, TX, and **Northside Church**, 5801 Summerhill Rd, Texarkana, TX.

General Election Day
November 5th is Election Day. Voters have the option of voting at any of the 25 vote centers in Bowie County from 7am to 7pm.

Veteran's Day Parade
The Veteran's Day Parade is Saturday, November 9th, in downtown Texarkana. It will start at 11am on East Broad and Hazel Street in Texarkana, Arkansas..

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Council Member Matlock made the recommendation to accept and appoint all seven applicants to the 2024-2025 Texarkana Youth Advisory Council: **Trinity Chase, Viridiana Escalera, Chloe Hill, Raegan James, Tucker Keeney, Briana Lo, and Zuri Muldrow.**

Council Member Meador made the recommendation to appoint Kory Crews to the Planning & Zoning Commission.

Motion to confirm appointments to the 2024-2025 Texarkana Youth Advisory Council and Planning & Zoning Commission.

(6:12 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Steve Thompson, Ward 3
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:13 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

1. Consider approval of the minutes of the Regular Meeting of the City Council held on October 14, 2024 at 6:00 PM.

2. Resolution No. 2024-144 approving the Texarkana Regional Airport Executive Director to execute an agreement with Hi-Lite Airfield Services, LLC of Watertown, New York, for runway edge restriping in the amount of $68,505 with funds approved in the Texarkana Regional Airport FY24 budget.

   Public Hearing:
   Council Vote: October 28, 2024

Action Items

3. Resolution No. 2024-128 adopting the City's investment policy.

   Public Hearing:
   Council Vote: October 28, 2024

   (6:13 p.m.)

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

4. Resolution No. 2024-130 adopting the City's Budget Strategic Plan.

Public Hearing:
Council Vote: October 28, 2024

(6:14 p.m.)

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

5. Resolution No. 2024-131 approving Bowie Central Appraisal District's 2024 tax roll.

Public Hearing:
Council Vote: October 28, 2024

(6:14 p.m.)

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

VII. FIRST BRIEFINGS

1. Ordinance No. 2024-129 amending Articles II - VI of Chapter 145, “Historic Landmark Preservation and Historic Districts”, of the Code of Ordinances and affirming support for obtaining Certified Local Government status.

Public Hearing: November 12, 2024
Council Vote: November 12, 2024

Daphnea Ryan briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

2. Ordinance No. 2024-133 rezoning on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street from Single Family-2 to Single Family-3. Sondra Keener, owner.

Public Hearing: November 12, 2024
Council Vote: November 12, 2024

Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

3. Ordinance No. 2024-134 granting a Specific Use Permit to allow a double-wide HUD code manufactured home on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street. Sondra Keener, owner.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

4. Ordinance No. 2024-135 rezoning on a portion of an approximate 1.76-acre tract of land (being Tract 334) Thomas Price HRS, A-466, located at 906 Piney Road from Single Family-2 to Commercial. James Herrington, owner, and Matt Wallak, agent.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

5. Ordinance No. 2024-136 granting a Specific Use Permit to allow one additional use of an off premise billboard on a portion of an approximate 2.29-acre tract of land (being Tract 109), H. S. Janes HRS, A-306, located at 2003 Chelf Road. Daniel Kirkland, owner, and Joe Thomas, agent.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

6. Ordinance No. 2024-137 rezoning on an approximate 1.85-acre tract of land (being Tract 36C) R. E. Sevey HRS, A-523, located at 2591 Page Street from Single Family-1 to Single Family-3. Jonathan Fowler, owner.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

7. Ordinance No. 2024-138 granting a Specific Use Permit to allow a double-wide HUD code manufactured home on an approximate 1.85-acre tract of land (being Tract 36C) R. E. Sevey HRS, A-523, located at 2591 Page Street. Jonathan Fowler, owner.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

8. Ordinance No. 2024-139 amending PD-02-13 for site plan approval on Lots 7 and 8, Block 5, Richmond Development – Fourth Subdivision, located at 3504 Arista Boulevard. Aaron Gaylor, owner.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Mashell Daniel briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

9. Resolution No. 2024-141 recognizing the Liberty-Eylau Neighborhood Association as an official neighborhood association.

   Public Hearing: November 12, 2024
   Council Vote: November 12, 2024

   Vashil Fernandez briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

10. Resolution No. 2024-142 approving the use of funds allocated in the Home Program Fund (Fund 209) to be used as a match for the City's HOME Homeowners Reconstruction Assistance (HRA) Program.

    Public Hearing: November 12, 2024
    Council Vote: November 12, 2024

    Vashil Fernandez briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

11. Resolution No. 2024-143 authorizing the City Manager to execute a Reimbursement and Development Agreement with 2B Builders, LLC, Inc. for the purpose of aiding in economic growth, in an amount not to exceed $71,055, with funds available in the City's General Fund (Fund 101) and the Texarkana Water Utilities Texas Capital Improvement Fund (Fund 62).

    Public Hearing: November 12, 2024
    Council Vote: November 12, 2024

    City Manager Orr briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 11/12/2024 6:00 PM**

VIII. PUBLIC HEARINGS

1. Resolution No. 2024-120 approving the Texarkana Airport Authority approving a right-of-way easement for the Southwestern Electric Power Company (SWEPCO) to place an electrical transformer.

    Public Hearing: October 28, 2024
    Council Vote: October 28, 2024

    There were no public comments made at this hearing.
    (6:34 p.m.)

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

2. Resolution No. 2024-121 approving the Texarkana Airport Authority approving an easement with Project Moonbeam to clear and maintain property south of E. 19th Street, Texarkana, Arkansas.

    Public Hearing: October 28, 2024
    Council Vote: October 28, 2024

    There were no public comments made at this hearing.
    (6:35 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Steve Thompson, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

3. Resolution No. 2024-122 approving the Texarkana Regional Airport Executive Director sending the 2025-2030 Capital Improvement Plan in the amount of One Hundred Thirty-Five Million, Six Hundred Fifty-One Thousand, Four Hundred Two Dollars ($135,651,402) to the Federal Aviation Administration (FAA).

   Public Hearing: October 28, 2024
   Council Vote: October 28, 2024

   There were no public comments made at this hearing.
   (6:35 p.m.)

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

IX. CITY MANAGER'S REPORT

Ritter Communications – Fiber Construction Work in Neighborhoods
Ritter Communications has launched fiber internet in residential neighborhoods as part of a $7 million infrastructure investment in Texarkana. Initial construction areas will be notified when services are available by door tags, mail, yard signs and door-to-door team members.

To explain the construction process and keep communities informed, RightFiber has created a detailed What to Expect page and video on their website. Residents can call the RightFiber Construction Hotline at 833.565.1994 for any property disturbed by construction that will be repaired to its original form before the work concludes.

Westlawn Drive and Kennedy Lane scheduled for improvements
R.K. Hall began construction last week on Westlawn Drive from I-369 to US Highway 82 for resurfacing and repair. In addition to these improvements, work on Kennedy Lane from Richmond Road to Summerhill Road is scheduled to begin in two weeks.

During this time, there will be temporary single-lane closures. For any questions or concerns, please contact the Public Works Department at (903) 798-3948.

Update from the Jay Leno – Perot Theatre Renovation Kickoff Fundraiser
The Jay Leno show on Saturday night was a near sellout while helping raise funds for the theatre's renovation. This would not have been possible without the generosity and support of the McCulloch family and all the sponsors who contributed to making this night a success.

Staff Promotions - Brandon Uselton has been appointed as our new Chief Information Officer for both cities and Chiquita Burks as Assistant City Secretary.

Save the Date: Lofts at the Grim Grand Opening & Ribbon Cutting, Thursday, November 21st at 3pm with dinner to follow at 5:30pm.

X. ADMINISTRATIVE COMMENTS

1. City Council

   Council had no administrative comments for staff.

2. City Staff

   Staff had no administrative comments for council.

XI. CLOSED SESSION

The City Council convened into closed session pursuant to Texas Government Code Section 551.074 (Personnel Matters) to discuss or deliberate the City Manager's Annual Coaching Review.

XII. RECONVENED INTO OPEN SESSION

XIII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:39 p.m.)

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

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

CITY OF TEXARKANA

CITY COUNCIL

MINUTES • OCTOBER 14, 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	
Steve Thompson	Ward 3	Present	
Christie Page	Ward 4	Present	
Cole Meador	Ward 5	Present	
Jay Davis	Ward 6	Present	

Staff Present: City Manager David Orr, Jennifer Evans, Kristin Peeples, Brooke Stone, Dusty Henslee, Matt Cashatt, Robby Robertson, Reed Russell, Mashell Daniel, Brandon Uselton, Chris Black, and Vashil Fernandez.

Municipal Court: Judge Sherry Jackson Hawkins.

Legal Counsel: Jeff Lewis.

II. INVOCATION BY COUNCIL MEMBER COLE MEADOR AND PLEDGE LED BY BOY SCOUTS TROOP 86

Mayor Bruggeman thanked Sam McGinnis, IV, Duncan Powell, and Calin Combs for leading the pledge. The boy scouts were working on their communications and citizenship badges. Each scout received a city lapel pin.

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings
Monday, October 28, 2024, at 6:00 p.m.
Tuesday, November 12, 2024, at 6:00 p.m.
Monday, December 9, 2024, at 6:00 p.m.

Parks & Recreation Activities

Oct 15th	Fall Farmers Market - 4pm to 7pm	Spring Lake Park

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

Oct 16th - 19th	Major League Fishing Regional Tournament - 7:30 am to 3:30 pm	Lake Wright Patman Sportsman's Cove
Oct 17th	Fall Festival - 4pm	Spring Lake Park
Oct 17th	Movies in the Park **"E.T."** 6:30 pm	Spring Lake Park
Oct 22nd	Fall Farmers Market 4pm to 7pm	Spring Lake Park
Oct 24th	Movies in the Park **"The Town that Dreaded Sundown"** - 6:30 pm	Spring Lake Park

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

Perot Theatre Events

The "Rocky Horror Picture Show" will be featured on Friday, October 18th. The show will begin at 8:00 pm.

A charity event featuring "Jay Leno"will be held on Saturday October 26th at 7:30 pm.

Tickets for Perot Theatre shows are available at perottheatre.org.

The Mayor congratulated three TISD 2024 Distinguished Alumni who were honored on October 11th: (former Texarkana Texas Mayor) James Bramlett, Class of 1975 and Charles Blakenship, Class of 1967, both of Texas High School, and Evelyn Palfrey McKee, Class of 1967 of Dunbar High School.

Early Voting, for the upcoming Election Day on November 5th, begins on Monday, October 21st. This year's three EV centers will be at: Bowie County Courthouse (New Boston), and the Southwest Center and Northside Assembly of God Church (Texarkana). Voters will use the east entrance at the church location.

The NAACP banquet will be held at 7:00 p.m. on Saturday, October 26th at the Texarkana College Truman Arnold Center.

IV. OPEN FORUM: COMMENTS FROM THE PUBLIC

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

There were no public comments made at Open Forum.

V. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

Council Member Meador recommended the appointment of Sierra Green to the Historic Landmark Preservation Committee.

Council Member Thompson recommended the appointment of Judith White to the Historic Landmark Preservation Committee.

Mayor Bruggeman made the new appointment of Sarah Krishna to the Library Commission to fill the position vacated by Fred Hutcheson.

Motion to confirm appointments to various boards, commissions, or committees.

(6:14 p.m.)

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

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:17 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on September 23, 2024 at 6:00 PM.

2. Resolution No. 2024-123 approving the Texarkana Regional Airport Executive Director executing a Phase II agreement with McClelland Engineering, for construction of the Apron, in the amount of Two Hundred Fifty-Two Thousand, Six Hundred Eleven Dollars and Eighty-Seven Cents ($252,611.87), approved in the Texarkana Regional Airport FY24 capital budget.

   Public Hearing:
   Council Vote: October 14, 2024

3. Resolution No. 2024-124 approving the Texarkana Regional Airport Executive Director to execute a Phase II agreement with GDS, LLC dba Ambrozi Contracting for construction of the Apron in the amount of Two Million, One Hundred Sixty-Eight Thousand, Six Hundred Ten Dollars ($2,168,610) approved in the Texarkana Regional Airport FY24 capital budget.

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

Public Hearing:
Council Vote: October 14, 2024

4. Resolution No. 2024-125 approving the Texarkana Regional Airport Executive Director to execute an agreement with McClelland Engineering for runway 4/22 extend/expand design in the amount of Four Hundred Eighty Thousand, Three Hundred Seventy-Six Dollars and Ninety-Seven Cents ($480,376.97) approved in the Texarkana Regional Airport FY24 capital budget.

   Public Hearing:
   Council Vote: October 14, 2024

5. Resolution No. 2024-126 approving the Texarkana Regional Airport Executive Director to execute an agreement with McClelland Engineering for runway 4/22 extend/expand design in the amount of Eighty Thousand Fifty Dollars ($80,050) approved in the Texarkana Regional Airport FY24 capital budget.

   Public Hearing:
   Council Vote: October 14, 2024

Action Items

6. Resolution No. 2024-119 nominating one (1) of five (5) candidates for membership on the Board of Directors for the Bowie Central Appraisal District.

   Public Hearing:
   Council Vote: October 14, 2024

   Kristin Peeples briefed this agenda item.

   Mayor Bruggeman made the recommendation to add the name Jay Davis to the resolution.
   (6:20 p.m.)

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

RESULT:	**ADOPTED AS AMENDED [UNANIMOUS]**
MOVER:	Mary Hart, Ward 2
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

7. Resolution No. 2024-127 authorizing the City Manager to execute an agreement for design build services with Bill Patton for The Assembly Line project in an amount not to exceed Two Million Dollars ($2,000,000), with funds budgeted in the 2023 Bond Fund (Fund 426).

   Public Hearing:
   Council Vote: October 14, 2024

   City Manager Orr briefed this agenda item. The Mayor asked the City Secretary for a roll call vote.
   (6:22 p.m.)

RESULT:	**ADOPTED [6 TO 0]**
MOVER:	Christie Page, Ward 4
SECONDER:	Steve Thompson, Ward 3
AYES:	Bruggeman, Matlock, Hart, Thompson, Page, Meador
ABSTAIN:	Davis

VII. FIRST BRIEFINGS

1. Resolution No. 2024-120 approving the Texarkana Airport Authority approving a right-of-way easement for the Southwestern Electric Power Company (SWEPCO) to place an electrical transformer.

   Public Hearing: October 28, 2024
   Council Vote: October 28, 2024

   Paul Mehrlich, Texarkana Regional Airport Executive Director, briefed this agenda item.

RESULT:	**MOVED FORWARD**	**Next: 10/28/2024 6:00 PM**

2. Resolution No. 2024-121 approving the Texarkana Airport Authority approving an easement with Project Moonbeam to clear and maintain property south of E. 19th Street, Texarkana, Arkansas.

   Public Hearing: October 28, 2024
   Council Vote: October 28, 2024

   Paul Mehrlich, Texarkana Regional Airport Executive Director, briefed this agenda item.

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

RESULT:	MOVED FORWARD	Next: 10/28/2024 6:00 PM

3. Resolution No. 2024-122 approving the Texarkana Regional Airport Executive Director sending the 2025-2030 Capital Improvement Plan in the amount of One Hundred Thirty-Five Million, Six Hundred Fifty-One Thousand, Four Hundred Two Dollars ($135,651,402) to the Federal Aviation Administration (FAA).

   Public Hearing: October 28, 2024
   Council Vote: October 28, 2024

   Paul Mehrlich, Texarkana Regional Airport Executive Director, briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 10/28/2024 6:00 PM

4. Resolution No. 2024-128 adopting the City's investment policy.

   Public Hearing:
   Council Vote: October 28, 2024

   Kristin Peeples briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 10/28/2024 6:00 PM

5. Resolution No. 2024-130 adopting the City's Budget Strategic Plan.

   Public Hearing:
   Council Vote: October 28, 2024

   City Manager Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 10/28/2024 6:00 PM

VIII. PUBLIC HEARINGS

1. Resolution No. 2024-112 approving the funding of a loan from the Facade Revolving Loan Fund program for construction of facade improvements by Hayes Days Holdings, LLC to the buildings at 216-224 W. 3rd Street, Texarkana, Texas in an amount not to exceed $50,000 for two properties, for a total of $100,000.

   Public Hearing: October 14, 2024
   Council Vote: October 14, 2024

   There were no public comments made at this hearing.
   (6:33 p.m.)

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

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

2. Ordinance No. 2024-114 rezoning from Industrial-1 to Single Family-3 on Lot 3, Block 2, Carpenters addition, located at 2302 James Street. Billy Jacobs, owner.

   Public Hearing: October 14, 2024
   Council Vote: October 14, 2024

   There were no public comments made at this hearing.
   (6:34 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Steve Thompson, Ward 3
SECONDER:	Mary Hart, Ward 2
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

3. Ordinance No. 2024-115 granting a Specific Use Permit to allow the location of a single wide HUD code manufactured home on Lot 3, Block 2, Carpenters Addition, located at 2302 James Street. Billy Jacobs, owner.

   Public Hearing: October 14, 2024
   Council Vote: October 14, 2024

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

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Christie Page, Ward 4
SECONDER:	Steve Thompson, Ward 3
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

IX. CITY MANAGER'S REPORT

City's 3rd Quarter Economic Development Report
The latest quarterly economic development report includes information on new planned developments, new retail announced or recently opened, commercial and residential construction permits and much more.

The big news from this report was the opening of the new Jim E. Yates Terminal at the Texarkana Regional Airport.

For more information about the city's economic development efforts, check out the city's economic development webpage at Economic Development | Texarkana, TX - Official Website (texarkanatexas.gov).

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

SAVE THE DATE - Major League Fishing Phoenix Bass Regional Tournament Angler Meet and Greet, Wednesday, October 16th from 5:30 to 6:30 p.m. at Bubba's 33.

X. ADMINISTRATIVE COMMENTS

1. City Council

   Council Member Matlock said Saturday, October 19th is the Tough Kookie Breast Cancer Awareness event at the Texas A&M - Texarkana campus which will begin at 8:00 a.m.

   Council Member Davis commended staff for its support at this year's National Night Out (NNO) held on October 1st.

   Mayor Bruggeman added there were 34 scheduled block parties for this year's NNO, more than the usual 20 to 22 block parties. This demonstrates citizen support for police and fire personnel and shows how residents appreciate interaction with city staff.

   Council Member Thompson also thanked police and fire personnel for joining the NNO activities in Ward 3.

2. City Staff

   Staff had no administrative comments for council.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:40 p.m.)

RESULT:	**ADOPTED [UNANIMOUS]**
MOVER:	Jean H. Matlock, Ward 1
SECONDER:	Christie Page, Ward 4
AYES:	Matlock, Hart, Thompson, Page, Meador, Davis

Jennifer Evans
City Secretary

Bob Bruggeman
Mayor

Minutes Acceptance: Minutes of Oct 14, 2024 6:00 PM (Consent Items)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/25/2024 9:35 AM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Resolution No. 2024-144 approving the Texarkana Regional Airport Executive Director to execute an agreement with Hi-Lite Airfield Services, LLC of Watertown, New York, for runway edge restriping in the amount of $68,505 with funds approved in the Texarkana Regional Airport FY24 budget.

Briefing: 10/28/2024 **Public Hearing:** **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Approving the Texarkana airport executive director to execute an agreement with Hi-Lite Airfield Services, LLC of Watertown, New York, for runway edge restriping in the amount of $68,505 with funds approved in the Texarkana Regional Airport FY24 O&M budget.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-144 RES Airport - Edge Striping (DOCX)

b. 2024-144 EXH 'A' Airport Reso. 102424D HiLite restriping (PDF)
c. 2024-144 ATTH 01 Edge Striping Bid Tab (PDF)
d. 2024-144 ATTH 02 Edge Striping Notice of Award (PDF)
e. 2024-144 ATTH 03 CL extension Edge Striping (PDF)
f. 2024-144 Goals & Perspectives (DOCX)
g. 2024-144 RES airport runwa restripe signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	10/25/2024 9:35 AM
City Manager	Jennifer Evans	City Manager Review	Skipped	10/28/2024 6:04 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024 - 144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA REGIONAL AIRPORT EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH HI-LITE AIRFIELD SERVICES, LLC OF WATERTOWN, NEW YORK, FOR RUNWAY EDGE RESTRIPING, IN THE AMOUNT OF $68,505, WITH FUNDS APPROVED IN THE TEXARKANA REGIONAL AIRPORT FY24 O&M BUDGET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code requires the cities to approve any expenditure over $25,000; and

WHEREAS, the Texarkana Regional Airport Authority approved the agreement with Resolution No. 102424D **(EXH 'A')** on October 24, 2024; and

WHEREAS, Hi-Lite Airfield Services, LLC of Watertown, New York, successfully bid to do the work for $68,505; and

WHEREAS, the airport received a RAMP grant from TxDOT in the amount of $100,000, which must be used for airport maintenance.

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

SECTION 1: The City Council approves the Texarkana Regional Airport Executive Director to execute an agreement with Hi-Lite Airfield Services, LLC of Watertown, New York in the amount of $68,505 for runway edge restriping.

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-144 RES Airport - Edge Striping (4359 : 2024-144 RES Airport runway edge restriping)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 102424D
A RESOLUTION APPROVING ACCEPTING THE AIRPORT IMPROVEMENT PROGRAM GRANT FOR PHASE 1 RWY 4/22 EXTEND/EXPAND DESIGN

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, the FAA performed an annual inspection on July 25, 2024 and found the side stripes of RWY 4-22 to be in non-compliance with FAR Part 139; and,

WHEREAS, the FAA provided a correction date of September 25, 2024; and,

WHEREAS, the FAA provided an extension to complete by March 24,2025; and,

WHEREAS, the airport received a RAMP grant from TxDOT in the amount of $100,000, which must be used for airport maintenance; and,

WHEREAS, HiLite had provided a bid in the amount of $68,505 for runway edge restriping;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director entering into an agreement with HiLite in the amount of $68,505 for runway edge restriping.

Adopted this 24th day of October, 2024

ATTEST _____
Ferdinand P Mehrlich III, Director

SIGNED _____
Airport Authority Chair

Attachment: 2024-144 EXH 'A' Airport Reso. 102424D HiLite restriping (4359 : 2024-144 RES Airport runway edge restriping)

CERTIFIED BID TAB

PROJECT: 24-5810 Texarkana Regional Airport (TXK) Runway 4-22 Edge Striping
BID LOCATION: Conference Room at Texarkana Regional Airport, 2600 TXK Blvd, Texarkana , AR
BID TIME AND DATE: 11:00 AM, Thursday, October 17, 2024

Certified By: Matthew R Vinyard

Matthew R Vinyard, P.E., No. #15184

CONTRACTORS NAME	**Hi-Lite Airfield Services, LLC.**	**Custom Pavement Maintenance and Safety, LLC.**	**Tatum Excavating Company, Inc.**
CONTRACTORS LICENSE NO.	**0125020625**	**0354090525**	**0034960525**

BID SCHEDULE "A " (WITH GLASS BEADS)

Item No.	Item Description	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
C-105A	Mobilization (10% Maximum of Schedule A)	LS	1	$6,000.00	$6,000.00	$7,000.00	$7,000.00	$10,710.00	$10,710.00
P-101	Pavement Marking Removal	SF	46,300	$0.80	$37,040.00	$0.76	$35,188.00	$0.60	$27,780.00
P-620A	Airfield Pavement Markings (With Glass Beads)	SF	46,300	$0.55	$25,465.00	$0.75	$34,725.00	$1.75	$81,025.00
	Total Amount Bid Schedule "A"				**$68,505.00**		**$76,913.00**		**$119,515.00**

BID SCHEDULE "B " (WITHOUT GLASS BEADS)

Item No.	Item Description	Units	Quantity	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
C-105B	Mobilization (10% Maximum of Schedule B)	LS	1	$6,000.00	$6,000.00	$7,000.00	$7,000.00	$10,710.00	$10,710.00
P-101	Pavement Marking Removal	SF	46,300	$0.80	$37,040.00	$0.76	$35,188.00	$0.60	$27,780.00
P-620B	Airfield Pavement Markings (Without Glass Beads)	SF	46,300	$0.50	$23,150.00	$0.68	$31,484.00	$1.71	$79,173.00
	Total Amount Bid Schedule "B"				**$66,190.00**		**$73,672.00**		**$117,663.00**

Attachment: 2024-144 ATTH 01 Edge Striping Bid Tab (4359 : 2024-144 RES Airport runway edge

NOTICE OF AWARD

TO: Hi-Lite Airfield Services, LLC
20128 NYS Route 12F
Watertown, New York 13601

PROJECT: TEXARKANA REGIONAL AIRPORT (TXK) RUNWAY 4-22 EDGE STRIPING – 24-5810

The OWNER has considered the BID submitted by you on October 17, 2024 for the above described WORK in response to its Advertisement for Bids and Instructions to Bidders.

You are hereby notified that your BID has been accepted in the negotiated amount of:

Sixty-eight Thousand Five Hundred Five & no/100 Dollars ($68,505.00)

You are required by the Instructions to Bidders to execute the Contract and furnish the required CONTRACTOR'S Performance BOND, Payment BOND, and certificates of insurance within fifteen (15) calendar days from the date of this Notice to you.

If you fail to execute said Contract and to furnish said BONDS within fifteen (15) days from the date of this Notice, said OWNER will be entitled to consider your bid in default, to annul this Notice of Award and to declare your Bid Security forfeited. The OWNER will be entitled to such other rights as may be granted by law.

You are required to return an acknowledged copy of this NOTICE OF AWARD to the OWNER.

Dated this___day of _____, 2024.

TEXARKANA REGIONAL AIRPORT AUTHORITY
Owner

By _____

Title _____

ACCEPTANCE OF NOTICE

Receipt of the above NOTICE OF AWARD is hereby acknowledged

by Hi-Lite Airfield Services, LLC, this the_____ day of _____, 2024.

By _____

Title _____

Attachment: 2024-144 ATTH 02 Edge Striping Notice of Award (4359 : 2024-144 RES Airport runway edge restriping)

U.S. Department
of Transportation
Federal Aviation Administration

Federal Aviation Administration
Airports Division, Southwest Region
Safety and Standards Branch

10101 Hillwood Parkway
Fort Worth, Tx 76177

September 25, 2024

EIR Number: 2024SW800072

Paul Mehrlich III, CM ACE
Airport Director
Texarkana Regional-Webb Field
201 Airport Dr
Texarkana, AR 71854

Dear Mr. Mehrlich:

Extension to Compliance Letter

A Compliance Letter was issued as a result of the airport certification safety inspection conducted on 7/25/2024. We are in receipt of your email and justification, dated September 24, 2024, requesting more time to complete the corrective actions for RWY 4-22 side stripe work. We understand that all other marking discrepancies associated with this inspection have been corrected. An extension is granted for the below discrepancy.

139.311D-Operations: Marking, Signs, and Lighting.

RWY 4-22 side stripe dirty, dingy (both sides of the runway for entire length) and lacks visual acuity.

Original Planned Correction Date: 9/25/2024
Extension Date: 3/24/2025

Sincerely,

WARREN L RELAFORD

Digitally signed by WARREN L RELAFORD
Date: 2024.09.25 09:27:13 -05'00'

Warren Relaford
Lead, Airport Certification Safety Inspector
FAA Southwest Region, Airports Division

Attachment: 2024-144 ATTH 03 CL extension Edge Striping (4359 : 2024-144 RES Airport runway edge restriping)

RWY 4-22 side stripe

Attachment: 2024-144 ATTH 03 CL extension Edge Striping (4359 : 2024-144 RES Airport runway edge restriping)

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: 2024-144 Goals & Perspectives (4359 : 2024-144 RES Airport runway edge restriping)

RESOLUTION NO. 2024 - 144

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA REGIONAL AIRPORT EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH HI-LITE AIRFIELD SERVICES, LLC OF WATERTOWN, NEW YORK, FOR RUNWAY EDGE RESTRIPING, IN THE AMOUNT OF $68,505, WITH FUNDS APPROVED IN THE TEXARKANA REGIONAL AIRPORT FY24 O&M BUDGET; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code requires the cities to approve any expenditure over $25,000; and

WHEREAS, the Texarkana Regional Airport Authority approved the agreement with Resolution No. 102424D **(EXH 'A')** on October 24, 2024; and

WHEREAS, Hi-Lite Airfield Services, LLC of Watertown, New York, successfully bid to do the work for $68,505; and

WHEREAS, the airport received a RAMP grant from TxDOT in the amount of $100,000, which must be used for airport maintenance.

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

SECTION 1: The City Council approves the Texarkana Regional Airport Executive Director to execute an agreement with Hi-Lite Airfield Services, LLC of Watertown, New York in the amount of $68,505 for runway edge restriping.

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:13pm

Attachment: 2024-144 RES airport runwa restripe signed (4359 : 2024-144 RES Airport runway edge restriping)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 102424D
A RESOLUTION APPROVING ACCEPTING THE AIRPORT IMPROVEMENT PROGRAM GRANT FOR PHASE 1 RWY 4/22 EXTEND/EXPAND DESIGN

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, the FAA performed an annual inspection on July 25 2024 and found the side stripes of RWY 4-22 to be in non-compliance with FAR Part 139; and,

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WHEREAS, the FAA provided an extension to complete by March 24,2025; and,

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WHEREAS, HiLite had provided a bid in the amount of $68,505 for runway edge restriping;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director entering into an agreement with HiLite in the amount of $68,505 for runway edge restriping.

Adopted this 24th day of October, 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-144 RES airport runwa restripe signed (4359 : 2024-144 RES Airport runway edge restriping)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/8/2024 3:15 PM

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

Subject: Resolution No. 2024-128 adopting the City's investment policy.

Briefing: 10/28/2024 **Public Hearing:** **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies. The attached Exhibit A complies with the Public Funds Investment Act and authorizes investment of City funds in safe and prudent investments. The City's investment consultant, Valley View Consulting, LLC, has assisted staff with this policy and verified that it complies with state requirements. The policy has the following proposed changes:

1. Addition of the following investment objectives:
    a. Suitability of the investment to the financial requires of the City
    b. Preservation and safety of principal
    c. Liquidity
    d. Marketability of the investment if a need to liquidate arises prior to maturity
    e. Diversification of the portfolio
    f. Yield
2. Changes to Investment Strategy – Section C.
    a. Investment strategies for debt service reserve funds shall have as the primary objectives to preserve principal and to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments shall be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short-to-intermediate term maturities. Maximum maturity shall be the shorter of the first call date or five years. ~~Volatility shall be further controlled through the purchase of securities carrying the highest coupon available, within the desired maturity and quality range, without paying a premium, if at all possible.~~ Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a comparable maturity rolling Treasury portfolio.

3. Changes to Investment Policy – Section A. Scope
    a. Updated report name to Annual Comprehensive Financial Report to align with the correct updated name of the annual financial report
4. Changes to Investment Portfolio – Section 3. Investments a.) Authorized
    a. Certificates of Deposit, and other forms of deposit, of state and national banks, savings banks, or state or federal credit unions that has a main or branch office in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation (or its successor) or the National Credit Union Share Insurance Fund (or its successor), or secured by obligations described in G. 3. Collateral Defined, or as authorized by the PFIA. Bids/quotes for ~~certificates of deposit~~ these investments may be solicited in the following ways: orally, in writing, electronically, or in any combination of the above methods.
5. Update title from Accounting/Human Resources Manager to Controller and Finance Director to Assistant Director – Finance for TWU in various places

Potential Options:

- Approve the policy as recommended
- Reject the policy and recommend an alternative policy

Fiscal Implications:

Allows placement of available funds in safe and prudent investments, providing additional usable resources to the City.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Investment Committee consisting of the Mayor, City CFO, City ACFO, TWU Finance Director, and TWU Assistant Finance Director.

Board/Committee Recommendation:

Investment Committee recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

August 14, 2024

Attachments

a. 2024-128 RES Adopting Investment Policy (DOC)
b. 2024-128 "EXH A" Investment Policy Texarkana Proposed (DOCX)
c. 2024-128 ATTH 01 GTOT IP checklist Texarkana 2024 08 22 (DOCX)
d. 2024-128 ATTH 02 Broker Dealers Training Sources 2024 08 22 Texarkana (DOC)
e. 2024-128 Goals & Perspectives (DOCX)
f. 2024-128 RES Investment Policy signed (PDF)

City of Texarkana, Texas

Staff Coordination

Finance Department	Kristin Peeples 10/07/2024 9:38 AM	Department Head Review	Completed	
City Manager	David Orr	City Manager Review	Completed	10/07/2024 10:39 AM
City Council	Jennifer Evans	Meeting	Completed	10/14/2024 6:00 PM

Meeting History

10/14/24	City Council	MOVED FORWARD	Next: 10/28/24

RESOLUTION NO. 2024-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CITY'S INVESTMENT POLICY; RECORDING THE ANNUAL REVIEW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies by rule, order, ordinance, or resolution; and

WHEREAS, the attached **Exhibit "A"** investment policy complies with the current Public Funds Investment Act, as amended, and authorizes the investment of City funds in safe and prudent investments.

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

SECTION 1: The facts and recitations contained in the above preamble of this Resolution are hereby incorporated herein for all purposes.

SECTION 2: The City Council approves the investment policy and investment strategy **(Exhibit "A")**.

SECTION 3: The City Council has performed an annual review of the investment policy and strategies and adopts its statements in the minutes recording that review.

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-128 RES Adopting Investment Policy (4343 : 2024-128 RES Adopting the City's Investment Policy)

CITY OF TEXARKANA, TEXAS

INVESTMENT POLICY

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

CITY OF TEXARKANA, TEXAS

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Commented [JH1]: Update as needed for proposed ch

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- D. Special Project/Special Purpose Funds

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- B. Objectives
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     b) Not Authorized
        1. Mortgage Backed Securities Paying No Principal
        2. Mortgage Backed Securities Paying No Interest

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

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A. Sample Certification Form

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Texarkana, Texas (the "City") in order to achieve the goals of safety, liquidity, public trust, and yield for all investment activity. The City Council of the City shall review and adopt, by resolution, its investment strategies and policy not less than annually. The resolution shall include a record of changes made to either the Investment Policy or strategy. This Policy serves to satisfy the statutory requirement, specifically the Public Funds Investment Act and Public Funds Collateral Act, Texas Government Code Chapter 2256 and Chapter 2257 (the "PFIA" and "PFCA" respectively) to define, adopt, and review a formal investment strategy and policy.

INVESTMENT STRATEGY

The City maintains two distinct portfolios (the City and the Water Utilities Department), which independently utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios. The investment objectives are:

- Suitability of the investment to the financial requirements of the City;
- Preservation and safety of principal;
- Liquidity;
- Marketability of the investment if a need to liquidate arises prior to maturity;
- Diversification of the portfolio; and
- Yield.

A. Investment strategies for operating funds and combined pools containing operating funds have as their primary objectives to preserve principal and assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by maintaining adequate liquid balances and utilizing high quality, short-to-medium term

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

investments, which will complement each other in a laddered or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date of each investment. The maximum stated final maturity shall be three years. The yield objective shall be a comparable maturity rolling Treasury portfolio.

B. Investment strategies for debt service funds shall have as the primary objectives the preservation of principal and the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the next unfunded debt service payment date. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a short-term, government portfolio local government pool.

C. Investment strategies for debt service reserve funds shall have as the primary objectives to preserve principal and to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments shall be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short-to-intermediate term maturities. Maximum maturity shall be the shorter of the first call date or five years. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a comparable maturity rolling Treasury portfolio.

D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objectives to preserve principal and to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in cash equivalent investments to allow for flexibility and unanticipated project outlays, and by utilizing high quality, short-to-medium term investments, which will complement each other in a laddered or barbell maturity structure, and can be easily liquidated if the need arises. Any investment

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

authorized by this Policy is suitable for these funds. The stated final maturity dates of securities held should not exceed the estimated project completion date. The yield objective shall be a comparable maturity rolling Treasury portfolio.

INVESTMENT POLICY

A. SCOPE

This Investment Policy applies to all financial assets of the City including the Water Utilities Department. These funds are accounted for in the City's Annual Comprehensive Financial Report and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Proprietary Funds
- All Other Funds

This Policy shall not govern the Firemen's Relief and Pension Fund which is under the management and supervision of the City of Texarkana, Texas Firemen's Relief and Pension Fund Board of Trustees.

B. OBJECTIVES

The City shall manage and invest its cash with four objectives, listed in order of priority: Safety, Liquidity, Public Trust, and Yield. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to ensure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

1. Safety

The primary objective of the City's investment activity is the preservation of principal in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid principal losses, whether from investment defaults or erosion of market value.

2. Liquidity

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by maintaining adequate cash equivalent balances, matching investment maturities with forecasted cash flow requirements, and by investing in securities with active secondary markets.

3. Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

4. Yield

The City's cash management portfolio shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

C. RESPONSIBILITY AND CONTROL

1. Investment Committee

An Investment Committee, consisting of one City Council Member appointed by the Mayor, Chief Financial Officer (City), Assistant Director - Finance (Water Utilities Department), Controller (Water Utilities Department), and Assistant Chief Financial Officer (City) shall meet as needed to determine operational strategies and to monitor results. The Investment Committee shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure,

Attachment: 2024-128 "EXH A" Investment Policy Texarkana Proposed [Revision 1] (4343 : 2024-128 RES Adopting the City's Investment

potential risk to the City's funds, authorized broker/dealers, eligible investment training sources, and the target rate of return on the investment portfolio.

2. Delegation of Authority and Training

Authority to manage the City's investment program is derived from the City Charter. The Chief Financial Officer and Assistant Chief Financial Officer are designated as Investment Officers and are responsible for investment decisions and activities for the City portfolio. The Assistant Director - Finance and Controller are designated as Investment Officers and are responsible for investment decisions and activities for the Water Utilities Department portfolio. The Chief Financial Officer and Assistant Director - Finance shall establish written procedures for the operation of their respective investment program, consistent with this Investment Policy. In order to ensure qualified and capable investment management, the Investment Officers shall attend training sessions relating to the Officer's responsibility under the PFIA within 12 months after assuming duties and receive at least 10 hours of training, and additional training sessions not less than once every two year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date and receive at least 8 hours of training. Independent sources for such training shall be approved by the Investment Committee.

3. Internal Controls

The Chief Financial Officer and Assistant Director - Finance, or their respective designee, are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Chief Financial Officer and Assistant Director - Finance shall establish a process for annual independent review by an external auditor in conjunction

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with the annual audit, to assure compliance with policies and procedures. The internal controls shall address the following points:

A. Avoidance of collusion.
B. Separation of transaction authority from accounting and record keeping.
C. Custodial safekeeping.
D. Clear delegation of authority to subordinate staff members.
E. Written confirmation for telephone (voice) transactions for investments and wire transfers.

4. Prudence

The standard of prudence to be applied by the Investment Officers shall be the "prudent person" rule, which states: "Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital, as well as the probable income to be derived." In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

A. The investment of all funds, or funds under the City's control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.

B. Whether the investment decision was consistent with the written Investment Policy of the City.

An Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

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5. Ethics and Conflicts of Interest

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. Investment Officers shall disclose to the City Manager any material financial interest in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio. Investment Officers shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An Investment Officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

D. REPORTING

1. Quarterly Reporting

The Chief Financial Officer shall submit a quarterly investment report in compliance with the PFIA and signed by all Investment Officers.

2. Annual Report

Within a reasonable time after the end of the fiscal year, the Chief Financial Officer shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Council.

3. Methods

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and

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transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be prepared in compliance with the PFIA. The report will be provided to the City Manager and City Council. The report will include the following:

A. A listing of individual investments held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.

B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market values shall be obtained from financial institutions or portfolio reporting services independent from the investment provider.

C. Additions and changes to the market value during the period.

D. Fully accrued interest for the reporting period.

E. Average weighted yield to maturity of portfolio on City investments as compared to applicable benchmarks.

F. Listing of investments by maturity date.

G. The percentage of the total portfolio which each type of investment represents.

H. Statement of compliance of the City's investment portfolio with State Law and the Investment Strategy and Policy approved by the City Council.

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In conjunction with the annual audit, a formal annual review of these reports will be performed by an independent auditor with the results reported to the City Council as part of the overall audit report.

E. INVESTMENT PORTFOLIO

1. Active Portfolio Management

The City shall pursue an active versus a passive portfolio management philosophy. That is, investments may be sold or redeemed before they mature if market conditions present an opportunity for the City to benefit from the trade. The Investment Officers will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

2. Performance

It is the City's policy to purchase investments with maturity dates coinciding with cash flow requirements. Using this strategy, the City attempts to purchase the highest yielding allowable investments available at the time of purchase. The City shall encourage a competitive environment for all investment activities including investment pool and mutual fund selections, financial institution deposit placements, securities transactions, and other investment-related proceedings. Weighted-average-yield-to-maturity shall be the portfolio's performance measurement standard.

3. Investments

Assets of the City may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized at the time of purchase for investment under the PFIA, as the PFIA may from time to time be amended. The City is not required to liquidate investments that were authorized investments at the time of purchase. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

a). Authorized

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1. Obligations issued, guaranteed, or insured by the United States of America, its agencies and instrumentalities, including the Federal Home Loan Banks.

2. Direct obligations of the State of Texas, its agencies and instrumentalities.

3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this State or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

4. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivision of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than “A” or its equivalent.

5. Certificates of Deposit, and other forms of deposit, of state and national banks, savings banks, or state or federal credit unions that has a main or branch office in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation (or its successor) or the National Credit Union Share Insurance Fund (or its successor), or secured by obligations described in G. 3. Collateral Defined, or as authorized by the PFIA. Bids/quotes for these investments may be solicited in the following ways: orally, in writing, electronically, or in any combination of the above methods.

6. Fully collateralized direct repurchase agreements with a defined termination date secured by cash or obligations of the United States or

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its agencies and instrumentalities. Securities purchased must be pledged to the City, held in the City's account, and deposited at the time of the investment with the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. Such agreements may include direct security repurchase agreements and reverse security repurchase agreements with terms of 90 days or less after the delivery date. Funds received by the City under a reverse security agreement shall be used to acquire additional authorized investments, but those investments must mature no later than the expiration date stated in the reverse security repurchase agreement.

7. Local Government Investment Pools, if the pool is specifically approved by the Council and the pool invests only in investments authorized by the PFIA. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service. In order to be eligible to receive City funds a pool must comply with all PFIA requirements.

8. "Money Market" mutual funds that have a rating of AAA by at least one nationally recognized rating firm and are "no-load" funds. A "money market" mutual fund must seek to maintain a $1.0000 share value and include only short-term, highly liquid, and relatively low risk debt instruments, and must be registered with and regulated by the Securities and Exchange Commission. The City cannot own more than 10% of the mutual fund's total assets.

9. Guaranteed Investment contracts are allowed investments for bond proceeds only, if such contracts have a defined termination date, are secured by U.S. Government direct or agency obligations approved by the PFIA, in an amount equal to the bond proceeds, if security is pledged

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to the City and deposited with the City or a third party, and if the investment term is limited to five years from the date of bond issuance. In addition, specific provisions under PFIA Section 2256.015(c) 1-5 must be met to allow investment in these contracts.

b. Not Authorized

The City's authorized investment options are more restrictive than those allowed by State law. State law specifically prohibits investment in the following investment securities, or investment in specific instruments at levels higher than those listed below:

1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.

2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

4. Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City.

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5. Risk and Diversification

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

a) Risk of issuer default is controlled by limiting investments to those instruments allowed by the PFIA, which are described herein.

b) Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, maintenance of adequate liquidity, and limitation of appropriate average maturity.

c) Risk of temporary illiquidity shall be controlled by monitoring the rating of each issuer, as applicable, at least quarterly, and taking all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

F. SELECTION OF FINANCIAL INSTITUTIONS AND BROKER/DEALERS

1. Depository

In compliance with State legislation, a Primary Depository shall be selected through the City's banking services procurement process, which shall include a formal request for application (RFA). In selecting a Primary Depository, the credit worthiness of institutions shall be considered, and the Chief Financial Officer shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history. In addition, the City may establish non-primary banking relationships based on deposit and unique service capabilities.

Institutions seeking to establish eligibility for the City's depository shall submit for review financial statements, evidence of federal insurance and other information as required by the Chief Financial Officer.

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Any institution designated as a depository by the City will provide collateral in accordance with this Policy and applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Institutions serving as a depository will be required to sign a Depository/Collateral Agreement with the City. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement must be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

2. Broker/Dealers

For broker/dealers, the City shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the "Primary Government Security Dealers", unless analysis reveals that other firms are adequately financed to conduct public business. All broker/dealers shall provide the City with references from public entities which they are currently serving. The Investment Committee shall adopt and annually review a list of qualified broker/dealers authorized to engage in investment transactions with the City.

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All investment providers, financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following, as appropriate:

- audited financial statements
- proof of Financial Industry Regulatory Authority (FINRA) certification
- proof of state registration

Additionally, the qualified representative or equivalent of the Local Government Investment Pool or discretionary Investment Advisor firm (i.e. business organization) shall execute a Certificate to the effect that the qualified representative has:

1.) Received and thoroughly reviewed this Investment Policy, and

2.) Acknowledged that their business organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions between itself and the City that are not authorized by this Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio, requires and interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts, or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The City may not engage in an investment transaction with a business organization prior to receiving this written acknowledgment completed by the organization.

G. SAFEKEEPING AND CUSTODY

1. Insurance or Collateral

All non-insured deposits and repurchase agreement investments of City funds shall be secured as required by State legislation. Deposits secured with

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irrevocable letters of credit shall have 100% of principal plus anticipated interest of the deposit, less any amount insured by the FDIC. In order to anticipate market changes and provide a level of security for all funds, the minimum marketable security collateralization level will be 102% of market value of principal plus accrued interest on the deposits or repurchase agreement investments less any amount insured. Evidence of the pledged collateral shall be maintained by the Chief Financial Officer or Assistant Director - Finance (for their respective portfolios), or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the eligible collateral pledge in each agreement. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate.

2. Custodial Agreement

Collateral pledged to secure deposits of the City shall be held by a custodian institution in accordance with a Custodial Agreement which clearly defines the procedural steps for gaining access to the collateral should the City determine that the City's funds are in jeopardy. The custodian institution shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral.

3. Collateral Defined

The City shall accept only the following as collateral:

a) FDIC and NCUSIF insurance coverage.

b) A bond, certificate of indebtedness, or note of the United States or its agencies and instrumentalities, or other evidence of indebtedness that is guaranteed as to the principal and interest by the United States or its agencies and instrumentalities.

c) Obligations, the principal and interest on which are unconditionally guaranteed or insured by the State of Texas or its agencies and instrumentalities.

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d) A bond of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent) by a nationally recognized rating agency, with a remaining maturity of ten (10) years or less.

The use of a letter of credit issued to the City by a Federal Home Loan Bank may be considered by the City to meet the required bank depository collateral requirements.

4. Subject to Audit

All collateral shall be subject to inspection and audit by the City or the City's independent auditors.

5. Delivery vs. Payment

Securities shall be purchased using the delivery versus payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City or its safekeeping agent. The security shall be held in the name of the City or held on behalf of the City. The safekeeping agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

H. INVESTMENT POLICY ADOPTION

The City Investment Policy shall be adopted by resolution of the City Council. The Investment Committee shall review the Policy for effectiveness on an annual basis and any modifications will be recommended for approval to the City Council. The City Council shall review and approve these investment policies and strategies not less than annually.

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APPENDIX A

Commented [JH2]: Consider removing - most entities form/email stating the required certification information.

SAMPLE INVESTMENT POLICY CERTIFICATION FORM

As required by Texas Government Code 2256.005(k)

CITY OF TEXARKANA, TEXAS

THE STATE OF TEXAS

COUNTY OF BOWIE

BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed below, who, being by me first duly sworn, upon oath deposed and said:

My name is _____. I am a Qualified Representative of _____ (the "Business Organization"). This Statement is provided to meet the requirements of the Public Funds Investment Act.

I hereby certify that:

1. I have reviewed the City's Investment Policy;

2. The Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City of Texarkana and the Business Organization that are not authorized by the City's Investment Policy, except to the extent that the Business Organization has not made an analysis of the make-up of the City's entire portfolio or has not engaged in any interpretation of subjective investment standards or requires and interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority; and

3. The statements, representations and declarations made in this document are true and correct.

_____
Qualified Representative

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Government Treasurers' Organization of Texas

Investment Policy Certification Checklist

Entity: Texarkana

Office Use Only
Reviewer:
Date:

*__Applicant__ must indicate in this column where item is located in the investment policy submitted for review. (Example: Authorized and Suitable Investments, Section 6, page 10)

****Revised: July 2023**

CRITERIA	PLACEMENT IN POLICY*	ACCEPTABLE (RECOMMENDATIONS)**	UNACCEPTABLE (RECOMMENDATIONS)
Policy Statement Policy statement emphasizing the guiding principles of the investment program and conformance to all statutes, rules and regulations governing the investment of public funds.	**INTRODUCTION**		
Scope List of funds covered by the policy. Funds can either be defined specifically as they are listed in the audited annual financial report, or more generally (i.e. short-term operating funds). This section should also specify which funds, if any, are combined for investing purposes as a "pooled fund group", and which funds are managed as "separately invested assets", as defined in **PFIA 2256.002(9)**.	**A. SCOPE**		
General Objectives Investment policy must primarily emphasize safety of principal, liquidity **[PFIA 2256.005 (b)(2)]**, and yield **[PFIA 2256.005 (b)(3)]**. Policy includes procedures to monitor rating changes and liquidation of such investments consistent with **[PFIA 2256.005 (b)(4)(F)]**.	**B. OBJECTIVES**		
Prudent Person Rule "Prudent Person" statement relating to the standard of care that must be exercised when investing public funds. **PFIA 2256.006 (a-b)**	**C RESPONSIBILITY AND CONTROL – 4. PRUDENCE**		
Capability of Investment Management Investment policy must address quality and capability of investment management. **PFIA 2256.005 (b)(3)**	**C RESPONSIBILITY AND CONTROL – 2. DELEGATION OF AUTHORITY & TRAINING**		

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CRITERIA	PLACEMENT IN POLICY*	ACCEPTABLE (RECOMMENDATIONS)**	UNACCEPTABLE (RECOMMENDATIONS)
Ethics Disclosure and Conflicts of Interest Investment Policy must require the investment officer(s) to file a disclosure statement with the Texas Ethics Commission and the governing body if: a. the officer has a personal business relationship with a business organization offering to engage in an investment transaction with the City (as defined in 2256.005 (i)(1-3)); or b. the officer is related within the second degree by affinity or consanguinity, as determined under Chapter 573 of the Texas Government Code, to an individual seeking to transact investment business with the entity. **PFIA 2256.005 (i)**	**C RESPONSIBILITY AND CONTROL –5. ETHICS & CONFLICTS OF INTEREST**		
Delegation of Investment Authority Investment Policy must designate one or more officers of the entity as the investment officer(s) responsible for the investment of its funds (does not apply to a state agency, local government, or investment pool for which an officer of the entity is assigned by law the function of investing funds). **PFIA 2256.005 (f)**	**C RESPONSIBILITY AND CONTROL – 2. DELEGATION OF AUTHORITY & TRAINING**		
Investment Training Investment training is required for the treasurer, CFO, and the investment officer(s) of a local government (see 2256.007 for training requirements for state agencies). Training must be received from an independent source, *approved by the entity's governing body or investment committee,* and must include education in investment controls, security risks, strategy risks, market risks, diversification of investment portfolio, and compliance with PFIA. The hours of training vary and must be completed within a specific number of months of taking office or assuming duties. Thereafter, renewal training hours must be completed every two years. (State Agencies, Higher Education, and Community Colleges training cycles are concurrent with the state fiscal biennium.) (Local governments training cycles are concurrent with the government s' fiscal year.) Training hours vary with entity types and investment holdings of municipalities and schools with local investments. Training requirements can be viewed at https://gtot.nctcog.org/training/pfia-workshops/training-requirements. **PFIA 2256.008**	**C RESPONSIBILITY AND CONTROL – 2. DELEGATION OF AUTHORITY & TRAINING**		

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CRITERIA	PLACEMENT IN POLICY*	ACCEPTABLE (RECOMMENDATIONS)**	UNACCEPTABLE (RECOMMENDATIONS)
Signed Investment Policy Certification form HB 1701 changes "person" to "business organization" and narrowly defines business organization as either an investment pool or an investment management firm under contract to manage the entity's portfolio with discretionary authority. Very few investment management contracts for public funds grant such discretion, meaning investment pools will generally be the only organizations still required to sign this certification. This bill has all but killed the legal requirement for the policy certification; Public entities may wish to revise their investment policy as it seems likely that brokers, absolved of this legal requirement, may no longer be willing to sign those certifications. Public entities should still provide their investment policy to their brokers, who in fact should be asking for it. Among other things, FINRA's "Know Your Customer" rules, largely established by the suitability requirements of FINRA Rule 2111, require that brokers, "have a reasonable basis to believe that a recommendation is suitable for a particular customer based on that customer's investment profile." Providing the broker with your investment policy should very clearly describe your investment profile, particularly with regard to the primary objective of safety of principal. Compliant certification includes acknowledging that the business organization has: a. received and reviewed the entity's Investment Policy; and b. implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the entity and the organization that are not authorized by the entity's Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the entity's entire portfolio or requires an interpretation of subjective investment standards. **PFIA 2256.005 (k-l)**	**F SELECTION OF FINANCIAL INSTITUTIONS & B/DS – 2. BROKER/DEALERS**		
Establishment and annual review of qualified bidders list Investment Policy must require either the entity's governing body, or its Investment Committee to, at least annually, review, revise, and adopt a list of qualified brokers that are authorized to engage in investment transactions with the entity. **PFIA 2256.025**	**F SELECTION OF FINANCIAL INSTITUTIONS & B/DS – 2. BROKER/DEALERS**		
Independent Third-Party Safekeeping Securities and collateral will be held by a third-party custodian designated by the entity, and held in the entity's name as evidenced by safekeeping receipts of the institution with which the securities are deposited.	**G SAFEKEEPING & CUSTODY– 5. DELIVERY VS PAYMENT**		
Delivery vs. Payment Investment Policy must require "delivery vs. payment" (DVP) settlement of all transactions, except local government investment pool and mutual fund transactions. **PFIA 2256.005 (b)(4)(E)**	**G SAFEKEEPING & CUSTODY– 5. DELIVERY VS PAYMENT**		

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CRITERIA	PLACEMENT IN POLICY*	ACCEPTABLE (RECOMMENDATIONS)**	UNACCEPTABLE (RECOMMENDATIONS)
Competitive Bidding Investment Policy should require at least three competitive offers or bids for all individual security purchases and sales (excluding transactions with money market mutual funds, local government investment pools and when issued securities, which are deemed to be made at prevailing market rates).	**E INVESTMENT PORTFOLIO – 2. PERFORMANCE**		
Suitable and Authorized Investments List the types of authorized investments in which the investing entity's funds may be invested. Investments authorized by PFIA are listed in Sections 2256.009 – 2256.016 and Section 2256.019 – 2256.0201. It is recommended that investment descriptions be either directly quoted from PFIA and/or referenced to PFIA. Be sure to include minimum required ratings and maximum allowable stated maturities, where applicable. If Repurchase Agreements are an authorized investment, the policy should require execution of a "Master Repurchase Agreement". Your policy may be more restrictive than PFIA and need not include every investment authorized by PFIA. **PFIA 2256.005 (b)(4)(A-B)**	**E INVESTMENT PORTFOLIO – 3. INVESTMENTS – B NOT AUTHORIZED**		
Prohibited Investments An entity may choose to prohibit certain investments that are authorized by PFIA. The Policy should either: a. list prohibited investments, including those specifically prohibited in **PFIA 2256.009 (b)(1-4)**; or b. state only those investments listed in this section are authorized.	**E INVESTMENT PORTFOLIO – 3. INVESTMENTS – A AUTHORIZED**		
Effect of Loss of Required Rating All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating. **PFIA 2256.021 (do we need to state this twice, it was added to General Objectives)**	**E INVESTMENT PORTFOLIO – 3. INVESTMENTS**		
Collateral Policy The governing body must approve a written policy relating to collateralization. It should be included in the Investment Policy and require collateralization for all uninsured collected balances, plus accrued interest, if any. In addition, the policy should address acceptance, substitution, release, and valuation of collateral. **Collateral for Public Funds, Chapter 2257, Texas Government Code**	**G SAFEKEEPING & CUSTODY-1. INSURANCE OR COLLATERAL**		
Diversification and Maximum Maturities Investment policy must address investment diversification, yield, and maturity. (Yield is normally addressed under General Objectives following primary objectives of safety of principal and liquidity.) **PFIA 2256.005 (b)(3)**	**E INVESTMENT PORTFOLIO – 4. HOLDING PERIOD AND 5. RISK & DIVERSIFICATION**		

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CRITERIA	PLACEMENT IN POLICY*	ACCEPTABLE (RECOMMENDATIONS)**	UNACCEPTABLE (RECOMMENDATIONS)
Investment Strategies The Investment Policy must require adoption by the governing body of a separate investment strategy for each of the funds, or group of funds, under its control. Each investment strategy must describe the investment objectives for the particular fund using the following priorities in order of importance: (1) understanding of the suitability of the investment to the financial requirements of the entity; (2) preservation and safety of principal; (3) liquidity; (4) marketability of the investment if the need arises to liquidate the investment before maturity; (5) diversification of the investment portfolio; and (6) yield (assign performance benchmarks as appropriate) **PFIA 2256.005 (d)**	**INVESTMENT STRATEGY**		
Weighted Average Maturity for Pooled Fund Groups If your entity combines funds as a "pooled fund group" for investing purposes, then the maximum dollar-weighted average maturity of the portfolio, based on the stated maturity date, must be included in your Investment Policy. **PFIA 2256.005 (b)(4)(C)**	**E INVESTMENT PORTFOLIO – 2. PERFORMANCE**		
Quarterly Reporting Investment Policy must require quarterly investment reports, prepared by the investment officer(s) and submitted to the governing body. Specific PFIA reporting requirements should be either be included in your policy or referenced to PFIA. **PFIA 2256.023**	**D REPORTING**		
Review by Independent Auditor Quarterly reports must be formally reviewed at least annually by an independent auditor and reported to the governing body. (An entity is exempt from this review if it *only* invests in money market mutual funds, investment pools or accounts offered by its depository bank in the form of CDs or money market accounts.) **PFIA 2256.023 (d)**	**D REPORTING**		
Marking to Market The market value of the portfolio must be determined at least quarterly and included in the quarterly investment reports. The Investment Policy must include methods to monitor the market price of investments acquired with public funds (e.g. IDC, Bloomberg, etc.) **PFIA 2256.005 b)(4)(D)**	**D REPORTING – 3. METHODS**		
Internal Controls Investment Policy must require, in conjunction with its annual financial audit, a compliance audit of management controls on investments and adherence to the entity's established investment policies (see 2256.005(n) for the requirement for state agencies). **PFIA 2256.005 (m)**	**C RESPONSIBILITY AND CONTROL – 3 INTERNAL CONTROLS**		
Exemption for Existing Investments An entity is not required to liquidate investments that were authorized investments at the time of purchase. **PFIA 2256.017**	**E INVESTMENT PORTFOLIO – 3. INVESTMENTS**		

Attachment: 2024-128 ATTH 01 GTOT IP checklist Texarkana 2024 08 22 (4343 : 2024-128 RES Adopting the City's Investment Policy)

CRITERIA	PLACEMENT IN POLICY*	ACCEPTABLE (RECOMMENDATIONS)**	UNACCEPTABLE (RECOMMENDATIONS)
Annual Review and Adoption of Investment Policy and Strategies Investment Policy must require the governing body to, not less than annually, adopt a written instrument stating that it has reviewed the Investment Policy and investment strategies and that the written instrument so adopted shall record any changes made to either the policy or strategies. **PFIA 2256.005 (e)**	**H INVESTMENT POLICY ADOPTION**		

**Reviewer may assign an “acceptable” grade to an item and, if desired, also indicate how the discussion of the item may be improved in the policy.

Attachment: 2024-128 ATTH 01 GTOT IP checklist Texarkana 2024 08 22 (4343 : 2024-128 RES Adopting the City's Investment Policy)

Valley View Consulting, L.L.C.

2024-128 ATTH 02

August 22, 2024

To: Investment Committee

Fr: Dick Long

Re: Training Sources and Broker/Dealers

For consideration by the Investment Committee:

Independent training sources:

- Government Finance Officers Association
- Government Finance Officers Association of Texas
- Government Treasurers' Organization of Texas
- International City/County Management Association
- Texas Municipal League
- Council of Governments
- University of North Texas
- American Institute of Certified Public Accountants
- Association of Governmental Accountants

Approved Broker/Dealer List:

- FHN Financial
- Multi-Bank Securities
- Rice Financial
- Stifel
- Wells Fargo Securities

2428 Carters Mill Road, Huddleston, VA 24104-4003
540.297.3419

Attachment: 2024-128 ATTH 02 Broker Dealers Training Sources 2024 08 22 Texarkana (4343 : 2024-128 RES Adopting the City's Investment

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Medium

Other Potential Impacts:

NONE 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: 2024-128 Goals & Perspectives (4343 : 2024-128 RES Adopting the City's Investment Policy)

RESOLUTION NO. 2024-128

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CITY'S INVESTMENT POLICY; RECORDING THE ANNUAL REVIEW; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Public Funds Investment Act, as amended, requires the City to annually adopt an investment policy and investment strategies by rule, order, ordinance, or resolution; and

WHEREAS, the attached **Exhibit "A"** investment policy complies with the current Public Funds Investment Act, as amended, and authorizes the investment of City funds in safe and prudent investments.

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

SECTION 1: The facts and recitations contained in the above preamble of this Resolution are hereby incorporated herein for all purposes.

SECTION 2: The City Council approves the investment policy and investment strategy **(Exhibit "A")**.

SECTION 3: The City Council has performed an annual review of the investment policy and strategies and adopts its statements in the minutes recording that review.

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

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:13pm

Attachment: 2024-128 RES Investment Policy signed (4343 : 2024-128 RES Adopting the City's Investment Policy)

CITY OF TEXARKANA, TEXAS

INVESTMENT POLICY

Attachment: 2024-128 RES Investment Policy signed (4343 : 2024-128 RES Adopting the City's Investment Policy)

CITY OF TEXARKANA, TEXAS

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Attachment: 2024-128 RES Investment Policy signed (4343 : 2024-128 RES Adopting the City's Investment Policy)

INTRODUCTION

The purpose of this document is to set forth specific investment policy and strategy guidelines for the City of Texarkana, Texas (the "City") in order to achieve the goals of safety, liquidity, public trust, and yield for all investment activity. The City Council of the City shall review and adopt, by resolution, its investment strategies and policy not less than annually. The resolution shall include a record of changes made to either the Investment Policy or strategy. This Policy serves to satisfy the statutory requirement, specifically the Public Funds Investment Act and Public Funds Collateral Act, Texas Government Code Chapter 2256 and Chapter 2257 (the "PFIA" and "PFCA" respectively) to define, adopt, and review a formal investment strategy and policy.

INVESTMENT STRATEGY

The City maintains two distinct portfolios (the City and the Water Utilities Department), which independently utilize four specific investment strategy considerations, designed to address the unique characteristics of the fund groups represented in the portfolios. The investment objectives are:

- Suitability of the investment to the financial requirements of the City;
- Preservation and safety of principal;
- Liquidity;
- Marketability of the investment if a need to liquidate arises prior to maturity;
- Diversification of the portfolio; and
- Yield.

A. Investment strategies for operating funds and combined pools containing operating funds have as their primary objectives to preserve principal and assure that anticipated cash flows are matched with adequate investment liquidity. The secondary objective is to create a portfolio structure, which will experience minimal volatility during economic cycles. This may be accomplished by maintaining adequate liquid balances and utilizing high quality, short-to-medium term

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investments, which will complement each other in a laddered or barbell maturity structure, and can be easily liquidated if the need arises. Any investment authorized by this Policy is suitable for these funds. The dollar weighted average maturity of 365 days or less will be calculated using the stated final maturity date of each investment. The maximum stated final maturity shall be three years. The yield objective shall be a comparable maturity rolling Treasury portfolio.

B. Investment strategies for debt service funds shall have as the primary objectives the preservation of principal and the assurance of investment liquidity adequate to cover the debt service obligation on the required payment date. Investments purchased shall not have a stated final maturity date which exceeds the next unfunded debt service payment date. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a short-term, government portfolio local government pool.

C. Investment strategies for debt service reserve funds shall have as the primary objectives to preserve principal and to generate a dependable revenue stream to the appropriate debt service fund from investments with a low degree of volatility. Investments shall be of high quality and, except as may be required by the bond ordinance specific to an individual issue, of short-to-intermediate term maturities. Maximum maturity shall be the shorter of the first call date or five years. Any investment authorized by this Policy is suitable for these funds. The yield objective shall be a comparable maturity rolling Treasury portfolio.

D. Investment strategies for special projects or special purpose fund portfolios will have as their primary objectives to preserve principal and to assure that anticipated cash flows are matched with adequate investment liquidity. These portfolios should include at least 10% in cash equivalent investments to allow for flexibility and unanticipated project outlays, and by utilizing high quality, short-to-medium term investments, which will complement each other in a laddered or barbell maturity structure, and can be easily liquidated if the need arises. Any investment

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authorized by this Policy is suitable for these funds. The stated final maturity dates of securities held should not exceed the estimated project completion date. The yield objective shall be a comparable maturity rolling Treasury portfolio.

INVESTMENT POLICY

A. SCOPE

This Investment Policy applies to all financial assets of the City including the Water Utilities Department. These funds are accounted for in the City's Annual Comprehensive Financial Report and include:

- General Fund
- Special Revenue Funds
- Debt Service Funds
- Capital Projects Funds
- Proprietary Funds
- All Other Funds

This Policy shall not govern the Firemen's Relief and Pension Fund which is under the management and supervision of the City of Texarkana, Texas Firemen's Relief and Pension Fund Board of Trustees.

B. OBJECTIVES

The City shall manage and invest its cash with four objectives, listed in order of priority: Safety, Liquidity, Public Trust, and Yield. The safety of the principal invested always remains the primary objective. All investments shall be designed and managed in a manner responsive to the public trust and consistent with State and Local law.

The City shall maintain a comprehensive cash management program which includes collection of accounts receivable, vendor payment in accordance with invoice terms, and prudent investment of available cash. Cash management is defined as the process of managing monies in order to ensure maximum cash availability and maximum yield on short-term investment of pooled idle cash.

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1. Safety

The primary objective of the City's investment activity is the preservation of principal in the overall portfolio. Each investment transaction shall be conducted in a manner to avoid principal losses, whether from investment defaults or erosion of market value.

2. Liquidity

The City's investment portfolio shall be structured such that the City is able to meet all obligations in a timely manner. This shall be achieved by maintaining adequate cash equivalent balances, matching investment maturities with forecasted cash flow requirements, and by investing in securities with active secondary markets.

3. Public Trust

All participants in the City's investment process shall seek to act responsibly as custodians of the public trust. Investment Officers shall avoid any transaction which might impair public confidence in the City's ability to govern effectively.

4. Yield

The City's cash management portfolio shall seek to augment returns above this threshold consistent with risk limitations identified herein and prudent investment policies.

C. RESPONSIBILITY AND CONTROL

1. Investment Committee

An Investment Committee, consisting of one City Council Member appointed by the Mayor, Chief Financial Officer (City), Assistant Director - Finance (Water Utilities Department), Controller (Water Utilities Department), and Assistant Chief Financial Officer (City) shall meet as needed to determine operational strategies and to monitor results. The Investment Committee shall include in its deliberation such topics as: performance reports, economic outlook, portfolio diversification, maturity structure,

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potential risk to the City's funds, authorized broker/dealers, eligible investment training sources, and the target rate of return on the investment portfolio.

2. Delegation of Authority and Training

Authority to manage the City's investment program is derived from the City Charter. The Chief Financial Officer and Assistant Chief Financial Officer are designated as Investment Officers and are responsible for investment decisions and activities for the City portfolio. The Assistant Director - Finance and Controller are designated as Investment Officers and are responsible for investment decisions and activities for the Water Utilities Department portfolio. The Chief Financial Officer and Assistant Director - Finance shall establish written procedures for the operation of their respective investment program, consistent with this Investment Policy. In order to ensure qualified and capable investment management, the Investment Officers shall attend training sessions relating to the Officer's responsibility under the PFIA within 12 months after assuming duties and receive at least 10 hours of training, and additional training sessions not less than once every two year period that begins on the first day of the City's fiscal year and consists of the two consecutive fiscal years after that date and receive at least 8 hours of training. Independent sources for such training shall be approved by the Investment Committee.

3. Internal Controls

The Chief Financial Officer and Assistant Director - Finance, or their respective designee, are responsible for establishing and maintaining an internal control structure designed to ensure that the assets of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance that these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived; and (2) the valuation of costs and benefits requires estimates and judgments by management.

Accordingly, the Chief Financial Officer and Assistant Director - Finance shall establish a process for annual independent review by an external auditor in conjunction

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with the annual audit, to assure compliance with policies and procedures. The internal controls shall address the following points:

A. Avoidance of collusion.
B. Separation of transaction authority from accounting and record keeping.
C. Custodial safekeeping.
D. Clear delegation of authority to subordinate staff members.
E. Written confirmation for telephone (voice) transactions for investments and wire transfers.

4. Prudence

The standard of prudence to be applied by the Investment Officers shall be the "prudent person" rule, which states: "Investments shall be made with judgment and care, under prevailing circumstances, that a person of prudence, discretion and intelligence would exercise in the management of the person's own affairs, not for speculation, but for investment, considering the probable safety of capital, as well as the probable income to be derived." In determining whether an Investment Officer has exercised prudence with respect to an investment decision, the determination shall be made taking into consideration:

A. The investment of all funds, or funds under the City's control, over which the Officer had responsibility rather than a consideration as to the prudence of a single investment.

B. Whether the investment decision was consistent with the written Investment Policy of the City.

An Investment Officer, acting in accordance with written procedures and exercising due diligence, shall not be held personally responsible for a specific investment's credit risk or market price changes, provided that these deviations are reported immediately and that appropriate action is taken to control adverse developments.

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5. Ethics and Conflicts of Interest

Investment Officers shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair the ability to make impartial investment decisions. Investment Officers shall disclose to the City Manager any material financial interest in financial institutions that conduct business with the City and they shall further disclose positions that could be related to the performance of the City's portfolio. Investment Officers shall subordinate their personal financial transactions to those of the City, particularly with regard to timing of purchases and sales.

An Investment Officer of the City who has a personal business relationship with an organization seeking to sell an investment to the City shall file a statement disclosing that personal business interest. An Investment Officer who is related within the second degree by affinity or consanguinity to an individual seeking to sell an investment to the City shall file a statement disclosing that relationship. A statement required under this subsection must be filed with the Texas Ethics Commission and the City Council.

D. REPORTING

1. Quarterly Reporting

The Chief Financial Officer shall submit a quarterly investment report in compliance with the PFIA and signed by all Investment Officers.

2. Annual Report

Within a reasonable time after the end of the fiscal year, the Chief Financial Officer shall present an annual report on the investment program and investment activity. This report may be presented as a component of the fourth quarter report to the City Manager and City Council.

3. Methods

The quarterly investment report shall include a succinct management summary that provides a clear picture of the status of the current investment portfolio and

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transactions made over the last quarter. This management summary will be prepared in a manner which will allow the City to ascertain whether investment activities during the reporting period have conformed to the Investment Policy. The report will be prepared in compliance with the PFIA. The report will be provided to the City Manager and City Council. The report will include the following:

A. A listing of individual investments held at the end of the reporting period. This list will include the name of the fund or pooled group fund for which each individual investment was acquired.

B. Unrealized gains or losses resulting from appreciation or depreciation by listing the beginning and ending book and market value of securities for the period. Market values shall be obtained from financial institutions or portfolio reporting services independent from the investment provider.

C. Additions and changes to the market value during the period.

D. Fully accrued interest for the reporting period.

E. Average weighted yield to maturity of portfolio on City investments as compared to applicable benchmarks.

F. Listing of investments by maturity date.

G. The percentage of the total portfolio which each type of investment represents.

H. Statement of compliance of the City's investment portfolio with State Law and the Investment Strategy and Policy approved by the City Council.

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In conjunction with the annual audit, a formal annual review of these reports will be performed by an independent auditor with the results reported to the City Council as part of the overall audit report.

E. INVESTMENT PORTFOLIO

1. Active Portfolio Management

The City shall pursue an active versus a passive portfolio management philosophy. That is, investments may be sold or redeemed before they mature if market conditions present an opportunity for the City to benefit from the trade. The Investment Officers will routinely monitor the contents of the portfolio, the available markets, and the relative value of competing instruments, and will adjust the portfolio accordingly.

2. Performance

It is the City's policy to purchase investments with maturity dates coinciding with cash flow requirements. Using this strategy, the City attempts to purchase the highest yielding allowable investments available at the time of purchase. The City shall encourage a competitive environment for all investment activities including investment pool and mutual fund selections, financial institution deposit placements, securities transactions, and other investment-related proceedings. Weighted-average-yield-to-maturity shall be the portfolio's performance measurement standard.

3. Investments

Assets of the City may be invested in the following instruments; provided, however, that at no time shall assets of the City be invested in any instrument or security not authorized at the time of purchase for investment under the PFIA, as the PFIA may from time to time be amended. The City is not required to liquidate investments that were authorized investments at the time of purchase. All prudent measures will be taken to liquidate an investment that is downgraded to less than the required minimum rating.

a). Authorized

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1. Obligations issued, guaranteed, or insured by the United States of America, its agencies and instrumentalities, including the Federal Home Loan Banks.

2. Direct obligations of the State of Texas, its agencies and instrumentalities.

3. Other obligations, the principal and interest of which are unconditionally guaranteed or insured by, or backed by the full faith and credit of this State or the United States or their respective agencies and instrumentalities, including obligations that are fully guaranteed or insured by the Federal Deposit Insurance Corporation or by the explicit full faith and credit of the United States.

4. Obligations of the States, agencies thereof, Counties, Cities, and other political subdivision of any state having been rated as investment quality by a nationally recognized investment rating firm, and having received a rating of not less than "A" or its equivalent.

5. Certificates of Deposit, and other forms of deposit, of state and national banks, savings banks, or state or federal credit unions that has a main or branch office in Texas, guaranteed or insured by the Federal Deposit Insurance Corporation (or its successor) or the National Credit Union Share Insurance Fund (or its successor), or secured by obligations described in G. 3. Collateral Defined, or as authorized by the PFIA. Bids/quotes for these investments may be solicited in the following ways: orally, in writing, electronically, or in any combination of the above methods.

6. Fully collateralized direct repurchase agreements with a defined termination date secured by cash or obligations of the United States or

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its agencies and instrumentalities. Securities purchased must be pledged to the City, held in the City's account, and deposited at the time of the investment with the City, and placed through a primary government securities dealer, as defined by the Federal Reserve, or a financial institution doing business in Texas. Such agreements may include direct security repurchase agreements and reverse security repurchase agreements with terms of 90 days or less after the delivery date. Funds received by the City under a reverse security agreement shall be used to acquire additional authorized investments, but those investments must mature no later than the expiration date stated in the reverse security repurchase agreement.

7. Local Government Investment Pools, if the pool is specifically approved by the Council and the pool invests only in investments authorized by the PFIA. A pool must be continuously rated no lower than AAA or AAA-m or at an equivalent rating by at least one nationally recognized rating service. In order to be eligible to receive City funds a pool must comply with all PFIA requirements.

8. "Money Market" mutual funds that have a rating of AAA by at least one nationally recognized rating firm and are "no-load" funds. A "money market" mutual fund must seek to maintain a $1.0000 share value and include only short-term, highly liquid, and relatively low risk debt instruments, and must be registered with and regulated by the Securities and Exchange Commission. The City cannot own more than 10% of the mutual fund's total assets.

9. Guaranteed Investment contracts are allowed investments for bond proceeds only, if such contracts have a defined termination date, are secured by U.S. Government direct or agency obligations approved by the PFIA, in an amount equal to the bond proceeds, if security is pledged

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to the City and deposited with the City or a third party, and if the investment term is limited to five years from the date of bond issuance. In addition, specific provisions under PFIA Section 2256.015(c) 1-5 must be met to allow investment in these contracts.

b. Not Authorized

The City's authorized investment options are more restrictive than those allowed by State law. State law specifically prohibits investment in the following investment securities, or investment in specific instruments at levels higher than those listed below:

1) Obligations whose payment represents the coupon payments on the outstanding principal balance of the underlying mortgage-backed security collateral and pays no principal.

2) Obligations whose payment represents the principal stream of cash flow from the underlying mortgage-backed security collateral and bears no interest.

3) Collateralized mortgage obligations that have a stated final maturity date of greater than 10 years.

4) Collateralized mortgage obligations the interest rate of which is determined by an index that adjusts opposite to the changes in a market index.

4. Holding Period

The City intends to match the holding periods of investment funds with liquidity needs of the City.

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5. Risk and Diversification

The City recognizes that investment risks can result from issuer defaults, market price changes or various technical complications leading to temporary illiquidity. Risk is controlled through portfolio diversification which shall be achieved by the following general guidelines:

a) Risk of issuer default is controlled by limiting investments to those instruments allowed by the PFIA, which are described herein.

b) Risk of market price changes shall be controlled by avoiding over-concentration of assets in a specific maturity sector, maintenance of adequate liquidity, and limitation of appropriate average maturity.

c) Risk of temporary illiquidity shall be controlled by monitoring the rating of each issuer, as applicable, at least quarterly, and taking all prudent measures that are consistent with this Policy to liquidate an investment that does not have the minimum rating.

F. SELECTION OF FINANCIAL INSTITUTIONS AND BROKER/DEALERS

1. Depository

In compliance with State legislation, a Primary Depository shall be selected through the City's banking services procurement process, which shall include a formal request for application (RFA). In selecting a Primary Depository, the credit worthiness of institutions shall be considered, and the Chief Financial Officer shall conduct a comprehensive review of prospective depositories' credit characteristics and financial history. In addition, the City may establish non-primary banking relationships based on deposit and unique service capabilities.

Institutions seeking to establish eligibility for the City's depository shall submit for review financial statements, evidence of federal insurance and other information as required by the Chief Financial Officer.

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Any institution designated as a depository by the City will provide collateral in accordance with this Policy and applicable State law. The City reserves the right, in its sole discretion, to accept or reject any form of insurance or collateralization pledged towards depository deposits. Institutions serving as a depository will be required to sign a Depository/Collateral Agreement with the City. The collateralized deposit portion of the Agreement shall define the City's rights to the collateral in case of default, bankruptcy, or closing and shall establish a perfected security interest in compliance with Federal and State regulations, including:

- The agreement must be in writing;
- The agreement must be executed by the Depository and the City contemporaneously with the acquisition of the asset;
- The agreement must be approved by the Board of Directors or designated committee of the Depository and a copy of the meeting minutes must be delivered to the City; and
- The agreement must be part of the Depository's "official record" continuously since its execution.

2. Broker/Dealers

For broker/dealers, the City shall select only those dealers reporting to the Market Reports Division of the Federal Reserve Board of New York, also known as the "Primary Government Security Dealers", unless analysis reveals that other firms are adequately financed to conduct public business. All broker/dealers shall provide the City with references from public entities which they are currently serving. The Investment Committee shall adopt and annually review a list of qualified broker/dealers authorized to engage in investment transactions with the City.

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All investment providers, financial institutions and broker/dealers who desire to become qualified bidders for investment transactions must supply the following, as appropriate:

- audited financial statements
- proof of Financial Industry Regulatory Authority (FINRA) certification
- proof of state registration

Additionally, the qualified representative or equivalent of the Local Government Investment Pool or discretionary Investment Advisor firm (i.e. business organization) shall execute a Certificate to the effect that the qualified representative has:

1.) Received and thoroughly reviewed this Investment Policy, and

2.) Acknowledged that their business organization has implemented reasonable procedures and controls in an effort to preclude imprudent investment transactions between itself and the City that are not authorized by this Investment Policy, except to the extent that this authorization is dependent on an analysis of the makeup of the City's entire portfolio, requires and interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts, or other contractual arrangements over which the business organization has accepted discretionary investment authority.

The City may not engage in an investment transaction with a business organization prior to receiving this written acknowledgment completed by the organization.

G. SAFEKEEPING AND CUSTODY

1. Insurance or Collateral

All non-insured deposits and repurchase agreement investments of City funds shall be secured as required by State legislation. Deposits secured with

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irrevocable letters of credit shall have 100% of principal plus anticipated interest of the deposit, less any amount insured by the FDIC. In order to anticipate market changes and provide a level of security for all funds, the minimum marketable security collateralization level will be 102% of market value of principal plus accrued interest on the deposits or repurchase agreement investments less any amount insured. Evidence of the pledged collateral shall be maintained by the Chief Financial Officer or Assistant Director - Finance (for their respective portfolios), or a third party financial institution. Repurchase agreements shall be documented by a specific agreement noting the eligible collateral pledge in each agreement. Collateral shall be reviewed at least monthly to assure that the market value of the pledged securities is adequate.

2. Custodial Agreement

Collateral pledged to secure deposits of the City shall be held by a custodian institution in accordance with a Custodial Agreement which clearly defines the procedural steps for gaining access to the collateral should the City determine that the City's funds are in jeopardy. The custodian institution shall be the Federal Reserve Bank or an institution not affiliated with the firm pledging the collateral.

3. Collateral Defined

The City shall accept only the following as collateral:

a) FDIC and NCUSIF insurance coverage.

b) A bond, certificate of indebtedness, or note of the United States or its agencies and instrumentalities, or other evidence of indebtedness that is guaranteed as to the principal and interest by the United States or its agencies and instrumentalities.

c) Obligations, the principal and interest on which are unconditionally guaranteed or insured by the State of Texas or its agencies and instrumentalities.

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d) A bond of a county, city or other political subdivision of the State of Texas having been rated as investment grade (investment rating no less than "A" or its equivalent) by a nationally recognized rating agency, with a remaining maturity of ten (10) years or less.

The use of a letter of credit issued to the City by a Federal Home Loan Bank may be considered by the City to meet the required bank depository collateral requirements.

4. Subject to Audit

All collateral shall be subject to inspection and audit by the City or the City's independent auditors.

5. Delivery vs. Payment

Securities shall be purchased using the delivery versus payment method. That is, funds shall not be wired or paid until verification has been made that the correct security was received by the City or its safekeeping agent. The security shall be held in the name of the City or held on behalf of the City. The safekeeping agent's records shall assure the notation of the City's ownership of or explicit claim on the securities. The original copy of all safekeeping receipts shall be delivered to the City.

H. INVESTMENT POLICY ADOPTION

The City Investment Policy shall be adopted by resolution of the City Council. The Investment Committee shall review the Policy for effectiveness on an annual basis and any modifications will be recommended for approval to the City Council. The City Council shall review and approve these investment policies and strategies not less than annually.

Attachment: 2024-128 RES Investment Policy signed (4343 : 2024-128 RES Adopting the City's Investment Policy)

APPENDIX A

Commented [JH2]: Consider removing - most entities have a form/email stating the required certification information.

SAMPLE INVESTMENT POLICY CERTIFICATION FORM

As required by Texas Government Code 2256.005(k)

CITY OF TEXARKANA, TEXAS

THE STATE OF TEXAS

COUNTY OF BOWIE

BEFORE ME, the undersigned authority, on this day personally appeared the person whose name is subscribed below, who, being by me first duly sworn, upon oath deposed and said:

My name is _____. I am a Qualified Representative of _____ (the "Business Organization"). This Statement is provided to meet the requirements of the Public Funds Investment Act.

I hereby certify that:

1. I have reviewed the City's Investment Policy;

2. The Business Organization has implemented reasonable procedures and controls in an effort to preclude investment transactions conducted between the City of Texarkana and the Business Organization that are not authorized by the City's Investment Policy, except to the extent that the Business Organization has not made an analysis of the make-up of the City's entire portfolio or has not engaged in any interpretation of subjective investment standards or requires and interpretation of subjective investment standards or relates to investment transactions of the City that are not made through accounts or other contractual arrangements over which the business organization has accepted discretionary investment authority; and

3. The statements, representations and declarations made in this document are true and correct.

_____
Qualified Representative

Attachment: 2024-128 RES Investment Policy signed (4343 : 2024-128 RES Adopting the City's Investment Policy)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/10/2024 12:03 PM

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

Subject: Resolution No. 2024-130 adopting the City's Budget Strategic Plan.

Briefing: 10/28/2024 **Public Hearing:** **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The Government Finance Officers Association (GFOA) recommends that governments engage in strategic planning to provide a vision for the future that can be used to align budgeting with organizational priorities. A formal strategic plan helps to ensure that the goals of the community, city management, and the City Council align. The proposed strategic plan includes the previously adopted Vision Statement, Mission Statement, Core Values, and Goals for the city and is intended to guide the city's fiscal budget development and implementation process, while still allowing flexibility for future City Councils to review and amend as necessary. It is also built on the goals included in other city planning documents and will be updated annually through the budget process.

Potential Options:

- Approve
- Deny

Fiscal Implications:

This plan will be used to guide the fiscal budget development and implementation process.

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

Not Applicable

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

City of Texarkana, Texas

Attachments

a. 2024-130 RES Adopting Budget Strategic Plan (DOC)
b. 2024-130 EXH 'A' FY 25 Budget Strategic Plan (DOCX)
c. 2024-130 Goals & Perspectives (DOCX)
d. 2024-130 RES City's budget strategic plan signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	10/10/2024 11:36 AM
Finance Department	Kristin Peeples	Finance Review	Completed	10/10/2024 11:36 AM
City Manager	David Orr	City Manager Review	Completed	10/10/2024 3:39 PM
City Council	Jennifer Evans	Meeting	Completed	10/14/2024 6:00 PM

Meeting History

10/14/24	City Council	MOVED FORWARD	Next: 10/28/24

RESOLUTION NO. 2024-130

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE CITY'S BUDGET STRATEGIC PLAN; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Government Finance Officers Association (GFOA) recommends that governments engage in strategic planning to provide a vision for the future that can be used to align budgeting with organizational priorities; and

WHEREAS, a formal strategic plan helps to ensure that the goals of the community, city management, and the City Council align; and

WHEREAS, this plan is intended to guide the city's fiscal budget development and implementation process; and

WHEREAS, this plan is built on the goals included in other city planning documents; and

WHEREAS, this plan will be updated annually through the budget process.

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

SECTION 1: The City Council approves the Budget Strategic Plan **(Exhibit "A")**.

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-130 RES Adopting Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

FY 25 Budget Strategic Plan Overview

The proposed FY 25 Budget Strategic Plan includes the previously adopted Vision Statement, Mission Statement, Core Values and Goals for the city. This plan is intended to guide the city's fiscal budget development and implementation, with flexibility for future City Councils to review and amend as necessary. The Strategic Plan will be updated annually through the budget process.

Future Vision

By 2034, Texarkana, Texas, aims to be a thriving city with a population exceeding 40,000, recognized among the top cities in Texas for its exceptional quality of life and business-friendly environment. The city will be supported by excellent schools, expanded infrastructure—including utilities, bike lanes, sidewalks, and interconnected roads—and vibrant communities with new housing subdivisions and revitalized neighborhoods. Texarkana will be distinguished by its historic downtown district, proximity to the Dallas-Fort Worth Metroplex and Little Rock, Arkansas, and active businesses that provide a stable tax base and employment opportunities. With a competitive business climate, advanced medical facilities, and numerous higher education opportunities, Texarkana will be a city of community pride and unity.

Vision Statement

The vision of the City of Texarkana, Texas, is to be a thriving regional center for education, business, and culture which attracts and serves our residents and visitors.

Mission Statement

The mission of the City of Texarkana, Texas is to provide public services and leadership to its residents and visitors in a safe, welcoming, and vibrant community.

Core Values

Teamwork, Integrity, Accountability, Innovation, Leadership, Professionalism, Communication and Character.

Supporting Statements

These statements are designed to assist with the understanding the logistics behind the formation and implementation of action items:

A. Some action items have direct fiscal implications, while others are administrative and will be executed by the City Council and/or City Staff through ordinances, resolutions, policies, etc.

B. The timeline for achieving action items varies; some may be completed quickly, while others may take months or even years.

C. The Strategic Plan's five goals are intended to remain consistent from year to year, though action items may change based on relevance and ongoing needs.

D. Goals are long-term and may require varying levels of focus, resources, and funding each fiscal year.

Attachment: 2024-130 EXH 'A' FY 25 Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

E. Many action items address multiple goals; however, each action item will be primarily assigned to one goal, with cross-references to others as applicable.

F. While City Staff will prioritize the implementation of all action items, operational dynamics, staffing limits, and time constraints may impact the completion or progress of certain items.

Assignment of Responsibility

Each year, the City Manager will submit a proposed budget to the City Council, as outlined in Article VIII of the City Charter. This budget will include action items that align with the Strategic Plan. Action items will be assigned to specific departments and tracked by the City Manager, with progress reports provided during the following fiscal year's budget process. The City Council may request updates on action items at any time.

Action Items by Goal

Goal #1 — Continue to improve working relationships with Texarkana, Arkansas, Bowie County, State and Federal Partners.

- **Ongoing Monthly Meetings with Texarkana, Arkansas City Manager**
  Assignment: City Manager's Office
- **Formalize relationships (internship program, Big Event, TC Workforce training) with MOU agreements with Texarkana College and Texas A&M – Texarkana by September 30, 2024. (ongoing)**
  Assignment: City Manager's Office
- **Implementation of the Lake Wright Patman Ultimate Rule Curve with Riverbend**
  Assignment: City Manager's Office, Attorneys Office
- **Work on Contract Extension with Graphic Packaging International with Riverbend**
  Assignment: City Manager's Office, Attorneys Office
- **Airport Runway Extension Projects with TxDOT, ARDOT and FAA**
  Assignment: Airport Authority & City Manager's Office
- **IAC Bi-State Meetings with Texarkana, Arkansas and Bowie County**
  Assignment: City Manager's Office, Finance
- **Interlocal Agreements for Animal Control Services with Bowie County, Texarkana, Arkansas, and surrounding cities**

  Assignment: Development Services
- **Continue partnering with TxDOT to improve pedestrian facilities throughout the City**
  Assignment: Public Works and Planning and Community Development
- **BI-Monthly Meetings with Texarkana Arkansas City Manager, Texarkana Texas City Manager, and IT Director to regarding the joint IT Department.**

  Assignment: City Manager’s Office, IT Department

Attachment: 2024-130 EXH 'A' FY 25 Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

- **Continue to work with TDEM and FEMA for ongoing Hazard Mitigation Grants and BRIC Building Resilient Infrastructure Communities**

  Assignment: TTFD/OEM

- **Build up relationships with our mutual aid partners through training and resource sharing.**
  Assignment: TTFD

- **Continue working with the TWDB implementing the 2023 State Flood Plan and working on the next 5-year plan**
  Assignment: Public Works

- **Continue working with Texarkana Arkansas, Texas, and both counties in improving and expanding the Cities water and sewer infrastructure.**
  Assignment: TWU

- **Install a new AMI System with leak detection in an effort to improve the efficiency of our system as well as to minimize the system water loss.**
  Assignment: TWU

- **Continue working with both State and Federal agencies thru permitting and monitoring of both the distribution system and water and sewer plants to maintain compliance.**
  Assignment: TWU

Goal #2 — Encourage Economic Development through Business Development and Retention Planning

- **Create an economic development strategic plan for the city in partnership with AR-TX REDI by December 31st, 2024. (ongoing)**
  Assignment: City Manager's Office

- **Facilitate the creation of a regional business incubator/creator space in collaboration with AR-TX REDI, TC, TAMUT, UAHT and Texarkana, Arkansas.**
  Assignment: City Manager's Office

- **Continue to encourage and provide staff support for Pre-Development Meetings**
  Assignment: Public Works Department, Development Services Department, TWU, City Manager’s Office.

- **Creation of Cyber Incident Mutual Aid ILA between the City, TISD, PGISD, LEISD, TC, and TAMUT.**

- Assignment: IT Department

Attachment: 2024-130 EXH 'A' FY 25 Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

- **Continue to work closely with the REDI Group and the Public Works Departments of both Cities to provide services to proposed developments.**
- Assignment: TWU

Goal #3 — Promote Long-Term Growth in the Community

- **Assist with the MPO State Line Corridor planning and future reconstruction project.**
  Assignment: Public Works Department, Planning and Community Development Department, City Manager's Office

- **Ongoing monitoring of market data related to employee compensation and benefits to ensure the City continues to hire and retain a skilled workforce to ensure growth and stability within the community.**
  Assignment: Human Resources, City Manager, Finance

- **Continue investing and upgrading the City's infrastructure systems**
  Assignment: Public Works, TWU, Finance

- **Continue updating the Utilities Water and Sewer Master Plans to ensure capacity for future growth**
  Assignment: TWU

- **Continue developing and implementing the Parks 15–20-year Master Plan for the continued quality of life for the community.**
  Assignment: Parks

Goal #4 — Improve Interdepartmental Collaboration to Enhance City Services

- **Create cross-departmental collaboration teams in order for staff with different job responsibilities to come together and work towards common goals and solutions using the Strategic Doing model by June 30th, 2024.**

  Assignment: City Manager's Office

- **Preload invoices in Springbrook to accompany required financial tracking and accounting.**

  Assignment: City Secretary's Office

- **Streamline responses to public record requests via the city's website for efficient customer service.**

Attachment: 2024-130 EXH 'A' FY 25 Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

Assignment: City Secretary's Office

- **Establish a workable Records Management program citywide.**

  Assignment: City Secretary's Office

- **Focus on improved communications and messaging regarding employee benefits and financial wellness throughout the year by hosting representatives from Texas Municipal Retirement System, Mission Square, Social Security Administration, and local business partners with expertise in Medicare and financial planning.**
  Assignment: Human Resources

- **Continue promoting the use of MyGOV for our staff and citizens to report issues and concerns**
  Assignment: Public Works, Development Services, Parks
- **Continue promoting the use of services such as the TOOL S.H.E.D. and services**
  Assignment: Planning and Community Development, Development Services,

- **Provide electronic and online payment options for all city services**

  Assignment: Finance

- **Promote financial transparency through monthly financial reporting on the City's website, preparation of a Popular Annual Financial Report, and completion of the Texas State Comptroller's Transparency Stars Program for traditional finances**
  Assignment: Finance

- **Work with all municipal departments to establish realistic expectations for Continuity of Government and Operations as recommended in the Business Continuity and Disaster Recover Strategic Plan prepared by BerryDunn.**
  Assignment: IT Department, all other Departments

- **Continue to work with other city departments to improve the safety and quality of life for our residents. (Ex. Assisting Parks & Rec with marking Bringle Lake trails)**
  Assignment: TTFD, Parks

- **Continue to promote the use of Cityworks and Springbrook to improve TWU's operations with both Cities.**
  Assignment: TWU

Goal #5 — Promote the Community & Regional Assets

- **Continue to lead the Courthouse Square Connections Strategic Doing team for improvements around the U.S Post Office and Federal Building downtown.**

  Assignment: City Manager's Office

Attachment: 2024-130 EXH 'A' FY 25 Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

- **Conduct review of Local Civil Service Rules to ensure organizational alignment and best practices.**
  Assignment: Human Resources

- **Continue to provide professional development opportunities to City staff throughout the year over key topics such as ethics, diversity, and sexual harassment prevention as well as job specific training to enhance the capabilities of City staff.**
  Assignment: Human Resources

- **Continue to promote neighborhood-led revitalization through forming new neighborhood association and assisting the existing ones.**
  Assignment: Planning and Community Development

- **Continue to promote the TTFD training field as a local and regional training facility.**
  Assignment: TTFD

- **Procuring property in a remote location with the goal of constructing an NRA/ OSHA approved firearms qualification range and a driving academy.**
  Assignment: TTPD

- **Replacing our Angel Armor rifle rated ballistic vests and service weapons.**
  Assignment: TTPD

- **Improvements to the Special Operations and Training Center and create new offices for traffic enforcement personnel at the Old Auto Auction Building recently acquired by the city.**

  Assignment: TTPD

- **Continue to promote the Parks & Recreation Sports Facilities, Park Amenities and Programs.**
  Assignment: Parks

Attachment: 2024-130 EXH 'A' FY 25 Budget Strategic Plan (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	Medium

Other Potential Impacts:

NONE 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: 2024-130 Goals & Perspectives (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

RESOLUTION NO. 2024-130

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WHEREAS, this plan will be updated annually through the budget process.

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

SECTION 1: The City Council approves the Budget Strategic Plan **(Exhibit "A")**.

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

PASSED AND APPROVED in Regular Council Session on this the **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:14 pm

Attachment: 2024-130 RES City's budget strategic plan signed (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

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- **Continue promoting the use of services such as the TOOL S.H.E.D. and services**
  Assignment: Planning and Community Development, Development Services,

- **Provide electronic and online payment options for all city services**

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- **Promote financial transparency through monthly financial reporting on the City's website, preparation of a Popular Annual Financial Report, and completion of the Texas State Comptroller's Transparency Stars Program for traditional finances**
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- **Continue to lead the Courthouse Square Connections Strategic Doing team for improvements around the U.S Post Office and Federal Building downtown.**

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Attachment: 2024-130 RES City's budget strategic plan signed (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

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  Assignment: Parks

Attachment: 2024-130 RES City's budget strategic plan signed (4344 : 2024-130 RES Adopting the City's Budget Strategic Plan)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/14/2024 9:40 AM

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

Subject: Resolution No. 2024-131 approving Bowie Central Appraisal District's 2024 tax roll.

Briefing: 10/28/2024 **Public Hearing:** **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Bowie Central Appraisal District has completed and presented the City's 2024 tax roll for the City, TIRZ District No. 1 and TIRZ District No. 2. This roll, as presented, needs to be approved by signature of the City Council, and returned to the Appraisal District.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Collections by Bowie Central Appraisal District from the approved tax roll provide funds needed for the operating budget for fiscal year ending September 30, 2025.

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. 2024-131 RES Approving 2024 Tax Roll (DOC)
b. 2024-131 EXH 'A' 2024 Tax Roll (PDF)

c. 2024-131 Goals & Perspectives (DOCX)
d. 2024-131 RES 2024 Official Tax Roll signed (PDF)

Staff Coordination

Finance Department	Kristin Peeples 10/14/2024 9:40 AM	Department Head Review	Completed	
Finance Department	Kristin Peeples	Finance Review	Completed	10/14/2024 9:40 AM
City Manager	David Orr	City Manager Review	Completed	10/14/2024 11:43 AM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BOWIE CENTRAL APPRAISAL DISTRICT 2024 TAX ROLL FOR THE CITY OF TEXARKANA, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Bowie Central Appraisal District has completed the 2024 Tax Roll; and

WHEREAS, it is recommended by the Finance Department that the 2024 Tax Roll for the City of Texarkana, Texas, be approved as presented.

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

SECTION 1: The 2024 Tax Roll for the City of Texarkana, Texas, as prepared and presented by the Bowie Central Appraisal District, is hereby approved. Copies of the City of Texarkana, Texas, 2024 Tax Roll are attached hereto and incorporated herein as **Exhibit "A".**

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-131 RES Approving 2024 Tax Roll (4345 : 2024-131 RES Approving 2024 Tax Roll)

CITY OF TEXARKANA

2024 TAX ROLL

TOTAL TAXABLE VALUE	3,173,769,629
GROSS TAX LEVY	$20,629,507.50
LESS TAX ON FROZEN ITEMS	$3,204,233.13
PLUS FROZEN TAXES	$2,089,311.31
PLUS LATE PENALTY GAIN	$52,457.78
TOTAL TAX LEVY	$19,567,043.46

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN _____

MEMBER JEAN MATLOCK _____

MEMBER , MARY HART _____

MEMBER , STEVE THOMPSON _____

MEMBER , CHRISTIE PAGE _____

MEMBER , JAY DAVIS _____

MEMBER, COLE MEADOR _____

APPROVED THE _____ DAY OF _____ 2024

Attachment: 2024-131 EXH 'A' 2024 Tax Roll (4345 : 2024-131 RES Approving 2024 Tax Roll)

CITY OF TEXARKANA T1

2024 TAX ROLL

TOTAL TAXABLE VALUE	514,793,082
GROSS TAX LEVY	$3,346,155.27
LESS TAX ON FROZEN ITEMS	$21,514.22
PLUS FROZEN TAXES	$11,449.29
PLUS LATE PENALTY GAIN	$0.00
TOTAL TAX LEVY	$3,336,090.34

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN _____

MEMBER JEAN MATLOCK _____

MEMBER , MARY HART _____

MEMBER , STEVE THOMPSON _____

MEMBER , CHRISTIE PAGE _____

MEMBER , JAY DAVIS _____

MEMBER, COLE MEADOR _____

APPROVED THE _____ DAY OF _____ 2024

Attachment: 2024-131 EXH 'A' 2024 Tax Roll (4345 : 2024-131 RES Approving 2024 Tax Roll)

CITY OF TEXARKANA T2

2024 TAX ROLL

TOTAL TAXABLE VALUE	74,063,700
GROSS TAX LEVY	$481,414.27
LESS TAX ON FROZEN ITEMS	$3,114.35
PLUS FROZEN TAXES	$2,101.67
PLUS LATE PENALTY GAIN	$0.00
TOTAL TAX LEVY	$480,401.59

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN _____

MEMBER JEAN MATLOCK _____

MEMBER , MARY HART _____

MEMBER , STEVE THOMPSON _____

MEMBER , CHRISTIE PAGE _____

MEMBER , JAY DAVIS _____

MEMBER, COLE MEADOR _____

APPROVED THE _____ DAY OF _____ 2024

Attachment: 2024-131 EXH 'A' 2024 Tax Roll (4345 : 2024-131 RES Approving 2024 Tax Roll)

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:	Low

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: 2024-131 Goals & Perspectives (4345 : 2024-131 RES Approving 2024 Tax Roll)

RESOLUTION NO. 2024-131

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE BOWIE CENTRAL APPRAISAL DISTRICT 2024 TAX ROLL FOR THE CITY OF TEXARKANA, TEXAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Bowie Central Appraisal District has completed the 2024 Tax Roll; and

WHEREAS, it is recommended by the Finance Department that the 2024 Tax Roll for the City of Texarkana, Texas, be approved as presented.

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

SECTION 1: The 2024 Tax Roll for the City of Texarkana, Texas, as prepared and presented by the Bowie Central Appraisal District, is hereby approved. Copies of the City of Texarkana, Texas, 2024 Tax Roll are attached hereto and incorporated herein as **Exhibit "A".**

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:14pm

Attachment: 2024-131 RES 2024 Official Tax Roll signed (4345 : 2024-131 RES Approving 2024 Tax Roll)

2024-131 EXH 'A'

CITY OF TEXARKANA T1

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TOTAL TAXABLE VALUE	514,793,082
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PLUS FROZEN TAXES	$11,449.29
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TOTAL TAX LEVY	$3,336,090.34

COUNCIL MEMBERS :

MAYOR , BOB BRUGGEMAN

MEMBER JEAN MATLOCK

MEMBER , MARY HART

MEMBER , STEVE THOMPSON

MEMBER , CHRISTIE PAGE

MEMBER , JAY DAVIS

MEMBER, COLE MEADOR

APPROVED THE 28th DAY OF OCTOBER 2024

Attachment: 2024-131 RES 2024 Official Tax Roll signed (4345 : 2024-131 RES Approving 2024 Tax Roll)

2024-131 EXH 'A'

CITY OF TEXARKANA

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MEMBER , CHRISTIE PAGE

MEMBER , JAY DAVIS

MEMBER, COLE MEADOR

APPROVED THE 28th DAY OF OCTOBER 2024

Attachment: 2024-131 RES 2024 Official Tax Roll signed (4345 : 2024-131 RES Approving 2024 Tax Roll)

2024-131 EXH 'A'

CITY OF TEXARKANA T2

2024 TAX ROLL

TOTAL TAXABLE VALUE	74,063,700
GROSS TAX LEVY	$481,414.27
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MEMBER , JAY DAVIS

MEMBER, COLE MEADOR

APPROVED THE 28th DAY OF OCTOBER 2024

Attachment: 2024-131 RES 2024 Official Tax Roll signed (4345 : 2024-131 RES Approving 2024 Tax Roll)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/25/2024 11:30 AM

Lead Department: Planning and Community Development **Action Officer:** Daphnea Ryan,

Subject: Ordinance No. 2024-129 amending Articles II - VI of Chapter 145, "Historic Landmark Preservation and Historic Districts", of the Code of Ordinances and affirming support for obtaining Certified Local Government status.

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

Item Schedule

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

Updates/History of Briefing:

(Insert Date Here):
(Insert Text Here) or Select, Delete this and all text with parentheses and say "NOT APPLICABLE"

Executive Summary and Background Information:

Chapter 145 was established under Ordinance 2024-002 by amending Chapter 140 removing Historic Preservation and establishing a stand-alone ordinance in an effort to provide transparency, ease of access, and to put the City in a position to apply for Certified Local Government through the Texas Historical Commission. In preparation to apply for Certified Local Government Texas Historic Commission notified staff of recent changes at the federal level that requires some minor ordinance revisions. Texas Historic Commission also made additional comments that prompted minor language changes to our Chapter 145 by removing some unnecessary definitions.

These minor changes were reviewed by the Historic Landmark Preservation Commission and approval was recommended.

Staff recommends approval of these changes and request support in applying for Certified Local Government status for the City of Texarkana, Texas. Obtaining Certified Local Government will open doors for specific grants through the Texas Historical Commission.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff Recommends Approval

Advisory Board/Committee Review:

Historic Landmark Preservation Commission

Board/Committee Recommendation:

Historic Landmark Preservation Commission recommends approval.

Advisory Board/Committee Meeting Date and Minutes:

09/24/2024

Attachments

a. 2024-129 ORD Amending Ch 145 (jcl rev) (DOCX)
b. 2024-129 EXH A Ch 145 arts II - VI (DOCX)
c. 2024-129 ATTH 01 C145 Redline (DOCX)
d. 2024-129 Goals & Perspectives (DOCX)
e. 2024-129 ORD Ch. 145 HLPC CLG signed (PDF)

Staff Coordination

Planning and Community Development	Vashil Fernandez	Department Head Review	Completed	10/24/2024 10:57 AM
Municipal Prosecutor	Deborah Jones	Asst. City Attorney Review	Completed	10/25/2024 9:38 AM
City Attorney	Jeffery C. Lewis	City Attorney Review	Completed	10/25/2024 11:30 AM
City Manager	Jennifer Evans	City Manager Review	Skipped	10/28/2024 6:04 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

ORDINANCE NO. 2024-129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING ARTICLES II, III, IV, V, AND VI OF CHAPTER 145 OF THE LAND DEVELOPMENT CODE, "HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS"; AFFIRMING SUPPORT FOR OBTAINING CERTIFIED LOCAL GOVERNMENT STATUS; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, by Ordinance No. 2024-002, amended the Land Development Code with the creation of Chapter 145, "Historic Landmark Preservation And Historic Districts"; and

WHEREAS, proposed amendments to Articles II – VI of Chapter 145, recommended by the Texas Historic Commission (THC), are intended to ensure preservation of the City's historic assets and to obtain compliance with recent changes in the National Parks Service Historic Preservation process in preparation for the City's application as a Certified Local Government; and

WHEREAS, the City intends to apply to the Texas Historic Commission for Certified Local Government (CLG) status, since certification as a CLG can help a local government encourage, develop, and maintain local preservation efforts, with benefits to local governments including (i) direct access to THC staff for training and technical assistance specific to local preservation challenges, (ii) a statewide network of local preservation commissioners and historic preservation officers, (iii) eligibility to apply for CLG grants, (iv) participation in nominations to the National Register of Historic Places within the community's jurisdiction, and (v) recognition of the community's commitment to historic preservation and preservation standards by Federal and state agencies; and

WHEREAS, the Historic Landmark Preservation Commission recommends approval of the submitted amendments; and

WHEREAS, after consideration of these proposed amendments and the recommendation of the Historic Landmark Preservation Committee, the City Council of the City of Texarkana, Texas, finds and determines that approval of these amendments are 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: Articles II, III, IV, V, and VI, of Chapter 145, Historic Landmark Preservation and Historic Districts, of the Land Development Code, are amended in their entirety as set out in **Exhibit A** attached hereto and incorporated herein by reference for all purposes.

SECTION 2: The City Council affirms support for the City's submission of an application for

Attachment: 2024-129 ORD Amending Ch 145 (jcl rev) [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic

Certified Local Government status to the Texas Historic Commission.

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 **12th day of November, 2024.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-129 ORD Amending Ch 145 (jcl rev) [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic

EXHIBIT A

CHAPTER 145 HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS
Articles II – VI

ARTICLE II. DEFINITIONS

Sec. 145-2. Definitions.

Accessory Building shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, but not limited to, a residential structure may have a detached garage or storage shed for garden tools as an accessory building.

Adverse Effect shall mean an undertaking that may alter, directly or indirectly, any of the characteristics of a historic property or District in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association.

Alteration shall mean any act or process that changes one or more historic, architectural, or physical features of an area, site, place, building and/or structure including, but not limited to the erection, construction, reconstruction or removal of any building or structure.

Applicant means a person seeking a designation or authorization under this chapter or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Landmark Preservation Commission ("HLPC") or city commission.

Archeological Property/Site means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

Building shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

Certificate of Appropriateness shall mean an order issued by the historic landmark preservation commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark, building, structure, or property within a designated district.

Certified Local Government (CLG) shall mean a local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, buildings, landmarks or properties, and to develop and maintain community planning and education programs.

Design Guidelines shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don'ts" for the property owner. The historic preservation commission has authority to administer design guidelines.

Design Review shall refer to the decision making process conducted by the historic landmark preservation commission in conjunction with the chief building official, when required, that is guided by established terms.

Attachment: 2024-129 EXH A Ch 145 arts II - VI [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Demolition by Neglect shall mean allowing a building or structure to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Exterior Architectural Feature shall mean but not be limited to architectural style, general arrangement, and details of such portion of the exterior of a building or structure as is designed to be open to the view from a public way.

Façade shall mean the entire building or structure front including the parapet.

Historic Designation means the process by which landmarks and districts are recognized as historic and protected under this ordinance.

Historic Districts shall mean any neighborhood or region designated bycity council as a historic district.

Historic Preservation means the protection, reconstruction, rehabilitation, repair and restoration of places, buildings, structures, and properties of historic, architectural, or archeological significance.

Historic Landmark Preservation Commission (HLPC) shall mean the seven member and two alternate position board established under this ordinance and appointed by city council.

Historic Resource shall mean any building, structure, object, or site that is 50 years or older or that has been identified by the City or HLPC as a high or medium priority because of its unique history or architectural characteristics.

Historic Resources Survey means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

Integrity means the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Local Historic District means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the city. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not, are subject to the regulations of the district.

Local Historic Landmark means any site, building, structure, landscape, or property of historic significance that receives designation by the city pursuant to this chapter.

National Register of Historic Places shall mean the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

Ordinary Maintenance shall mean repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Attachment: 2024-129 EXH A Ch 145 arts II - VI [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Overlay District shall mean zoning, applied over one or more other districts, creating a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (for example, fewer parking spaces in a downtown or transit station area, or more density in an economic development area).

Owner shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a lessor or lessee if responsible for payment of ad valorem taxes.

Preservation shall mean the stabilization of an historic building, structure, or property, and its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and stabilization have now been consolidated under this treatment.)

Property or *Properties* shall mean land and all buildings, structures, and landmarks lying within the land, but shall not reference any personal property contained thereon.

Reconstruction shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or landmark as it appeared at a specific period of time. A technique used earlier in the 20th century, reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings or structures.

Recorded Texas Historical Landmark (RTHL) shall mean a state designation for buildings or structures important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. RTHLs receiveprotection under Chapter 42 of the Texas Government Code. .

Rehabilitation means the act or process of returning a building, structure, or Property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the Property that are significant to its historical, architectural, and cultural values.

Restoration shall mean returning a building, structure, or property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Secretary of the Interior Standards for Rehabilitation shall mean the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value.

State Antiquities Landmark (SAL) shall mean a designation made by the Texas Historical Commission under the Antiquities Code of Texas. For a building or structure to be designated as a State Antiquities Landmark, it must first be listed on the National Register of Historic Places. The land-owning agency must consult with the THC about proposed actions affecting a SAL through a permit process, and the THC will determine whether the work will be allowed.

State Historic Preservation Officer (SHPO) shall mean the state office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The executive director of the Texas Historical Commission serves as SHPO for the State of Texas.

Structure is a constructed work that was created to serve some human activity and usually made for purposes other than creating human shelter, including but not limited to, sheds, pergolas, carports, and detached

Attachment: 2024-129 EXH A Ch 145 arts II - VI [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

garages. Structure may also include works constructed for housing or enclosure of domestic animals, including, but not limited to, dog houses and chicken coops.

Zoning means a police power measure, enacted by a municipality, including the city, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE III. HISTORIC LANDMARK PRESERVATION COMMISSION

Sec. 145-3. Historic landmark preservation commission.

There is hereby created a commission to be known as the historic landmark preservation commission, hereafter referred to as the "HLPC."

(1) The HLPC shall consist of seven members and two alternates to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the community, by the city council with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation, as well as to applicants who are residents of historic districts, existing or being considered, and owners of historic properties. When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the HLPC, then the city may seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.

   a. At least two members of the HLPC shall reside or own property within a historic district.

   b. All HLPC members must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city and/or the county.

   c. Persons interested in serving on the HLPC shall complete the committee/commissions form available from the city and submit a letter of request for consideration, along with a resume or bio outlining experience and qualifications to the city. The completed information shall be forwarded for review and consideration as position availability may occur. Any applicant for which approval for further consideration has been determined, shall be forwarded to the city council for review and consideration of appointment.

   d. HLPC members shall serve for three-year terms. The city council shall initially stagger the terms of the HLPC such that no more than three members' terms shall end during any one calendar year. The city council may re-appoint HLPC members as their terms expire without limitation to the number of consecutive terms. The mayor shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.

   e. Any member may resign by submitting a letter of intent to the HPO that has been read into the official HLPC minutes and forwarded to the city council. The city council may terminate any HLPC member upon cause after an appropriate hearing or upon the absence of over 50 percent of the scheduled HLPC meetings within a calendar year. Termination shall be effective upon deposit of a letter of termination in the US mail to that last known address of the member being terminated.

   f. The chairperson and vice chairperson of the HLPC shall be elected by and from its membership.

   g. A quorum for the transaction of business shall consist of not less than four members of the HLPC.

Attachment: 2024-129 EXH A Ch 145 arts II - VI [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

h. The HLPC shall meet at least monthly, if business is at hand, and no less than quarterly. Special meetings may be called at any time by the HLPC chairperson, vice chairperson or at the written request of at least four HLPC members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552, Texas Government Code.

i. Nonvoting members shall include the Executive Director of Main Street Texarkana and a representative designated by the Texarkana Museum System as long as such entities are in existence and operational. Persons who have expertise in areas related to the historic landmark preservation commission such as, but not limited to, architecture, history, economic development, or building construction may volunteer and serve on the historic landmark preservation commission as non-voting members whether they live or work in the city limits or not. Such experts shall submit a letter of request for consideration to the HPO or designee to be forwarded to city council for consideration of appointment.

j. Each historic landmark preservation commission member shall serve on at least one subcommittee. From time to time the historic landmark preservation commission may designate other subcommittees for special projects of a temporary nature. The historic landmark preservation commission shall include the following subcommittees:

1. Guidelines and standards review;
2. Community involvement and marketing;
3. Expansion, preservation, and revitalization.

(2) The HLPC shall be empowered to:

a. Make recommendations to the city for the employment of staff and professional consultants as necessary to carry out the duties of the HLPC.

b. Adopt parliamentary rules and procedures necessary to carry out the business of the HLPC, which shall be ratified by the city council.

c. Review and take action on the designation of landmarks and the delineation of districts, which shall be submitted to the planning and zoning commission and ratified by the city council.

d. Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.

e. Review and recommend to city council, and other applicable city boards and commissions, all proposed changes to the zoning ordinance, building code, general plan, or other adopted policies of the city that may affect the purpose of this chapter.

f. Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.

g. Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the city. Such information shall be maintained securely, made accessible to the public, and should be updated at least every ten years.

h. Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State Antiquities Landmark, National Register property and any locally designated landmark, as deemed necessary.

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i. Create subcommittees from among its membership and delegate to these committees responsibilities to carry out the purposes of this chapter.

j. Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HLPC and the reasons for taking such actions.

k. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

l. Review and take action on all certificates of appropriateness applications for compliance with the Secretary of the Interior's Standards for Rehabilitation and with adopted design guidelines pursuant to this article.

m. Review and take action on all appeals on action taken by the HPO regarding the administrative review of certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this chapter.

n. Develop, prepare and adopt specific design guidelines which shall be ratified by the city council, for use in the review of all certificates of appropriateness applications.

o. Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the city.

p. Propose incentive program(s) to the city council for local property owners of historic landmarks or within local districts.

q. Review and take action on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this chapter.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-4. Appointment of historic preservation officer.

The City Manager or its designee shall appoint a qualified city official, or staff person to serve as the historic preservation officer (HPO). The CLG will make every effort to appoint a HPO who meets the Secretary of the Interior's Professional Qualification Standards under History, Architectural History, Architecture or Historic Architecture. The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the city may be appointed by city council as HPO. The HPO shall be empowered to:

(1) Administer this ordinance and advise the HLPC on matters submitted to it.

(2) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this chapter.

(3) Receive and review all applications pursuant to this chapter to ensure their completeness.

(4) Review and take action on all certificates of appropriateness applications that are subject to administrative review pursuant to this chapter.

(5) Review and forward, with any recommendations, all applications for certificates of appropriateness subject to review by the HLPC pursuant to this chapter.

(6) Ensure proper posting and noticing of all HLPC meetings, schedule applications for HLPC review, provide packets to its members prior to the meetings, record meeting minutes, and facilitate all HLPC meetings.

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(7) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE IV. DESIGNATION

Sec. 145-5. Criteria for designation of local historic landmarks and districts.

(1) An individual Local Historic Landmark may be designated if it is at least 50 years old, and it substantially complies with two or more of the following:

a. Possesses significance in history, architecture, archeology, and culture.

b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

c. Is associated with events that have made a significant impact in our past.

d. Represents the work of a master designer, builder, or craftsman.

e. Embodies the distinctive characteristics of a type, period, or method of construction.

f. Represents an established and familiar visual feature of the city.

(2) A Local Historic District may be designated if it substantially complies with both of the following:

a. Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and

b. Constitutes a distinct section of the city.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-6. Designation of local historic landmarks and districts.

(a) These provisions, pertaining to the designation of historic landmarks and districts, constitutes a part of the Comprehensive Plan of the City of Texarkana, Texas.

(b) The procedure for designating a historic landmark, or to establish or amend a historic district, may be initiated by the city, by the individual property owner(s), or by at least 20 percent of the residents of a potential district. An application for determination of significance shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule. Buildings, structures, sites, or areas located within the city which substantially comply with the criteria found in section 145-5 of this ordinance may be recommended as landmarks or districts by the HLPC. The application shall contain:

(1) Name, address, telephone number of applicant, and physical address of the individual property, or

(2) Name, address, telephone number of applicant, and signed petition of at least 20 percent of the proposed area if for a proposed district.

(3) Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.

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(4) Detailed historic description and background on the property or area.

(5) Current photographs of the overall property or area along with any historical photographs, if available.

(6) Any other information which the HPO or HLPC may deem necessary.

(c) Upon receipt of a completed determination of significance application, the HPO shall schedule a hearing at the next available regularly scheduled HLPC meeting. Notice of the application shall be mailed to the property owner(s) and posted on the property for a minimum period of 15 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed districts shall be mailed to each affected property owner and posted in at least four separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of 14 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meetings Act.

(d) An individual property or area that is under review by the HLPC for a formal determination of significance shall be protected by and subject to all of the provisions of this chapter governing demolition, minimum maintenance standards and penalties until a final decision by the city council becomes effective.

(e) At the initial HLPC hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the subject property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

(f) The HLPC shall forward the application to the planning and zoning commission for a determination of any conflict in the proposed application with the current zoning requirements.

(g) After receipt of a determination by the planning and zoning commission, the HLPC may take action to approve, postpone, request additional information, or deny the application. The HPO shall forward any final recommendation to the city council.

(h) Upon receipt of the recommendation of the HLPC on the application, the city council shall schedule a hearing on the application. Notice of such public hearing shall be given by publication of the date, time, and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the city not less than 15 days before the hearing. A majority vote of the city council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the city council shall be required when either:

(1) The HLPC has recommended for denial of a designation; or

(2) A written protest, against such designation, has been filed which is signed by the owners of 20 percent or more of the area included in such designation, or signed by the owners of 20 percent or more of the area within 200 feet of such designation. In order to be considered, the petition must have been received and filed before or at the HLPC meeting at which the item was heard, or

(3) The owner has not consented to the designation.

(i) In the event a change affecting designation for which application has been made is not approved, no person shall file a subsequent request for a landmark or designation for the same property for a period of one year from the date of such action.

(j) Notwithstanding the above, if the subject property is owned by a religious organization, designation of that property may only be approved upon consent by the owner.

(k) Upon designation of a landmark or district by the city council, the designation shall be recorded by legal description on the city's official zoning maps, in the records of the real property of Bowie County, and with the tax appraisal office.

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(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE V. MAINTENANCE

Sec. 145-7. Minimum maintenance standards.

No owner or person with an interest in real property designated as a landmark, or a property located within a district, shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HLPC, create a detrimental effect upon the historic character of the landmark or district.

(1) Examples of serious disrepair or significant deterioration include, but are not limited to, the following:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration or crumbling of exterior plaster finishes, surfaces, or mortars.

d. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

e. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

f. Rotting, holes, and other forms of material decay.

g. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

h. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure or building.

i. Deterioration of any exterior feature so as to create or permit the creation of any hazardous, or unsafe conditions, to life, health, or other property.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-8. Tax incentive for residential properties within historic districts.

(a) The city council finds that all residential properties located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.

(b) The City shall exempt ten percent of the assessed value of a property, including the land necessary for access to and use of the property but excluding all personal property, from annual city ad valorem taxation.

(c) A property owner must comply with this ordinance, and be in compliance with all ordinances, regulations, and City codes pertaining to the property including, but not limited to, those relating to maintenance of properties, nuisances, storage, litter, and parking, in order to continue to receive the tax incentive. If, upon notice to the property owner of noncompliance with any portion of this ordinance, violation of other ordinances, regulations, or City codes, in the event the property owner fails within six months of such notice to bring the property into full compliance, the city shall provide notice to Bowie Central Appraisal District to

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revoke the tax incentive. Upon the property owner bringing the property back in compliance and receipt of completion of a certificate of appropriateness, the city shall notify the Bowie Central Appraisal District of such compliance and the property owner's tax incentive shall be reinstated.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-9. Tax incentive application and approval process for historic properties.

The city council finds that all buildings, structures, areas, or sites and non-residential zoned property, including downtown historic property redeveloped for residential uses that are listed on the National Register of Historic Places, a Recorded Texas Landmark, State Antiquitiesl Landmark, or locally designated Historic Landmark, are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.

(1) Reinvestment projects exemption. The city shall exempt 50 percent of the assessed value of a building or structure, including the land necessary for access to and use of the building or structure, from annual city ad valorem taxation for a period of ten years from receipt of the tax exemption, or 100 percent of the assessed value of said building or structure for five years for any non-residential zoned property that is listed on the National Register of Historic Places, a Recorded Texas Landmark, State Archaeological Landmark, or locally designated landmark. This includes historic properties redeveloped for residential use downtown. In order to receive this exemption, the structure or building must be in use providing an economic service to the community, and meet the following requirements:

   a. Rehabilitation amounting to $25,000.00 in BCAD Improvement value or more, and that meet one of the requirements set forth in b. through g. below.

   b. Structural repairs and improvements;

   c. Electrical repairs and improvements;

   d. Plumbing repairs and improvements;

   e. Mechanical repairs and improvements;

   f. Interior repairs and improvements; or

   g. Exterior rehabilitation.

(2) Each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed timeframe.

(3) Façade restoration must comply with design guidelines, which are based on the Secretary of the Interior's Standards. Prior to beginning the reinvestment project, the property owner shall apply for and receive a certificate of appropriateness. For properties listed on the National Register of Historic Places, a Recorded Texas Landmark, or State Antiquitiesl Landmark, consultation with the Texas Historical Commission is required as well as Tribal Consultation when applicable.

(4) Must be in compliance with all adopted city building codes with a current certificate of occupancy.

(5) City staff will coordinate with the Bowie Central Appraisal District to create a tax exemption rebate process for the program.

   Notwithstanding the above, any project within a Local Historical District must have the approval of the historic landmark preservation commission for all contemplated projects via a certificate of appropriateness. The applicant must secure all city permits and must secure periodic city inspection of the project to insure proper completion of the project.

(6) When filing a tax incentive application with the historic preservation officer or designee, the applicant shall:

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a. Certify to the historic preservation officer or designee that the subject property is a Local Historic Landmark or in a Local Historic District, listed in the National Register of Historic Places, an RTHL, or a SAL.

b. Certify to the historic preservation officer or designee that the tax incentive request is for a project that has received a certificate of appropriateness pursuant to this chapter.

c. Certify to the historic preservation officer or designee that the project for which the applicant wishes to apply a tax reduction has been completed in compliance with the certificate of appropriateness.

(7) An application for a tax incentive shall be initiated by the owner of the subject property, or by his or her agent, by completion of the appropriate application forms provided by the historic preservation officer or designee. The application shall include all receipts for the cost of the project, as well as an affidavit affirming that all information on the application is correct, and the receipts presented are for the cost of the project.

(8) No fees shall be required either upon filing of the application or upon approval or disapproval by the historic landmark preservation commission.

(9) The historic landmark preservation commission shall review all requests for tax incentives upon completion of the application form.

(10) The historic landmark preservation commission shall determine, from the data submitted by the applicant and the information provided by the historic preservation officer or designee, if the completed project is substantially in compliance with the certificate of appropriateness. If the commission finds that additional information relative to the pending application is necessary for its review, the commission may postpone its decision until such information is provided.

(11) The commission shall have the authority to approve or disapprove an application for a tax incentive, or to approve a request with such conditions as the commission deems necessary to bring the project into compliance with the approved certificate of appropriateness. The commission shall not approve requests for tax incentives where the project was completed prior to the adoption of this ordinance, where the applicant has not obtained a certificate of appropriateness, or where the applicant has not substantially complied with the requirements imposed on a certificate of appropriateness.

(12) If approved for a tax incentive, the property owner must comply with this ordinance and be in compliance with all ordinances, regulations, and City codes pertaining to the property including, but not limited to, those relating to maintenance of properties, nuisances, storage, litter, and parking in order to continue to receive the tax incentive. If, upon notice to the property owner of noncompliance with any portion of this ordinance, violation of other ordinances, regulations, or City codes, in the event the property owner fails within six months of such notice to bring the property into full compliance, the city shall provide notice to Bowie Central Appraisal District to revoke the tax incentive. Nothing in this ordinance shall prevent a property owner, after at least one year has elapsed since revocation of the incentive, from reapplying for the tax incentive for property in compliance with this ordinance.

(13) *Effective date*. Upon approval, the historic preservation officer or designee shall notify the Bowie County Tax Assessor. The tax assessor shall reduce the city portion of the property tax for the subject property in accordance with the provisions herein, and as indicated by the approved request.

(Ord. No. 2024-002, § 1, 1-22-2024)

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Sec. 145-10. Procedure to mitigate demolition by neglect.

(a) Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO, planning and community development, and inspections and code enforcement department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the city. A demolition by neglect notice of violation as determined by the HPO may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration.

(b) While the HPO will act as the point of contact, the inspections and code enforcement department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and inspections and code enforcement department staff, the city manager may be consulted as a mitigating party.

(c) The procedure for citing a property for demolition by neglect shall be as follows:

(1) Initial identification is made by visual inspection of the area by the HPO, an HLPC member, or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(2) Once the initial identification is made, followed by a preliminary determination by the HPO, the findings will be submitted to the chief building official (CBO). Upon concurrence by the CBO, the property owner shall be notified by US mail of the defects of the property and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to the CBO and a copy to the HPO. The stabilization proposal will be presented to the HLPC at the next available meeting. If the HLPC approves the proposal, a certificate of appropriateness (if necessary) may be issued. A copy of the COA and detail of the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work, will be submitted to the CBO for approval before building permits can be obtained. The HPO shall update the HLPC in writing on the status of the property every 30 days once work begins on the property.

(3) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(4) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HLPC for a notice of violation hearing. The HPO shall send a third notice via certified mail informing the owner of the hearing, the property shall be posted with a notice of the violation in accordance with the provisions of this chapter, and when a public hearing on the notice of violation is scheduled.

(5) At the public hearing the owner is invited to address the HLPC's concerns and to show cause why a notice of violation should not be issued. The HLPC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a notice of violation to the owner of the property for failure to correct the demolition by neglect conditions.

(6) If the owner is cited for the condition of demolition by neglect of the property, the owner will be given 14 days to submit a certificate of appropriateness application with a stabilization proposal to the HPO. If approved, work must commence within 60 days. The HPO shall update the HLPC on the status of the property every 30 days once work begins on the property.

(7) No work shall commence without a building permit, if said work requires a building permit.

(8) If the owner does not respond with a certificate of appropriateness application with a stabilization proposal, the matter is turned over to the city attorney's office for action in municipal court, reviewed for civil action, or submitted for review by the building and standards commission as outlined in chapter 214 of the municipal code.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-11. Ordinary maintenance.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance that requires the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance, unless painting involves an exterior masonry surface that was not previously painted. The HPO shall be in charge of making the decisions as to what is "ordinary maintenance."

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-12. Certificates of appropriateness for alterations or new construction affecting landmarks or historic districts.

No person shall carry out any construction, installation of structures of any kind, reconstruction, alteration, restoration, rehabilitation, removal, or relocation of any landmark or any property within a district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any landmark or any property within a district without a certificate of appropriateness application. The application must be reviewed and approved by the HPO or the HLPC prior to the issuance of any building permit involving any landmark or property located within a district. The application shall be required in addition to, and not in lieu of, any required building permit.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-13. Review criteria for certificates of appropriateness for alterations or new construction affecting landmarks or historic districts.

(a) In considering an application for a certificate of appropriateness, the HPO and the HLPC shall review it for compliance with The Secretary of the Interior's Standards for Rehabilitation and any applicable adopted design guidelines previously ratified by the city council. The Standards and any applicable adopted design guidelines shall apply in all zones within the city designated as a historic district and any property designated as a historic landmark.

(b) All review criteria shall be made available to the applicant, property owners of landmarks, and properties located within districts. The HLPC shall promulgate and make recommendations to update the adopted design guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the city council.

(Ord. No. 2024-002, § 1, 1-22-2024)

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Sec. 145-14. Procedure for certificates of appropriateness for alterations or new construction affecting landmarks or historic districts.

(a) The procedure for obtaining a certificate of appropriateness may be initiated by the city for all city-owned landmarks or proposed work within a district, or by the individual property owner(s) of the subject landmark or for a property located within a district. The application must be submitted for review and approval by the HPO or the HLPC prior to the commencement of any work. An application for certificate of appropriateness shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

(b) Administrative design review affecting landmarks and properties located in districts.

(1) Upon receipt of a completed certificate of appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted design guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. The HPO shall determine if the application involves Ordinary Maintenance and can be approved administratively and shall forward any certificate of appropriateness application to the HLPC for review, and action if administrative approval is not appropriate. Proposed work to all landmarks, properties, all proposed work within a district, and for all city preservation-related incentive programs or federal projects must be reviewed by the HLPC.

(2) Administrative approval may only be made for in-kind replacements such as, but not limited to, re-painting with the same color or a color designated for the specific design palate and replacing materials with original products without alterations.

(c) HLPC design review affecting landmarks and properties located in districts.

(1) Within five days of receipt of a completed certificate of appropriateness and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting or post notice of a special-called meeting. Notice of the pending HLPC hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted design guidelines shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city establishing a 14-day period in which written comments may be submitted to the HPO. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.

(2) The HLPC shall review the application at the scheduled meeting. At that time, the applicant shall have an opportunity to be heard and present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted design guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

(3) The HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within 90 days of the original receipt of the application by the HPO, a certificate of appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing as well as the inspection and code enforcement department.

(4) If approved, the HPO shall issue a certificate of appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HLPC's decision to the inspections and code enforcement department. Any specific

conditions of approval made by the HLPC shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or HLPC. The Certificate of Appropriateness shall be valid for a period of one year from the date of approval. An applicant shall have one year from the date of issuance of a certificate of appropriateness to secure all permits, including building permits for the specified improvements and to complete the work to be performed under the COA or it shall become null and void. For any project for which the time frame for completion shall extend beyond ninety (90) days, the applicant shall provide a quarterly report to the HPO evidencing the work performed, and the anticipated time frame for completion of the project.

(5) In the event of extenuating circumstances that have caused a delay in obtaining a building permit or completion of the project, an applicant may apply to the HPO for an extension of time to obtain a building permit, or to complete the project. Determination of the reasonableness of the request and the progression of the work shall be in the sole discretion of the HPO or HLPC.

An applicant may request an extension of the Certificate of Appropriateness in writing from the HPO in the event there are extenuating circumstances that have caused a delay in obtaining a building permit or completion of the project.

(6) Upon completion of a project, the applicant shall notify the HPO that the project has been completed. The HPO, or designee, shall inspect the project to ensure compliance with the certificate of appropriateness. If the HPO, or designee, finds that the project is not substantially in compliance with the COA, the HPO shall detail the work needed to be performed to bring the project into compliance.

(7) Once the project has been completed in compliance with the COA, the HPO shall close out the COA and issue notice to the applicant that such work has been completed substantially in compliance with the COA and that the COA is being closed.

(8) If the HLPC finds the proposed work will have an adverse effect on the landmark or property located within a district, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted design guidelines, the HLPC shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary to approval of the same. Within five days following the meeting, the HPO shall provide the applicant and any written commenter notice in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. A certificate of appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval of the same.

(d) Appeal process.

(1) The applicant or any persons adversely affected by the action of the HLPC may appeal the decision to the city's board of adjustment under the following conditions:

a. Appeal requests shall be filed in writing to the HPO within ten days of the HLPC's decision and shall follow the form required for a variance request under the city's Zoning Ordinance.

b. The appeal must specify in writing the grounds for the appeal. On receiving the appeal, the HPO shall transmit to the board of adjustment the papers constituting the record of the action that is appealed.

c. The board of adjustment may overturn the HLPC’s decision or requirement if it makes affirmative findings of fact on each of the following criteria:

1. The historic review regulations set forth, or findings of the HLPC do not allow for a reasonable use.

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2. The action of the HLPC was not based upon the preponderance of the evidence presented to the board.

3. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

4. The reversal of the board's decision or requirement will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of this article or regulations to the zoning district in which the property is located.

d. The board of adjustment may apply conditions to its decision or modification of the HLPC's decision or requirement.

e. The board of adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in a local newspaper not less than the 10th day before the date of the hearing. At the hearing, the applicant, owner, and all interested parties will have the opportunity to be heard. The board of adjustment shall uphold, reverse, or modify the decision or requirement of the historical review board or the historical preservation officer within 30 days of the appeal hearing unless a continuance is agreed upon. The board of adjustment will consider the same criteria and standard of review considered by the historical review board, or the historic preservation officer, and appeals may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

f. Only one appeal shall be allowed, and the board of adjustment's decision shall be final.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE VI. DEMOLITION

Sec. 145-15. Demolition of Hazardous or Dangerous Landmarks.

(a) It is the intent of this, and succeeding sections, to preserve the historic and architectural resources of the city through limitations on demolition and removal of landmarks, to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the city diminishes the character of the city's historic districts, and it is strongly discouraged. Instead, the city recommends and supports preservation, rehabilitation, and relocation within the historic district. It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building, structure, or site.

(b) Removal or repair of hazardous or dangerous landmarks.

(1) If the chief building official or designee determines a landmark to be structurally unsound and a hazardous or dangerous building, structure, or site pursuant to the provisions found in the city's adopted building code, the building official shall be required to provide written notice to the HLPC of the ordered removal or repair of the landmark prior to taking such action.

(2) The provisions contained in section 214.00111 of the Texas Local Government Code provides additional authority to the city to preserve substandard historic buildings, and are effective immediately upon

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designation as a Certified Local Government by the US Department of the Interior, National Park Service and Texas State Historic Preservation Officer as provided by 16 U.S.C., Section 470 et seq.; and

(3) The property owner(s) of the demolished landmark removed under this procedure is subject to the penalties found in article VII of this chapter.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-16. Certificates of appropriateness for demolition affecting landmarks or historic districts.

(a) No person shall carry out the demolition of a landmark or property within a district, including structures, buildings, secondary buildings, and landscape features that are not previously deemed a hazardous or dangerous building or condition by the chief building official or designee, or without the review and approval of a certificate of appropriateness for demolition application by the HLPC. The application shall be required in addition to, and not in lieu of, any required building permit. All demolition permits require a 60-day stay of demolition to allow for exploration of options to preserve the landmark or property.

(b) In the absence of a determination by the building official of the subject landmark or property as a hazardous or dangerous building or condition, the HLPC may consider an application for a certificate of appropriateness for demolition of a landmark or property located within a district, only if it meets compliance with one of the following:

(1) The subject property of the application is not a recognized landmark.

(2) The subject building, structure, or object is not an accessory building and/or landscape feature that is integral to the historic interpretation or integrity of the landmark.

(3) The applicant is requesting a certificate of appropriateness for demolition of a landmark or property on the basis of economic hardship pursuant to this chapter.

(4) The subject building, structure, or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-17. Procedure for certificates of appropriateness for demolition affecting landmarks or historic districts.

(a) The procedure for obtaining a certificate of appropriateness for demolition may be initiated by the city for all city-owned landmarks or proposed work within a district, or by the individual property owner(s) of the subject landmark or property within a district. The application must be submitted to the HPO for review and approval by the HLPC prior to the commencement of any work. An application for certificate of appropriateness for demolition shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

(b) The application shall contain:

(1) Name, address, telephone number of applicant, and physical address of the individual property.

(2) Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings, structures, and objects on the site.

(3) Photographs of existing conditions as well as any historical photographs, if available.

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(4) All future development plans for the property, if available.

(5) Documentation to prove compliance with the creiteria set forth in Section 145-16(2) above, and

(6) Any other information which the HLPC may deem necessary to establish compliance with the Secretary of Interior Standards.

(c) An individual property that is under review for a certificate of appropriateness for demolition shall be protected by, and subject to all, of the provisions of this chapter governing demolition, minimum maintenance standards, and penalties until a final decision by the HLPC becomes effective.

(d) The procedure for a certificate of appropriateness for demolition application involving a claim of economic hardship shall be as follows:

(1) Upon receipt of a completed certificate of appropriateness for demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in section 145-18 herein. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the application and get initial direction.

(2) Within five days of receipt of a completed certificate of appropriateness involving a claim of economic hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting. Notice of the pending HLPC hearing for compliance with the standards for economic hardship and the criteria for review shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property. The owner shall be required to stabilize and secure the property subject to the penalties of this chapter until a final decision by the HLPC becomes effective. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.

(3) The HLPC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant. In the event the HLPC does not act within 90 days of receipt of the application, a certificate of appropriateness for demolition may be granted.

(4) In considering the application, the HLPC shall take action to postpone the application in order to establish a stay of demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be at least three feet by two feet readable from a point of public access and state that more information may be obtained from the HPO for the duration of the stay. The owner shall conduct, in good faith with the city local preservation organizations and interested parties, a diligent effort to seek an alternative that will result in the rehabilitation of the landmark. Negotiations may include, but are not limited to, such actions to utilize various preservation incentive programs, sell or lease the landmark, or facilitate proceedings for the city to acquire the landmark under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the certificate for demolition application shall be considered withdrawn, and all associated applications closed.

(5) At the end of the period of up to one hundred and eighty (180) days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled HLPC meeting pursuant to the same manner described above in subsection (2).

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(6) At the end of the second hearing, the HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within 60 days of the end of the stay period, a certificate of appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.

(7) If approved, the HPO shall issue a certificate of appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HLPC's decision to the inspections and code enforcement department. The approval shall be valid for one year from the hearing date of the HLPC's final decision. An applicant may request an extension of the one-year period from the HPO if the work has progressed and the HPO deems an extension is reasonable under the circumstances. The historic property shall immediately be removed from the city's inventory of historic properties, the official public records of real property of Bowie County, and the official zoning maps of the city.

a. Prior to demolition, the HLPC may, as a condition of approval, require the owner to provide documentation of the demolished historic property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified and submitted to the City for placement in a repositiory..

b. Forward a recommendation to the planning and zoning commission to place limitations on future development on the subject property in regard to square footage, building footprint, scale mass, height, setbacks, etc., of the demolished landmark to help ensure infill that is architecturally compatible.

c. Approval for the demolition of a landmark may be conditioned upon the construction of an acceptable replacement building, structure, landscape, or park plan. A bond or other financial guaranty in the amount of the cost of the replacement may be required in order to assure the construction of the replacement building, structure, park, or landscape plan.

d. The HLPC may also require the owner to incorporate an appropriate memorialization of a landmark, such as a photographic display or plaque, into any proposed future development project on the property.

(8) Denial of a certificate of appropriateness application for demolition involving economic hardship shall prevent the owner from demolishing the property or reapplying for another certificate of appropriateness application for demolition for a period of three years from the hearing date of the HLPC's final decision unless substantial changes in circumstances have occurred, other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous condition.

(9) The HLPC may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.

(10) The owner may appeal the decision of the HLPC to the board of adjustment. Appeal requests shall be filed in writing to the HPO within ten days of the HLPC's decision. The HPO must schedule the appeal for a public hearing at the next available regularly scheduled board of adjustment meeting. Notice of the appeal shall be posted on the property for a period of 14 days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the hearing. Appeals to the board of adjustment shall be considered only on the record made before the HLPC and may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

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(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-18. Economic hardship involving certificates of appropriateness for demolition affecting landmarks.

(a) No certificate of appropriateness for demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the city, unless the owner proves compliance all of the following standards for economic hardship:

(1) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

(3) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(4) The property cannot be moved or relocated to another site, similar site, or within the district.

(b) Non-income properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing.

(c) The information to be considered may include, but shall not be limited to, the following:

(1) Purchase date, price, and financing arrangements;

(2) Current market value;

(3) Form of ownership;

(4) Type of occupancy;

(5) Cost estimates of demolition, and post demolition plans for development;

(6) Maintenance and operating costs;

(7) Inspection report by a licensed architect or structural engineer having experience working with historic properties;

(8) Costs and engineering feasibility for rehabilitation;

(9) Property tax information;

(10) Rental rates and gross income from the property; and

(11) Other additional information as deemed appropriate.

(d) Claims of economic hardship by the owner shall not be based on conditions resulting from the following:

(1) Evidence of demolition by neglect, or other willful and negligent acts by the owner;

(2) Purchasing the property for substantially more than market value at the time of purchase;

(3) Failure to perform normal maintenance and repairs;

(4) Failure to diligently solicit and retain tenants; or

(5) Failure to provide normal tenant improvements.

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(e) Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the HLPC at the hearing.

(Ord. No. 2024-002, § 1, 1-22-2024)

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ATTACHMENT I

CHAPTER 145 HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS

ARTICLE I. ENACTMENT AND PURPOSE

Sec. 145-1. Purpose.

The City Council of Texarkana, Texas hereby declares that as a matter of public policy the protection, enhancement, and perpetuation of landmarks and districts of historical and cultural importance and significance is necessary to promote the economic, cultural, educational, and general welfare of the public. This Act is intended to:

(1) Create a new independent chapter specific to historic preservation;

(2) Protect and enhance the landmarks and districts which represent distinctive elements of Texarkana's historic, architectural, and cultural heritage;

(3) Foster civic pride in the accomplishments of the past;

(4) Protect and enhance Texarkana's attractiveness to visitors and the support and stimulus to the economy thereby provided;

(5) Ensure the harmonious, orderly, and efficient growth and development of the city that is sensitive to its historic resources;

(6) Promote economic prosperity and welfare of the community by encouraging the most appropriate use of historic properties within the city;

(7) Encourage stabilization, restoration, and improvements of such properties and their values by offering incentives for rehabilitation.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE II. DEFINITIONS

Sec. 145-2. Definitions.

Accessory Bb~~B~~uilding shall mean a structure which is on the same parcel of property as a principal structure and the use of which is incidental to the use of the principal structure. For example, but not limited to, a residential structure may have a detached garage or storage shed for garden tools as an accessory building.

Adverse Effect shall mean an undertaking that may alter, directly or indirectly, any of the characteristics of a historic property or District in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling or association.

Alteration shall mean any act or process that changes one or more historic, architectural, or physical features of an area, site, place, building and/or structure including, but not limited to the erection, construction, reconstruction or removal of any building or structure.

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Applicant means a person seeking a designation or authorization under this chapter or the person's designated and duly authorized agent or representative. This term may include the property owner, occupant of the site, the Historic Landmark Preservation Commission ("HLPC") or city commission.

~~*Appurtenant features* means the features that define the design of a building, structure or property including but not limited to porches, railings, columns, shutters, steps, fences, attic vents, sidewalks, driveways, garages, carports, outbuildings, gazebos, and arbors.~~

Archeological ~~p~~Property/~~s~~Site means any locale where there is physical evidence of past human activity that is either prehistoric or historic in age.

~~*Architectural details* shall mean the small details like moldings, carved woodwork, etc., that add character to a building, structure, or object.~~

Building shall refer to a dwelling, such as a house, barn, church, hotel, or similar structure created to shelter any form of human activity. The term may also be used to refer to a historically and functionally related unit, such as a courthouse and jail or a house and barn. The term also includes mobile homes, manufactured homes, and industrial housing.

Certificate of A~~a~~ppropriateness shall mean an order issued by the historic landmark preservation commission indicating approval of plans for alteration, construction, or removal affecting a designated landmark, building, structure, or property within a designated district.

Certified ~~l~~Local ~~g~~Government (CLG) shall mean a local government certified or approved by the State Historic Preservation Office (SHPO), which has an appointed commission to oversee the survey and inventory of historic resources, to review areas for historically significant structures, buildings, landmarks or properties, and to develop and maintain community planning and education programs.

Design ~~g~~Guidelines shall mean guidelines of appropriateness or compatibility of building design within a community or historic district. Often in the form of a handbook, design guidelines contain drawings accompanying "do's and don'ts" for the property owner. The historic preservation commission has authority to administer design guidelines.

Design ~~r~~Review shall refer to the decision making process conducted by the historic landmark preservation commission in conjunction with the chief building official, when required, that is guided by established terms.

Demolition by neglect shall mean allowing a building or structure to fall into such a state of disrepair that it becomes necessary or desirable to demolish it.

Exterior ~~a~~Architectural ~~f~~Feature shall mean but not be limited to architectural style, ~~and~~ general arrangement, and details of such portion of the exterior of a building or structure as is designed to be open to the view from a public way.

Façade shall mean the entire building or structure front including the parapet.

Historic ~~d~~Designation means the process by which landmarks and districts are recognized as historic and protected under this ordinance. ~~an official recognition of the significance of a building, structure, property or district. Designation can occur on three different levels:~~

~~*Federal* - The National Register of Historic Places (for both individual buildings, structures, and entire districts);~~

~~*State* - Recorded Texas Historic landmarks and State Archeological Landmarks; or~~

~~*Local* - Designation under a municipal historic ordinance either individually as a landmark or as a locally designated district.~~

Historic ~~d~~Districts shall mean any neighborhood or region designated by city council as a historic district.

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~~*Historic landmarks* shall mean a building, structure, object, or site designated as a Texas Historic Landmark, listed in the National Register of Historic Places, or that holds a local historic designation by the city council as a historic landmark.~~

Historic ~~p~~Preservation means the protection, reconstruction, rehabilitation, repair and restoration of places, buildings, structures, and properties of historic, architectural, or archeological significance.

Historic ~~l~~Landmark ~~p~~Preservation ~~c~~Commission (HLPC) shall mean the seven member and two alternate position board established under this ordinance and appointed by city council.

~~*Historic rehabilitation* shall mean the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant to its historic, architectural, and cultural values.~~

Historic ~~r~~Resource shall mean any building, structure, object, or site that is 50 years or older or that has been identified by the City or HLPC as a high or medium priority because of its unique history or architectural characteristics.

Historic ~~r~~Resources ~~s~~Survey means a systematic, detailed examination of an area designed to gather information about historic properties sufficient to evaluate them against predetermined criteria of significance.

Integrity means the authenticity of a property's historic identity, evidenced by survival of physical characteristics that existed during the property's historic or prehistoric period.

Inventory means a list of historic properties that have been identified and evaluated as meeting specified criteria of significance.

Local ~~h~~Historic ~~d~~District means a geographically and locally defined area that possesses a significant concentration, linkage, or continuity of buildings, objects, sites, structures, or landscapes united by past events, periods, or styles of architecture, and that, by reason of such factors, constitute a distinct section of the city. Historic sites within a local district need not be contiguous for an area to constitute a district. All sites, buildings, and structures within a local historic district, whether individually contributing or not, are subject to the regulations of the district.

Local ~~h~~Historic ~~l~~Landmark means any site, building, structure, landscape, or property of historic significance that receives designation by the city pursuant to this chapter.

~~*Minor alterations* shall mean the installation or alteration to awnings, fences, gutters, downspouts, and incandescent lighting fixtures; restoration of original architectural features that constitute a change from the existing condition; alterations to signs; and additions and changes not visible from any street to the rear of the main building or structure.~~

National Register of Historic Places shall mean the nation's official list of buildings, districts, and sites (including structures and objects) significant in American history and culture, architecture, archeology, and engineering maintained by the National Park Service and administered on a state-wide basis by the Texas Historical Commission. Restrictions on these properties exist only when there is an undertaking that uses federal funds or that requires a federal permit or license.

Object means a physical item associated with a specific setting or environment that is movable by nature or design, such as statuary in a designed landscape. The term object is used to distinguish from buildings and structures those constructions that are primarily artistic in nature or are relatively small in scale and simply constructed.

~~*Order of demolition* shall mean an order issued by the historic landmark and preservation board indicating approval of plans for demolition of a designated landmark or property within a designated district.~~

Ordinary ~~m~~Maintenance shall mean repair of any exterior or architectural feature of a landmark or property within a historic district which does not involve a change to the architectural or historic value, style or general design. In-kind replacement or repair is included in this definition of ordinary maintenance.

Overlay ~~d~~District shall mean zoning, applied over one or more other districts, creating a second, mapped zone that is superimposed over the conventional zoning districts. Overlay districts typically provide for a higher level of regulations in certain areas such as transit station areas, downtown areas, and historic districts, but may also be used to permit exceptions or less restrictive standards (for example, fewer parking spaces in a downtown or transit station area, or more density in an economic development area).

Owner shall mean the individual, corporation, partnership, or other legal entity in whom is vested the ownership, dominion, or title of property and who is responsible for payment of ad valorem taxes on that property; including a lessor or lessee if responsible for payment of ad valorem taxes.

Preservation shall mean the stabilization of an historic building, structure, or property, and its materials and features in their present condition to prevent future deterioration. Preservation focuses on the maintenance and repair of existing historic materials and retention of a property's form as it has evolved over time. (Protection and stabilization have now been consolidated under this treatment.)

~~*Preservationist* shall mean someone with experience, education, or training in the field of preservation.~~

Property or ~~*p*~~*Properties* shall mean land and all buildings, structures, and landmarks lying within the land, but shall not reference any personal property contained thereon.

Reconstruction shall mean the act or process of reproducing by new construction the exact form and detail of a vanished building, structure, or landmark as it appeared at a specific period of time. A technique used earlier in the 20th century, reconstruction is rarely used today because of the preference to use limited financial resources to preserve existing historic buildings or structures.

Recorded Texas Historical Landmark (RTHL) shall mean a state designation for buildings or structures important for their historical associations and which have retained a high degree of their original historic fabric. They must be at least 50 years of age and retain their original exterior appearance. ~~State historical landmarks~~ RTHLs receive ~~greater legal protection than National Register of Historic Places designations~~protection under Chapter 42 of the Texas Government Code. .

Rehabilitation means the act or process of returning a building, structure, or Property to a state of utility through repair or alteration that makes possible an efficient contemporary use while preserving those portions or features of the Property that are significant to its historical, architectural, and cultural values.

Restoration shall mean returning a building, structure, or property to a state indicative of a particular period of time in its history, while removing evidence of other periods.

Secretary of the Interior Standards for Rehabilitation shall mean the standards established by the Secretary of the Interior for advising federal agencies on the preservation/rehabilitation of historic properties listed or eligible for listing on the National Register of Historic Places.

Site means the location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possesses historical, cultural, or archeological value regardless of the value.

State ~~archeological~~ Antiquities ~~l~~Landmark (SAL) shall mean a designation made by the Texas Historical Commission under the Antiquities Code of Texas~~and, in the case of privately owned property, with the landowner's permission. Although called "archeological" landmarks, this designation can include buildings and structures as well as archeological sites~~. For a building or structure to be designated as a State ~~Archeological~~ Antiquities Landmark, it must first be listed on the National Register of Historic Places. The land-owning agency must consult with the THC about proposed actions affecting a SAL through a permit process, and the THC will determine

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whether the work will be allowed. ~~Damage to a State Archeological Landmark is subject to criminal, not civil, penalties.~~

State Historic Preservation Officer (SHPO) shall mean the state office responsible for administering federal historic preservation programs as defined in the National Historic Preservation Act of 1966 as amended and subsequent legislation. The executive director of the Texas Historical Commission serves as SHPO for the State of Texas.

Structure is a constructed work that was created to serve some human activity and usually made for purposes other than creating human shelter, including but not limited to, sheds, pergolas, carports, and detached garages. Structure may also include works constructed for housing or enclosure of domestic animals, including, but not limited to, dog houses and chicken coops.

Zoning means a police power measure, enacted by a municipality, including the city, in which the community is divided into districts or zones within which permitted and special uses are established as are regulations governing lot size, building bulk, placement, and other development standards.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE III. HISTORIC LANDMARK PRESERVATION COMMISSION

Sec. 145-3. Historic landmark preservation commission.

There is hereby created a commission to be known as the historic landmark preservation commission, hereafter referred to as the "HLPC."

(1) The HLPC shall consist of seven members and two alternates to be appointed, upon application and demonstration of their qualifications to the extent available among the residents of the community, by the city council with primary consideration given to professional members from the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation, as well as to applicants who are residents of historic districts, existing or being considered, and owners of historic properties. When a professional in the fields of history, architecture, architectural history, planning, or archaeology is not represented in the membership of the HLPC, then the city may seek and provide outside expertise in the appropriate discipline when considering National Register nominations and all federal undertakings that will affect historic properties which are normally evaluated by a professional in such disciplines.

   a. At least two members of the HLPC shall reside or own property within a historic district.

   b. All HLPC members must have a known and demonstrated interest, competence, or knowledge in historic preservation within the city and/or the county.

   c. Persons interested in serving on the HLPC shall complete the committee/commissions form available from the city and submit a letter of request for consideration, along with a resume or bio outlining experience and qualifications to the city. The completed information shall be forwarded for review and consideration as position availability may occur. Any applicant for which approval for further consideration has been determined, shall be forwarded to the city council for review and consideration of appointment.

   d. HLPC members shall serve for three-year terms. The city council shall initially stagger the terms of the HLPC such that no more than three members' terms shall end during any one calendar year. The city council may re-appoint HLPC members as their terms expire without limitation to the

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number of consecutive terms. The mayor shall fill any vacancies that may occur before a term has expired, only for the remainder of the term.

e. Any member may resign by submitting a letter of intent to the HPO that has been read into the official HLPC minutes and forwarded to the city council. The city council may terminate any HLPC member upon cause after an appropriate hearing or upon the absence of over 50 percent of the scheduled HLPC meetings within a calendar year. Termination shall be effective upon deposit of a letter of termination in the US mail to that last known address of the member being terminated.

f. The chairperson and vice chairperson of the HLPC shall be elected by and from its membership.

g. A quorum for the transaction of business shall consist of not less than four members of the HLPC.

h. The HLPC shall meet at least monthly, if business is at hand, and no less than quarterly. Special meetings may be called at any time by the HLPC chairperson, vice chairperson or at the written request of at least four HLPC members. All meetings shall be held in conformance with the Texas Open Meetings Act, Chapter 552, Texas Government Code.

i. Nonvoting members shall include the Eexecutive ~~d~~Director of Main Street Texarkana and a representative designated by the Texarkana Museum System as long as such entities are in existence and operational. Persons who have expertise in areas related to the historic landmark preservation commission such as, but not limited to, architecture, history, economic development, or building construction may volunteer and serve on the historic landmark preservation commission as non-voting members whether they live or work in the city limits or not. Such experts shall submit a letter of request for consideration to the HPO or designee to be forwarded to city council for consideration of appointment.

j. Each historic landmark preservation commission member shall serve on at least one subcommittee. From time to time the historic landmark preservation commission may designate other subcommittees for special projects of a temporary nature. The historic landmark preservation commission shall include the following subcommittees:

1. Guidelines and standards review;
2. Community involvement and marketing;
3. Expansion, preservation, and revitalization.

(2) The HLPC shall be empowered to:

a. Make recommendations to the city for the employment of staff and professional consultants as necessary to carry out the duties of the HLPC.

b. Adopt parliamentary rules and procedures necessary to carry out the business of the HLPC, which shall be ratified by the city council.

c. Review and take action on the designation of landmarks and the delineation of districts, which shall be submitted to the planning and zoning commission and ratified by the city council.

d. Recommend and confer recognition upon the owners of landmarks or properties within districts by means of certificates, plaques, or markers.

e. Review and recommend to city council, and other applicable city boards and commissions, all proposed changes to the zoning ordinance, building code, general plan, or other adopted policies of the city that may affect the purpose of this chapter.

f. Conduct public hearings and provide comment on buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places to the Texas Historic

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Commission. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.

g. Implement and maintain a system of survey or inventory of significant historic, architectural, and cultural landmarks and all properties located within designated districts located in the city. Such information shall be maintained securely, made accessible to the public, and should be updated at least every ten years.

h. Monitor and report to the Texas Historical Commission all actions affecting any Recorded Texas Historic Landmark, State ~~Archaeological~~ Antiquities Landmark, National Register property and any locally designated landmark, as deemed necessary.

i. Create subcommittees from among its membership and delegate to these committees responsibilities to carry out the purposes of this chapter.

j. Maintain written meeting minutes which are recorded by staff and demonstrate all actions taken by the HLPC and the reasons for taking such actions.

k. Increase public awareness of the value of historic, cultural, and architectural preservation by developing and participating in public education programs.

l. Review and take action on all certificates of appropriateness applications for compliance with the Secretary of the Interior's Standards for Rehabilitation and with adopted design guidelines pursuant to this article.

m. Review and take action on all appeals on action taken by the HPO regarding the administrative review of certificates of appropriateness applications for compliance with adopted design guidelines pursuant to this chapter.

n. Develop, prepare and adopt specific design guidelines which shall be ratified by the city council, for use in the review of all certificates of appropriateness applications.

o. Make recommendations to the city concerning the utilization of state, federal, or private funds to promote the preservation of landmarks and districts within the city.

p. Propose incentive program(s) to the city council for local property owners of historic landmarks or within local districts.

q. Review and take action on all city preservation-related incentive program applications involving work on landmarks and districts for compliance with adopted design guidelines pursuant to this chapter.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-4. Appointment of historic preservation officer.

The C~~c~~ity ~~m~~Manager or its designee shall appoint a qualified city official, or staff person to serve as the historic preservation officer (HPO). The CLG will make every effort to appoint a HPO who meets the Secretary of the Interior's Professional Qualification Standards under History, Architectural History, Architecture or Historic Architecture. The HPO must have an interest, knowledge and a demonstrated background in the disciplines of architecture, history, urban planning, real estate, legal, archeology, or other disciplines related to historic preservation. In the absence of a qualified official or staff person of the municipality, a volunteer resident of the city may be appointed by city council as HPO. The HPO shall be empowered to:

(1) Administer this ordinance and advise the HLPC on matters submitted to it.

(2) To maintain and hold open for public inspection all documents and records pertaining to the provisions of this chapter.

(3) Receive and review all applications pursuant to this chapter to ensure their completeness.

(4) Review and take action on all certificates of appropriateness applications that are subject to administrative review pursuant to this chapter.

(5) Review and forward, with any recommendations, all applications for certificates of appropriateness subject to review by the HLPC pursuant to this chapter.

(6) Ensure proper posting and noticing of all HLPC meetings, schedule applications for HLPC review, provide packets to its members prior to the meetings, record meeting minutes, and facilitate all HLPC meetings.

(7) Review and help coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation organizations in the private sector.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE IV. DESIGNATION

Sec. 145-5. Criteria for designation of local historic landmarks and districts.

~~Properties that are listed as a Recorded Texas Historic Landmark (RTHL), State Archeological Landmark (SAL) or listed on the National Register of Historic Places (NR) shall be considered as recognized local landmarks.~~

(1) An individual Local Historic ~~l~~Landmark may be designated if it is at least 50 years old, and it substantially complies with two or more of the following:

a. Possesses significance in history, architecture, archeology, and culture.

b. Is associated with events that have made a significant contribution to the broad patterns of local, regional, state, or national history.

c. Is associated with events that have made a significant impact in our past.

d. Represents the work of a master designer, builder, or craftsman.

e. Embodies the distinctive characteristics of a type, period, or method of construction.

f. Represents an established and familiar visual feature of the city.

(2) A Local Historic ~~d~~District may be designated if it substantially complies with both of the following:

a. Contains properties and an environmental setting which meet two or more of the criteria for designation of a landmark, and

b. Constitutes a distinct section of the city.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-6. Designation of local historic landmarks and districts.

(a) These provisions, pertaining to the designation of historic landmarks and districts, constitutes a part of the Comprehensive Plan of the City of Texarkana, Texas.

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(b) The procedure for designating a historic landmark, or to establish or amend a historic district, may be initiated by the city, by the individual property owner(s), or by at least 20 percent of the residents of a potential district. An application for determination of significance shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule. Buildings, structures, sites, or areas located within the city which substantially comply with the criteria found in section 145-5 of this ordinance may be recommended as landmarks or districts by the HLPC. The application shall contain:

(1) Name, address, telephone number of applicant, and physical address of the individual property, or

(2) Name, address, telephone number of applicant, and signed petition of at least 20 percent of the proposed area if for a proposed district.

(3) Site plan of the individual property or map indicating the geographic boundaries of the proposed area showing all affected buildings and/or structures.

(4) Detailed historic description and background on the property or area.

(5) Current photographs of the overall property or area along with any historical photographs, if available.

(6) Any other information which the HPO or HLPC may deem necessary.

(c) Upon receipt of a completed determination of significance application, the HPO shall schedule a hearing at the next available regularly scheduled HLPC meeting. Notice of the application shall be mailed to the property owner(s) and posted on the property for a minimum period of 15 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. Notice of applications for proposed districts shall be mailed to each affected property owner and posted in at least four separate locations that are visible from the public right-of-way at its external boundaries for a minimum period of 14 days prior to the scheduled hearing. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meetings Act.

(d) An individual property or area that is under review by the HLPC for a formal determination of significance shall be protected by and subject to all of the provisions of this chapter governing demolition, minimum maintenance standards and penalties until a final decision by the city council becomes effective.

(e) At the initial HLPC hearing, the applicant shall have an opportunity to present testimony and evidence to demonstrate the historical significance, or insignificance of the subject property or area. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

(f) The HLPC shall forward the application to the planning and zoning commission for a determination of any conflict in the proposed application with the current zoning requirements.

(g) After receipt of a determination by the planning and zoning commission, the HLPC may take action to approve, postpone, request additional information, or deny the application. The HPO shall forward any final recommendation to the city council.

(h) Upon receipt of the recommendation of the HLPC on the application, the city council shall schedule a hearing on the application. Notice of such public hearing shall be given by publication of the date, time, and place of such hearing and the nature of the subject to be considered in a newspaper of general circulation in the city not less than 15 days before the hearing. A majority vote of the city council shall be required to adopt an ordinance approving any amendment or change, except that a three-fourths vote of the city council shall be required when either:

(1) The HLPC has recommended for denial of a designation; or

(2) A written protest, against such designation, has been filed which is signed by the owners of 20 percent or more of the area included in such designation, or signed by the owners of 20 percent or more of the

area within 200 feet of such designation. In order to be considered, the petition must have been received and filed before or at the HLPC meeting at which the item was heard, or.

(3) The owner has not consented to the designation.

(i) In the event a change affecting designation for which application has been made is not approved, no person shall file a subsequent request for a landmark or designation for the same property for a period of one year from the date of such action.

(j) Notwithstanding the above, if the subject property is owned by a religious organization, designation of that property may only be approved upon consent by the owner.

~~(j)~~(k) Upon designation of a landmark or district by the city council, the designation shall be recorded by legal description on the city's official zoning maps, in the records of the real property of Bowie County, and with the tax appraisal office.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE V. MAINTENANCE

Sec. 145-7. Minimum maintenance standards.

No owner or person with an interest in real property designated as a landmark, or a property located within a district, shall permit the property to fall into a serious state of disrepair so as to result in the significant deterioration of any exterior architectural feature which would, in the judgment of the HLPC, create a detrimental effect upon the historic character of the landmark or district.

(1) Examples of serious disrepair or significant deterioration include, but are not limited to, the following:

a. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.

b. Deterioration of external chimneys that causes leaning, sagging, splitting, listing, or buckling.

c. Deterioration or crumbling of exterior plaster finishes, surfaces, or mortars.

d. Ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors.

e. Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.

f. Rotting, holes, and other forms of material decay.

g. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.

h. Deterioration that has a detrimental effect upon the special character of the district as a whole or the unique attributes and character of the contributing structure or building.

i. Deterioration of any exterior feature so as to create or permit the creation of any hazardous, or unsafe conditions, to life, health, or other property.

(Ord. No. 2024-002, § 1, 1-22-2024)

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Sec. 145-8. Tax incentive for residential properties within historic districts.

(a) ~~In accordance with state law, t~~The city council finds that all residential properties located within designated Historic Residential Overlay Districts are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.

(b) The City shall exempt ten percent of the assessed value of a property, including the land necessary for access to and use of the property but excluding all personal property, from annual city ad valorem taxation.

(c) A property owner must comply with this ordinance, and be in compliance with all ordinances, regulations, and City codes pertaining to the property including, but not limited to, those relating to maintenance of properties, nuisances, storage, litter, and parking, ~~.~~in order to continue to receive the tax incentive. If, upon notice to the property owner of noncompliance with any portion of this ordinance, violation of other ordinances, regulations, or City codes, in the event the property owner fails within six months of such notice to bring the property into full compliance ~~with this ordinance~~, the city shall provide notice to Bowie Central Appraisal District to revoke the tax incentive. Upon the property owner bringing the property back in compliance and receipt of completion of a certificate of appropriateness, the city shall notify the Bowie Central Appraisal District of such compliance and the property owner's tax incentive shall be reinstated.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-9. Tax incentive application and approval process for ~~historic districts and~~ historic properties.

~~In accordance with state law, t~~The city council finds that all buildings, structures, areas, or sites and non-residential zoned property, including downtown historic property redeveloped for residential uses that are listed on the National Register of Historic Places, a Recorded Texas Landmark, State ~~Archaeological~~ Antiquities~~l~~ ~~l~~Landmark, or locally designated Historic ~~l~~Landmark, are historically significant and entitled to tax relief in order to encourage historic preservation and redevelopment.

(1) Reinvestment projects exemption. The city shall exempt 50 percent of the assessed value of a building or structure, including the land necessary for access to and use of the building or structure, from annual city ad valorem taxation for a period of ten years from receipt of the tax exemption, or 100 percent of the assessed value of said building or structure for five years for any non-residential zoned property that is listed on the National Register of Historic Places, a Recorded Texas Landmark, State Archaeological Landmark, or locally designated landmark. This includes historic properties redeveloped for residential use downtown. In order to receive this exemption, the structure or building must be in use providing an economic service to the community, and meet the following requirements:

a. ~~Restorations~~ Rehabilitation amounting to $25,000.00 in BCAD Improvement value or more, and that meet one of the requirements set forth in b. through g. below.

b. Structural repairs and improvements;

c. Electrical repairs and improvements;

d. Plumbing repairs and improvements;

e. Mechanical repairs and improvements;

f. Interior repairs and improvements; or

g. Exterior ~~restoration~~rehabilitation.

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(2) Each applicant must submit documentation reflecting the cost of the eligible reinvestment project and complete the project within the agreed timeframe.

(3) Façade restoration must comply with design guidelines, which are based on the Secretary of the Interior's Standards. Prior to beginning the reinvestment project, the property owner shall apply for and receive a certificate of appropriateness. For properties listed on the National Register of Historic Places, a Recorded Texas Landmark, or State ~~Archaeological~~ Antiquitiesl Landmark, consultation with the Texas Historical Commission is required as well as Tribal Consultation when applicable.

(4) Must be in compliance with all adopted city building codes with a current certificate of occupancy.

(5) City staff will coordinate with the Bowie Central Appraisal District to create a tax exemption rebate process for the program.

~~(6)~~ Notwithstanding the above, any project within a Local ~~h~~Historical ~~d~~District must have the approval of the historic landmark preservation commission for all contemplated projects via a certificate of appropriateness. The applicant must secure all city permits and must secure periodic city inspection of the project to insure proper completion of the project.

(~~7~~6) When filing a tax incentive application with the historic preservation officer or designee, the applicant shall:

a. Certify to the historic preservation officer or designee that the subject property is a Local ~~h~~Historic Landmark or in a Local Historic District, listed in the National Register of Historic Places, an RTHL, or a SAL~~resource~~.

b. Certify to the historic preservation officer or designee that the tax incentive request is for a project that has received a certificate of appropriateness pursuant to this chapter.

c. Certify to the historic preservation officer or designee that the project for which the applicant wishes to apply a tax reduction has been completed in compliance with the certificate of appropriateness.

(~~8~~7) An application for a tax incentive shall be initiated by the owner of the subject property, or by his or her agent, by completion of the appropriate application forms provided by the historic preservation officer or designee. The application shall include all receipts for the cost of the project, as well as an affidavit affirming that all information on the application is correct, and the receipts presented are for the cost of the project.

(~~9~~8) No fees shall be required either upon filing of the application or upon approval or disapproval by the historic landmark preservation commission.

(~~10~~9) The historic landmark preservation commission shall review all requests for tax incentives upon completion of the application form.

(1~~1~~0) The historic landmark preservation commission shall determine, from the data submitted by the applicant and the information provided by the historic preservation officer or designee, if the completed project is substantially in compliance with the certificate of appropriateness. If the commission finds that additional information relative to the pending application is necessary for its review, the commission may postpone its decision until such information is provided.

(1~~2~~1) The commission shall have the authority to approve or disapprove an application for a tax incentive, or to approve a request with such conditions as the commission deems necessary to bring the project into compliance with the approved certificate of appropriateness. The commission shall not approve requests for tax incentives where the project was completed prior to the adoption of this ordinance, where the applicant has not obtained a certificate of appropriateness, or where the applicant has not substantially complied with the requirements imposed on a certificate of appropriateness.

(1~~3~~2) If approved for a tax incentive, the property owner must comply with this ordinance and be in compliance with all ordinances, regulations, and City codes pertaining to the property including, but not limited to, those relating to maintenance of properties, nuisances, storage, litter, and parking in order to continue to receive the tax incentive. If, upon notice to the property owner of noncompliance with any portion of this ordinance, violation of other ordinances, regulations, or City codes, in the event the property owner fails within six months of such notice to bring the property into full compliance ~~with this ordinance~~, the city shall provide notice to Bowie Central Appraisal District to revoke the tax incentive. Nothing in this ordinance shall prevent a property owner, after at least one year has elapsed since revocation of the incentive, from reapplying for the tax incentive for property in compliance with this ordinance.

(1~~4~~3) *Effective date*. Upon approval, the historic preservation officer or designee shall notify the Bowie County Tax Assessor. The tax assessor shall reduce the city portion of the property tax for the subject property in accordance with the provisions herein, and as indicated by the approved request.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-10. Procedure to mitigate demolition by neglect.

(a) Demolition by neglect refers to the gradual deterioration of a property when routine or minimum maintenance is not performed. The HPO, planning and community development, and inspections and code enforcement department staff shall work together in an effort to reduce demolition by neglect involving landmarks or properties located within districts within the city. A demolition by neglect notice of violation as determined by the HPO may be issued against the owner of the property for failure to comply with the minimum maintenance standards by permitting the subject property to exhibit serious disrepair or significant deterioration.

(b) While the HPO will act as the point of contact, the inspections and code enforcement department staff shall, when needed, assist with inspections. If there is a dispute between the HPO and inspections and code enforcement department staff, the city manager may be consulted as a mitigating party.

(c) The procedure for citing a property for demolition by neglect shall be as follows:

(1) Initial identification is made by visual inspection of the area by the HPO, an HLPC member, or by referral from someone in the area. All referrals shall be made in writing and shall be submitted to the HPO.

(2) Once the initial identification is made, followed by a preliminary determination by the HPO, the findings will be submitted to the chief building official (CBO). Upon concurrence by the CBO, the property owner shall be notified by US mail of the defects of the property and informed of various incentive programs that may be available for repair. The owner is given 30 days in which to respond to the preliminary determination by submitting a stabilization proposal to the CBO and a copy to the HPO. The stabilization proposal will be presented to the HLPC at the next available meeting. If the HLPC approves the proposal, a certificate of appropriateness (if necessary) may be issued. A copy of the COA and detail of the specific work which is necessary to correct the demolition by neglect conditions, as well as a time period to begin and complete the work, will be submitted to the CBO for approval before building permits can be obtained. The HPO shall update the HLPC in writing on the status of the property every 30 days once work begins on the property.

(3) If the property owner receives the letter regarding the preliminary determination, but fails to respond, a second notice shall be sent in the same manner as described above.

(4) If the property owner fails to receive and/or respond to the letter regarding the preliminary determination after two attempts, the matter returns to the HLPC for a notice of violation hearing. The

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HPO shall send a third notice via certified mail informing the owner of the hearing, the property shall be posted with a notice of the violation in accordance with the provisions of this chapter, and when a public hearing on the notice of violation is scheduled.

(5) At the public hearing the owner is invited to address the HLPC's concerns and to show cause why a notice of violation should not be issued. The HLPC may take action to approve any proposed work, defer the matter to give the owner more time either to correct the deficiencies or make a proposal for stabilization, or issue a notice of violation to the owner of the property for failure to correct the demolition by neglect conditions.

(6) If the owner is cited for the condition of demolition by neglect of the property, the owner will be given 14 days to submit a certificate of appropriateness application with a stabilization proposal to the HPO. If approved, work must commence within 60 days. The HPO shall update the HLPC on the status of the property every 30 days once work begins on the property.

(7) No work shall commence without a building permit, if said work requires a building permit.

(8) If the owner does not respond with a certificate of appropriateness application with a stabilization proposal, the matter is turned over to the city attorney's office for action in municipal court, reviewed for civil action, or submitted for review by the building and standards commission as outlined in chapter 214 of the municipal code.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-11. Ordinary maintenance.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance and repair of any exterior architectural feature of a landmark or property within a historic district which does not involve a change in design, material, or outward appearance that requires the issuance of a building permit. In-kind repair/replacement and repainting is included in this definition of ordinary maintenance, unless painting involves an exterior masonry surface that was not previously painted. The HPO shall be in charge of making the decisions as to what is "ordinary maintenance."

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-12. Certificates of appropriateness for alterations or new construction affecting landmarks or historic districts.

No person shall carry out any construction, installation of structures of any kind, reconstruction, alteration, restoration, rehabilitation, removal, or relocation of any landmark or any property within a district, nor shall any person make any material change in the light fixtures, signs, sidewalks, fences, steps, paving, or other exterior elements visible from a public right-of-way which affect the appearance and cohesiveness of any landmark or any property within a district without a certificate of appropriateness application. The application must be reviewed and approved by the HPO or the HLPC prior to the issuance of any building permit involving any landmark or property located within a district. The application shall be required in addition to, and not in lieu of, any required building permit.

(Ord. No. 2024-002, § 1, 1-22-2024)

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Sec. 145-13. Review criteria for certificates of appropriateness for alterations or new construction affecting landmarks or historic districts.

(a) In considering an application for a certificate of appropriateness, the HPO and the HLPC shall review it for compliance with The Secretary of the Interior's Standards for Rehabilitation and any applicable adopted design guidelines previously ratified by the city council. The Standards and any applicable adopted design guidelines shall apply in all zones within the city designated as a historic district and any property designated as a historic landmark.

(b) All review criteria shall be made available to the applicant, property owners of landmarks, and properties located within districts. The HLPC shall promulgate and make recommendations to update the adopted design guidelines as necessary, provided that the changes do not pose a conflict with underlying land-use zoning and the changes do not take effect until ratified by the city council.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-14. Procedure for certificates of appropriateness for alterations or new construction affecting landmarks or historic districts.

(a) The procedure for obtaining a certificate of appropriateness may be initiated by the city for all city-owned landmarks or proposed work within a district, or by the individual property owner(s) of the subject landmark or for a property located within a district. The application must be submitted for review and approval by the HPO or the HLPC prior to the commencement of any work. An application for certificate of appropriateness shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

(b) Administrative design review affecting landmarks and properties located in districts.

(1) Upon receipt of a completed certificate of appropriateness application as determined by the HPO, the HPO shall review the application for a preliminary determination of compliance with the Secretary of the Interior's Standards for Rehabilitation and the adopted design guidelines. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the proposed work and get initial design direction. The HPO shall determine if the application involves Ordinary Maintenance and can be approved administratively and shall forward any certificate of appropriateness application to the HLPC for review, and ~~approval~~action if administrative approval is not appropriate. Proposed work to all landmarks, properties, all proposed work within a district, and for all city preservation-related incentive programs or federal projects must be reviewed by the HLPC.

(2) Administrative approval may only be made for in-kind replacements such as, but not limited to, re-painting with the same color or a color designated for the specific design palate and replacing materials with original products without alterations.

(c) HLPC design review affecting landmarks and properties located in districts.

(1) Within five days of receipt of a completed certificate of appropriateness and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting or post notice of a special-called meeting. Notice of the pending HLPC hearing for compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted design guidelines shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property by the city establishing a 14-day period in which written comments may be submitted to the HPO. A published notice of the scheduled hearing shall also be made in accordance

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with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.

(2) The HLPC shall review the application at the scheduled meeting. At that time, the applicant shall have an opportunity to be heard and present testimony and evidence to demonstrate that the proposed work is in compliance with the Secretary of the Interior's Standards for Rehabilitation and any adopted design guidelines. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant.

(3) The HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within 90 days of the original receipt of the application by the HPO, a certificate of appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing as well as the inspection and code enforcement department.

(4) If approved, the HPO shall issue a certificate of appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HLPC's decision to the inspections and code enforcement department. Any specific conditions of approval made by the HLPC shall be attached to the construction documents prior to the issuance of any building permits. No subsequent changes shall be made to the approved design without the prior review and approval of the HPO or HLPC. The Certificate of Appropriateness shall be valid for a period of one year from the date of approval. An applicant shall have one year from the date of issuance of a certificate of appropriateness to secure all permits, including building permits for the specified improvements and to complete the work to be performed under the COA or it shall become null and void. For any project for which the time frame for completion shall extend beyond ninety (90) days, the applicant shall provide a quarterly report to the HPO evidencing the work performed, and the anticipated time frame for completion of the project.

(5) In the event of extenuating circumstances that have caused a delay in obtaining a building permit or completion of the project, an applicant may apply to the HPO for an extension of time to obtain a building permit, or to complete the project. Determination of the reasonableness of the request and the progression of the work shall be in the sole discretion of the HPO or HLPC. ~~For any project for which the timeframe for completion shall extend beyond 90 days, the applicant shall provide a quarterly report to the HPO evidencing the work performed, and the anticipated timeframe for completion of the project.~~

An applicant may request an extension of the Certificate of Appropriateness in writing from the HPO in the event there are extenuating circumstances that have caused a delay in obtaining a building permit or completion of the project.

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(6) Upon completion of a project, the applicant shall notify the HPO that the project has been completed. The HPO, or designee, shall inspect the project to ensure compliance with the certificate of appropriateness. If the HPO, or designee, finds that the project is not substantially in compliance with the COA, the HPO shall detail the work needed to be performed to bring the project into compliance.

(7) Once the project has been completed in compliance with the COA, the HPO shall close out the COA and issue notice to the applicant that such work has been completed substantially in compliance with the COA and that the COA is being closed.

(8) If the HLPC finds the proposed work will have an adverse effect on the landmark or property located within a district, or if the proposed work is inconsistent with the Secretary of the Interior's Standards for Rehabilitation or any applicable adopted design guidelines, the HLPC shall advise the applicant at the hearing of the disapproval of the application and of any changes to the application which are necessary to approval of the same. Within five days following the meeting, the HPO shall provide the

applicant and any written commenter notice in writing of the disapproval of the application and of any changes to the application which are necessary for approval of the same. A certificate of appropriateness application that has been denied may not be resubmitted without incorporating changes to the application which are necessary for approval of the same.

(d) Appeal process.

(1) The applicant or any persons adversely affected by the action of the HLPC may appeal the decision to the city's board of adjustment under the following conditions:

a. Appeal requests shall be filed in writing to the HPO within ten days of the HLPC's decision and shall follow the form required for a variance request under the city's Zoning Ordinance.

b. The appeal must specify in writing the grounds for the appeal. On receiving the appeal, the HPO shall transmit to the board of adjustment the papers constituting the record of the action that is appealed.

c. The board of adjustment may overturn the ~~board's~~ HLPC's decision or requirement if it makes affirmative findings of fact on each of the following criteria:

1. The historic review regulations set forth, or findings of the ~~board~~ HLPC do not allow for a reasonable use.

2. The action of the ~~board~~ HLPC was not based upon the preponderance of the evidence presented to the board.

3. The plight of the owner of the property is due to unique circumstances existing on the property, and the unique circumstances were not created by the owner of the property and are not merely financial and are not due to or the result of general conditions in the district in which the property is located.

4. The reversal of the board's decision or requirement will not alter the character of the area adjacent to the property, will not impair the use of adjacent conforming property, and will not impair the purpose of this article or regulations to the zoning district in which the property is located.

d. The board of adjustment may apply conditions to its decision or modification of the ~~board's~~ HLPC's decision or requirement.

e. The board of adjustment shall schedule a hearing on such appeal within 30 days after the receipt of the notice of appeal, or as soon thereafter as is reasonably practicable. Notice of such hearing shall be published in a local newspaper not less than the 10th day before the date of the hearing. At the hearing, the applicant, owner, and all interested parties will have the opportunity to be heard. The board of adjustment shall uphold, reverse, or modify the decision or requirement of the historical review board or the historical preservation officer within 30 days of the appeal hearing unless a continuance is agreed upon. The board of adjustment will consider the same criteria and standard of review considered by the historical review board, or the historic preservation officer, and appeals may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

f. Only one appeal shall be allowed, and the board of adjustment's decision shall be final.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE VI. DEMOLITION

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Sec. 145-15. Demolition of Hazardous or Dangerous Landmarks.

(a) It is the intent of this, and succeeding sections, to preserve the historic and architectural resources of the city through limitations on demolition and removal of landmarks, to the extent it is economically feasible practical and necessary. The demolition or removal of historic buildings, structures, and sites in the city diminishes the character of the city's historic districts, and it is strongly discouraged. Instead, the city recommends and supports preservation, rehabilitation, and relocation within the historic district. It is recognized, however, that structural deterioration, economic hardship, and other factors not entirely within the control of the property owner may result in the necessary demolition or removal of a historic building, structure, or site.

(b) Removal or repair of hazardous or dangerous landmarks.

(1) If the chief building official or designee determines a landmark to be structurally unsound and a hazardous or dangerous building, structure, or site pursuant to the provisions found in the city's adopted building code, the building official shall be required to provide written notice to the HLPC of the ordered removal or repair of the landmark prior to taking such action.

(2) The provisions contained in section 214.00111 of the Texas Local Government Code provides additional authority to the city to preserve substandard historic buildings, and are effective immediately upon designation as a Certified Local Government by the US Department of the Interior, National Park Service and Texas State Historic Preservation Officer as provided by 16 U.S.C., Section 470 et seq.; and

(3) The property owner(s) of the demolished landmark removed under this procedure is subject to the penalties found in article VII of this chapter.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-16. Certificates of appropriateness for demolition affecting landmarks or historic districts.

(a) No person shall carry out the demolition of a landmark or property within a district, including structures, buildings, secondary buildings, and landscape features that are not previously deemed a hazardous or dangerous building or condition by the chief building official or designee, or without the review and approval of a certificate of appropriateness for demolition application by the HLPC. The application shall be required in addition to, and not in lieu of, any required building permit. All demolition permits require a 60-day stay of demolition to allow for exploration of options to preserve the landmark or property.

(b) In the absence of a determination by the building official of the subject landmark or property as a hazardous or dangerous building or condition, the HLPC may consider an application for a certificate of appropriateness for demolition of a landmark or property located within a district, only if it meets compliance with one of the following:

(1) The subject property of the application is not a recognized landmark.

(2) The subject building, structure, or object is not an accessory building and/or landscape feature that is integral to the historic interpretation or integrity of the landmark.

(3) The applicant is requesting a certificate of appropriateness for demolition of a landmark or property on the basis of economic hardship pursuant to this chapter.

(4) The subject building, structure, or object has lost its architectural significance and integrity over time for reasons not entirely within the control of the current or previous property owner(s).

(Ord. No. 2024-002, § 1, 1-22-2024)

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Sec. 145-17. Procedure for certificates of appropriateness for demolition affecting landmarks or historic districts.

(a) The procedure for obtaining a certificate of appropriateness for demolition may be initiated by the city for all city-owned landmarks or proposed work within a district, or by the individual property owner(s) of the subject landmark or property within a district. The application must be submitted to the HPO for review and approval by the HLPC prior to the commencement of any work. An application for certificate of appropriateness for demolition shall be made on forms as prescribed by the city and shall be filed with the HPO along with fees in accordance with the municipal fee schedule.

(b) The application shall contain:

(1) Name, address, telephone number of applicant, and physical address of the individual property.

(2) Site plan of the individual property or map indicating the area of the proposed demolition showing all affected buildings, structures, and objects on the site.

(3) Photographs of existing conditions as well as any historical photographs, if available.

(4) All future development plans for the property, if available.

(5) Documentation to prove compliance with the creiteria set forth in Section 145-16(2) above, and

(~~5~~6) Any other information which the HLPC may deem necessary to establish compliance with the Secretary of Interior Standards.

(c) An individual property that is under review for a certificate of appropriateness for demolition shall be protected by, and subject to all, of the provisions of this chapter governing demolition, minimum maintenance standards, and penalties until a final decision by the HLPC becomes effective.

(d) The procedure for a certificate of appropriateness for demolition application involving a claim of economic hardship shall be as follows:

(1) Upon receipt of a completed certificate of appropriateness for demolition application, the HPO shall review the application for a preliminary determination of compliance with the standards for economic hardship and the criteria for review found in section 145-18 herein. The applicant is encouraged to schedule a meeting with the HPO prior to the submittal of an application to discuss the application and get initial direction.

(2) Within five days of receipt of a completed certificate of appropriateness involving a claim of economic hardship and a preliminary determination of compliance, the HPO shall schedule a public hearing at the next available regularly scheduled HLPC meeting. Notice of the pending HLPC hearing for compliance with the standards for economic hardship and the criteria for review shall be mailed to the property owner(s), to all immediate adjacent property owner(s), and posted on the property. The owner shall be required to stabilize and secure the property subject to the penalties of this chapter until a final decision by the HLPC becomes effective. A published notice of the scheduled hearing shall also be made in accordance with the Texas Open Meeting Act. All review criteria and the formal written report to the HPO shall be made available to the applicant prior to the hearing.

(3) The HLPC shall conduct its initial review of the application at a regularly scheduled meeting. At that time, the applicant shall have an opportunity to be heard, present testimony and evidence to demonstrate that standards for economic hardship and the criteria for review have been met. Other interested parties and technical experts may also present testimony or documentary evidence which will become part of a record. The burden of proof shall be upon the applicant. In the event the HLPC does not act within 90 days of receipt of the application, a certificate of appropriateness for demolition may be granted.

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(4) In considering the application, the HLPC shall take action to postpone the application in order to establish a stay of demolition period, during which time the owner shall allow the city to post a sign stating that the property is subject to demolition. Said sign shall be at least three feet by two feet readable from a point of public access and state that more information may be obtained from the HPO for the duration of the stay. The owner shall conduct, in good faith with the city local preservation organizations and interested parties, a diligent effort to seek an alternative that will result in the rehabilitation of the landmark. Negotiations may include, but are not limited to, such actions to utilize various preservation incentive programs, sell or lease the landmark, or facilitate proceedings for the city to acquire the landmark under its power of eminent domain, if appropriate and financially possible. If negotiations are successful, the certificate for demolition application shall be considered withdrawn, and all associated applications closed.

(5) At the end of the period of up to one hundred and eighty (180) days, if prior negotiations are unsuccessful and the request for demolition stands, the HPO shall schedule a second public hearing on the application at the next available regularly scheduled HLPC meeting pursuant to the same manner described above in subsection (2).

(6) At the end of the second hearing, the HLPC may take action to approve, postpone requesting additional information, or deny the application. If no hearing has been scheduled within 60 days of the end of the stay period, a certificate of appropriateness shall be deemed issued and the HPO shall so advise the applicant in writing.

(7) If approved, the HPO shall issue a certificate of appropriateness to the applicant with the written findings of fact, conclusions of law, and any specific conditions of approval, if any, supporting the decision. The HPO shall also provide anyone who submitted written comments with a copy and forward the HLPC's decision to the inspections and code enforcement department. The approval shall be valid for one year from the hearing date of the HLPC's final decision. An applicant may request an extension of the one-year period from the HPO if the work has progressed and the HPO deems an extension is reasonable under the circumstances. The historic property shall immediately be removed from the city's inventory of historic properties, the official public records of real property of Bowie County, and the official zoning maps of the city.

a. Prior to demolition, the HLPC may, as a condition of approval, require the owner to provide documentation of the demolished historic property at the owner's expense in accordance with the standards of the Historic American Building Survey (HABS). Such documentation may include photographs, floor plans, measured drawings, an archeological survey, or other information as specified and submitted to the City for placement in a repositiory..

b. Forward a recommendation to the planning and zoning commission to place limitations on future development on the subject property in regard to square footage, building footprint, scale mass, height, setbacks, etc., of the demolished landmark to help ensure infill that is architecturally compatible.

c. Approval for the demolition of a landmark may be conditioned upon the construction of an acceptable replacement building, structure, landscape, or park plan. A bond or other financial guaranty in the amount of the cost of the replacement may be required in order to assure the construction of the replacement building, structure, park, or landscape plan.

d. The HLPC may also require the owner to incorporate an appropriate memorialization of a landmark, such as a photographic display or plaque, into any proposed future development project on the property.

(8) Denial of a certificate of appropriateness application for demolition involving economic hardship shall prevent the owner from demolishing the property or reapplying for another certificate of appropriateness application for demolition for a period of three years from the hearing date of the

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HLPC's final decision unless substantial changes in circumstances have occurred, other than resale of the property or those caused by acts beyond the control of the owner. It shall be the responsibility of the owner to stabilize and maintain the minimum maintenance standards for the property so as not to create a hazardous or dangerous condition.

(9) The HLPC may continue to provide the owner with information regarding financial assistance for the necessary rehabilitation or repair work as it becomes available.

(10) The owner may appeal the decision of the HLPC to the board of adjustment. Appeal requests shall be filed in writing to the HPO within ten days of the HLPC's decision. The HPO must schedule the appeal for a public hearing at the next available regularly scheduled board of adjustment meeting. Notice of the appeal shall be posted on the property for a period of 14 days upon receipt of a formal appeal request. A written notice of the public hearing for the appeal request shall also be provided to all parties who received mailed notice for the hearing. Appeals to the board of adjustment shall be considered only on the record made before the HLPC and may only allege that the HLPC's decision was arbitrary, capricious, or illegal.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-18. Economic hardship involving certificates of appropriateness for demolition affecting landmarks.

(a) No certificate of appropriateness for demolition involving a claim of economic hardship may be approved, nor shall a demolition permit be issued by the city, unless the owner proves compliance ~~with~~ all of the following standards for economic hardship:

(1) The property is incapable of earning a reasonable return in its current or rehabilitated state, regardless of whether that return represents the most profitable return possible.

(2) The property cannot be adapted for any other use, whether by the current owner or by a purchaser, which would result in a reasonable return.

(3) Earnest and reasonable efforts to find a purchaser interested in acquiring the property and preserving it have failed.

(4) The property cannot be moved or relocated to another site, similar site, or within the district.

(b) Non-income properties shall consist of owner occupied single family dwellings and non-income producing institutional properties. All standards for review shall be made available to the owner prior to the hearing.

(c) The information to be considered may include, but shall not be limited to, the following:

(1) Purchase date, price, and financing arrangements;

(2) Current market value;

(3) Form of ownership;

(4) Type of occupancy;

(5) Cost estimates of demolition, and post demolition plans for development;

(6) Maintenance and operating costs;

(7) Inspection report by a licensed architect or structural engineer having experience working with historic properties;

(8) Costs and engineering feasibility for rehabilitation;

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(9) Property tax information;

(10) Rental rates and gross income from the property; and

(11) Other additional information as deemed appropriate.

(d) Claims of economic hardship by the owner shall not be based on conditions resulting from the following:

(1) Evidence of demolition by neglect, or other willful and negligent acts by the owner;

(2) Purchasing the property for substantially more than market value at the time of purchase;

(3) Failure to perform normal maintenance and repairs;

(4) Failure to diligently solicit and retain tenants; or

(5) Failure to provide normal tenant improvements.

(e) Throughout the process, the applicant shall consult in good faith with the HPO, local preservation groups, and interested parties in a diligent effort to seek an alternative that will result in preservation of the property. Such efforts must be demonstrated to the HLPC at the hearing.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE VII. ENFORCEMENT AND PENALTIES

Sec. 145-19. Enforcement and penalties.

(a) *Violation of chapter*. A person, firm, corporation, or other entity commits an offense if he/she/it violates this chapter. Each day the offense continues constitutes a separate offense. The following penalties, which are nonexclusive, and in addition to other provisions of this chapter, and the exercise of one or more of which shall not preclude exercise of the others, shall be imposed on those persons or entities found to have violated this chapter:

(1) A stop work order shall be issued as follows:

a. Whenever the building official or HPO, or their designee, finds any work regulated by this chapter being performed in a manner either contrary to the provisions of this chapter, without obtaining a certificate of appropriateness or other proper authorization, or dangerous or unsafe, the building official or the HPO is authorized to issue a stop work order.

b. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

c. Any person, firm, corporation, or other entity who or which shall continue any work having been served with a stop work order, except such work as that person is directed to perform to remove the violation or unsafe condition, shall be subject to penalties as prescribed herein or by law.

(2) In the event the requirements of the board or historical preservation officer, as applicable, are not met, the building permit shall be revoked. Notice of revocation shall be delivered or mailed to the applicant by the building official, or his or her designee, to the address provided on the application; and the property owner shall be required to return the property to its original state prior to issuance of the building permit.

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(3) A certificate of occupancy will not be granted for any property until compliance with all certificate of appropriateness requirements are verified by the historical preservation officer or building official of the city.

(4) Notice shall be provided by the city to Bowie Central Appraisal District to revoke the tax incentive as provided by either subsection 145-8(c) or subsection 145-9(13), as applicable.

(5) Any person violating or failing to comply with any of the provisions of this chapter shall be fined upon conviction not less than $500.00 or more than $2,000.00 per violation, and each day any violation or noncompliance continues shall constitute a separate and distinct offense.

(6) The city may take all necessary civil action to enjoin non-compliance or enforce the provisions hereof, and to request appropriate legal or equitable remedies or relief.

(7) *Cumulative remedies*. The provisions of this section shall apply in addition to other enforcement procedures or penalties which are available at law or in equity, including, but not limited to, those available for adversely affecting historic structures or property under Texas Local Government Code Sec. 315.006 and Texas Government Code Sec. 442.016 as the same may be amended from time to time.

(Ord. No. 2024-002, § 1, 1-22-2024)

ARTICLE VIII. ESTABLISHED HISTORIC DISTRICTS

Sec. 145-20. Establishment of Highland Park-Bingham Park Historic District.

(a) The Highland Park-Bingham Park Historic Residential Overlay District was established by Ordinance 335-05 and amended by Ordinance 363-05. The purpose and intent of the Highland Park-Bingham Park Historic Residential Overlay District is to provide for the protection of the aesthetic and visual character of this historic residential neighborhood. The neighborhood consists of homes built between 1903 and 1935 and includes arts and crafts, prairie and cottage style homes. The neighborhood also includes the boyhood home of Ross Perot and the home of Wright Patman.

(b) The Highland Park-Bingham Park Historic Residential Overlay District shall include all property on Wood Street between West 25th Street and West 29th Street, all property on Olive Street between West 23rd Street and West 29th Street, and all property on Walnut Street between West 25th and West 29th Street. Additionally, the district shall include residences fronting on West 23rd Street and West 24th Street between Olive and Wood, West 25th, West 26th, West 27th, and West 28th between the intersections of Olive Street and Walnut Street, and West 29th between Olive and Wood Streets including the corner properties of Olive and Wood Street intersections. An official map of the Highland Park-Bingham Park Historic Residential Overlay District, Attachment I herein, shall be kept on file in the planning and community development and inspections and code enforcement departments and the boundaries of the Highland Park-Bingham Park Historic Residential Overlay District shall be shown on the city's official GIS maps including the zoning map.

(c) Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District are hereby adopted as an official attachment to this chapter. A violation of any provision contained within the development standards and preservation criteria for the district is a violation of this chapter. Copies of the development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District shall be available in the office of the director of planning for the City of Texarkana, Texas.

(d) The development standards and preservation criteria set forth in section 145-21 for this overlay district control in the event of a conflict with the requirements for the underlying zoning district or other ordinances.

Except, this section does not apply to life safety codes such as building or fire codes. If a proposed development or change in an external feature will not be visible from a public right-of-way once the project is completed, the commission may waive review of the project.

(Ord. No. 2024-002, § 1, 1-22-2024)

Sec. 145-21. Development standards and preservation criteria for the Highland Park-Bingham Park Historic Residential Overlay District.

(a) *Development standards.* The following standards apply in the Highland Park-Bingham Park Historic Residential Overlay District:

(1) *In general.* The development standards for this historic overlay district control shall prevail in the event of a conflict with the requirements for the underlying zoning district.

(2) *Height requirements*. The maximum permitted heights for buildings and structures are:

a. Twenty-five feet for a main building; and

b. Twenty feet for an accessory building or structure.

(3) *Lot size requirements.* Lots must conform to the following standards:

a. Each lot must have a minimum area of 7,200 square feet and a minimum depth of 150 feet.

b. Each lot must have a width no less than 50 percent of the average width of all lots in both the same and the opposite blockface.

(4) *Maximum lot coverage.* The maximum permitted lot coverage for all buildings and structures combined is 40 percent.

(5) *Minimum front yard.*

a. All buildings and structures must have a minimum front yard setback of 25 feet.

b. The main building on an interior lot must have a front yard setback that is:

1. Equal to that of the closest main building on either side of the lot in the same blockface; or

2. Between those of the closest main buildings on either side of the lot in the same blockface.

(6) The main building on a corner lot must have a front yard setback that is within five percent of that of the closest main building in the same blockface.

(7) *Minimum rear yard.* The minimum permitted rear yard setbacks for buildings and structures are:

a. Ten feet for a main building, if the lot is 230 feet or less in depth;

b. Twenty feet for a main building, if the lot is over 230, but less than or equal to 250 feet in depth;

c. Thirty feet for a main building, if the lot is over 250 feet in depth; and

d. Five feet for an accessory building or structure.

(8) *Minimum side yards.*

a. All buildings and structures must have:

1. On interior lots, a minimum side yard the greater of five feet; and

2. On corner lots, a minimum corner side yard the greater of 15 feet or 80 percent of the average corner side yard of the other corner lots at the same intersection.

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b. Except as otherwise provided in this section, no balcony, porch or any portion of a building or structure may extend into the required side yard. Roof eaves may project up to three feet into the required side yard.

(9) *Off-street parking requirements.* Residential uses must provide at least two off-street parking spaces behind the front yard for each dwelling unit when the alley is accessible.

(10) *Signs.* Signs of any character shall be not larger than four square foot (i.e., two feet by two feet).

(b) *Preservation criteria.* The following preservation criteria apply to all property in the Highland Park-Bingham Park Residential Overlay Historic District:

(1) Building placement, form and treatment.

a. *Accessory buildings.* Accessory buildings:

1. Are only permitted in the rear yard no closer than 15 feet to a main building; and

2. Must be compatible with the scale, shape, roof form, materials, detailing and color of a main building.

b. *Additions.* All additions to a building or structure must be compatible with the dominant horizontal or vertical characteristics, scale, shape, roof form, materials, detailing and color of the building or structure.

c. *Architectural detail.* Materials, colors, structural and decorative elements and the manner in which they are used, applied or joined together must be typical of the style and period of a main building and compatible with the other buildings on the blockface.

d. *Awnings.*

1. All awnings on the front and side facades of a main building must be typical of its style and period and complement its color scheme.

2. Wood, metal and plastic awnings are not permitted, unless they:

(i) Are on an accessory building or the rear facade of a main building;

(ii) Complement the color scheme of the building to which they are attached; and

(iii) Are totally screened.

e. *Building placement.* All buildings or structures must be placed so as not to adversely affect the rhythm of spaces between buildings on the blockface.

f. *Building widths.* The minimum permitted width for a main building is 80 percent of the average width of the existing main buildings in the blockface.

g. *Chimneys.* All chimneys must be compatible with the style and period of a main building. Chimneys on the front 50 percent of a main building or on a corner side facade must be:

1. Constructed of brick, stucco, stone or other materials that look typical of the style and period of a main building; and

2. Of a style and proportion that is typical of the style and period of a main building.

h. *Color.*

1. *Brick and stone surfaces.* Brick and stone surfaces not previously painted must not be painted unless the applicant establishes that:

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(i) Painting is the only method by which the brick or stone may be restored or preserved; or

(ii) The color and texture of replacement brick or stone cannot be matched with that of the existing brick or stone surface and the paint color matches that of the existing brick or stone surface.

2. *Certain colors prohibited.* Fluorescent and metallic colors are not permitted on the exterior of any building or structure in this district.

3. *Dominant and trim colors.* All buildings or structures must have a dominant color and no more than three trim colors. The colors of a building or structure must be complementary of each other and the overall character of this district.

4. *Gutters and downspouts.* Gutters and downspouts must be painted or colored to match or complement the color scheme of the building or structure to which they are attached.

5. *Roof colors.* Roof colors must complement the style and overall color scheme of the building or structure.

6. *Stain.* The use and color of stain must be typical of the style and period of the building or structure on which the stain is applied.

i. *Columns.*

1. *Function.* Columns are only permitted as vertical supports near the front entrance of a main building, or as vertical supports for porches.

2. *Materials.* Columns must be constructed of brick, wood, cut stone or other materials that look typical of the style and period of a main building. No pipe or wrought iron columns are permitted.

3. *Style.* Columns must be of a style typical of the style and period of a main building.

4. *Width dimensions.*

(i) The width of a one-story column shaft at its widest point must be at least one-eighth the height of the column.

(ii) The width of a two-story column shaft at its widest point must be at least one-eighth the height of the column.

j. *Facade materials.*

1. *In general.* The only permitted facade materials are brick, wood siding, stone and stucco. All facade treatments and materials must be typical of the style and period of a main building.

2. *Brick.* All exposed brick on facades must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.

3. *Wood facades.* Existing wood facades must be preserved as wood facades. Wood shingles are not permitted as a primary facade material, but may be used in roof gables and on foundation skirts in a manner that is typical of the style and period of a main building.

k. *Front entrances and porches.*

1. *Detailing.* Railings, moldings, tile work, carvings and other detailing and architectural decorations on front entrances and porches must be typical of the style and period of a main building.

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2. *Enclosures.* A front entrance or porch may not be enclosed with any material, including iron bars, glass or mesh screening.
3. *Facade openings.* Porches must not obscure or conceal any facade openings in a main building.
4. *Floor coverings.* Carpeting is not permitted as a porch floor or step covering.
5. *Location.* An entrance treatment, including door transoms, sidelights, stained glass, trim and hardware, must be retained in its original location.
6. *Style.* The main building must have a front porch or entry treatment with a shape, roof form, materials and colors that are typical of the style and period of the building.

l. *Height to width ratio.* The relationship between the height and width of the front facade of a main building, including side projections, must be compatible with those of the other main buildings in the blockface.

m. *Porte cocheres.* Except as otherwise provided in this subsection, porte cocheres must be preserved as architectural features and not be enclosed on any side by fences, gates or any other materials. A wrought iron gate is permitted across the rear opening of a porte cochere if it has a screening factor of less than 50 percent and is compatible with the style and scale of a main building.

n. *Roof forms.*

1. *Eaves and soffits.* The height of eaves and soffits on a main building must be within ten percent of the height of eaves and soffits on the closest main building in this district of a similar style and having the same number of stories.
2. *Materials and colors.* Roof materials and colors must complement the style and overall color scheme of the building or structure. Tar and gravel (built-up) is only permitted as a roof material on covered porches and porte cocheres with flat roofs.
3. *Overhang.* The roof overhang on a building or structure must be compatible with the style and scale of the building or structure. A replacement roof on an existing building or structure must have an overhang that is equal to or greater than the overhang of the roof it replaces.
4. *Patterns.* Roof patterns of a main building must be typical of the style and period of the architecture of the building and include separate substructure roofs.
5. *Skylights and solar panels.* Skylights and solar panels are only permitted on:
    (i) The rear 50 percent of the roof of a main building on an interior lot;
    (ii) The rear inside quadrant of the roof of a main building on a corner lot; and
    (iii) The roof of an accessory building in the rear yard.
6. *Slope and pitch.* The degree and direction of roof slope and pitch must be typical of the style and period of a main building and compatible with existing building forms in this district. Flat or mansard roof designs are not permitted on main or accessory buildings or structures, except that a covered porch or porte cochere may have a flat roof that is typical of the style and period of a main building.

o. *Stairs.* Second story exterior staircases are only permitted on accessory buildings and the rear 50 percent of a main building, except that they are not permitted on a corner side facade.

p. *Window and doors.*

1. *Front facade openings.* The total number of window and door openings (combined) in the front facade of a main building must be equal to or greater than the total number of original window and door openings (combined) in that facade. The number of door openings in the front facade of a main building may not be increased.
2. *Window openings/glass*. Clear, decorative stained and clear leaded glass typical of the style and period of the building may be permitted in any window opening. Reflective, tinted, opaque and mirrored glass and plastic are not permitted in any opening. Translucent glass is not permitted, except in a bathroom window. Energy Efficiency windows can be considered through a certificate of appropriateness process.
3. *Storm doors and windows.* Screens, storm doors and storm windows may be permitted if:
    (i) Their frames are painted or colored to match or complement the color scheme of a main building;
    (ii) They do not obscure significant features of the window and doors they cover; and
    (iii) The screen mesh is 18 by 16 gauge.
4. *Security and ornamental bars.* Security and ornamental bars are only permitted on an accessory building or on the rear or side facades of a main building.
5. *Shutters.* Shutters must be typical of the style and period of the building and appear to be installed in a manner to perform their intended function.
6. *Style.*
    (i) All windows and doors in the front facade of a main building must be proportionally balanced in a manner typical of the style and period of the building.
    (ii) No single, fixed plate glass is allowed except as part of an original period design. The size and proportion of window and door openings located on the front and side facades of a main building must be typical of the style and period of the building.
    (iii) All windows, doors and lights in the front and side facades of a main building must be typical of the style and period of the building and compatible with the windows, doors and lights in the front and side facades of the other main buildings in the blockface. Windows must contain at least two lights (window panes). Sidelights must be compatible in style and materials with the door.
    (iv) The frames of windows must be trimmed in a manner typical of the style and period of the building.

(c) *Fences.*

(1) *Definitions.* The following definitions apply to terms used in these fence regulations:

a. *Finished side* means the side of a fence that does not reveal the structural components.

b. *Structural component* means a post, column or other vertical or horizontal member providing support and strength for a fence.

(2) *Form.* Fences must be constructed and maintained in a vertical position.

(3) *Height.* The maximum permitted height for a fence is eight feet.

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

(4) *Location.*

a. Fences are not permitted in the front yard.

b. A fence in an interior side yard must be located in the rear 50 percent of the side yard and behind the rearmost side projection of a main building, except that the commission may allow a fence to be located in the rear 75 percent of the side yard if it determines that the fence does not screen any portion of a significant architectural feature of a main building on the same or an adjacent lot.

c. A fence in the corner side yard must not be directly in front of the corner side facade, however, if a fence covers no more than 50 percent of the corner side facade, it may be permitted if:

1. More screening is necessary to ensure privacy due to unusually high pedestrian or vehicular traffic; and

2. The fence does not screen all or any portion of a significant architectural feature of a main building.

d. A fence in the corner side yard must be set back a minimum of two feet from a public sidewalk.

e. A fence must run either parallel or perpendicular to a building wall or lot line.

f. A fence on a vacant lot must be set back a distance that is equal to or greater than the setback of the closest main building in the same blockface. In the case of a single interior vacant lot, the setback of the fence must be equal to or greater than the setback of a main building on the adjacent lot with the greater setback.

(5) *Materials.* A fence must be constructed of one or more of the following materials: wrought iron, wood, brick or stucco. Exposed concrete blocks are not permitted. Chain link fencing is permissible if it is not visible from the public right-of-way.

(6) *Masonry fences.*

a. The color, texture, pattern and dimensions of masonry and the color, width, type and elevation of mortar joints in a fence column or base must match the masonry and mortar joints of a main building as nearly as practicable.

b. All exposed brick in a fence must be fired brick as defined by the American Standard Testing Materials Designation C-126-75A. Type Grade FBS-SW.

(7) *Metal fences.*

a. Wrought iron fences must be compatible with the style and period of a main building.

b. If a wrought iron is painted or colored, it must compliment the style and overall color scheme of the structure.

(8) *Wooden fences.*

a. All wooden structural posts must be a least four inches in diameter (nominal size).

b. The side of a wooden fence facing a public street must be the finished side.

c. Wooden fences may be painted or stained a color that is complementary to a main building.

(d) *Certain items prohibited in front and corner side yards.* The following items are not permitted in the front and corner side yards:

(1) Berms higher than two feet.

(2) Pylons and similar structures.

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

(3) Rock or sculpture gardens.

(4) Permanent cooking or BBQ grills.

(5) Upholstered furniture. This prohibition includes porch areas.

(6) Satellite dishes and antennas. If reception requires such placement, then a satellite dish will be allowed if screened from public view by landscaping or building materials similar to those used on the facade of the main building.

(7) Basketball goals and playground equipment will not be permitted in the front or corner side yard.

(e) *Outdoor lighting.* Outdoor light fixtures on the front facade of a main building and on poles in the front yard must be compatible with the style and period of a main building and not obscure or conflict with significant architectural details. Overhead and exposed wiring and conduit for outdoor lighting is not permitted. However, temporary holiday lighting displays are permitted from November through January.

(f) *Pavement, filler and edging materials.* If the landscape beds collectively comprise more than 25 percent of the combined areas of the front and corner side yards, the landscape plan must be reviewed and approved by the commission. No more than 25 percent of the front yard of a residential use may be covered by pavement or filler materials.

(g) *Planter boxes.* Planter boxes must be:

(1) An integral part of and typical of the style and period of a main building;

(2) Eighteen inches or less in height;

(3) Thirty-six inches or less in depth; and

(4) Constructed of brick, stone or smooth-finish concrete that matches or is compatible in texture, color and style with a main building.

(h) *Retaining walls.* Retaining walls are not permitted in the front and side yards, except to preserve a natural or existing slope or to make slope similar to that of an adjacent lot. The height of a retaining wall must not exceed the height of the slope it retains. A retaining wall must be constructed of unpainted stone, brick, stucco or smooth-finished concrete that is compatible in texture, color and style with a main building.

(i) *Sidewalks, driveways and curbing.*

(1) *Materials.*

a. Asphaltic or artificially colored concrete or epoxy resin is permitted as a sidewalk, driveway or curbing material.

b. All public sidewalks and curbing must be constructed of brush finish concrete.

c. Private sidewalks and driveways must be constructed of brush finish concrete, brick, tile, slate or exposed aggregate. Gravel is allowed in the center strip of a ribbon driveway.

(2) *Width, style and spacing.*

a. The maximum permitted width of a driveway in the front yard is ten feet. The driveway width may be expanded to 20 feet at any point behind the front facade.

b. Ribbon driveways are only permitted if the owner establishes that a ribbon driveway was an original architectural element of the site. If a ribbon driveway is permitted, the ribbons must be at least one foot wide.

c. Circular driveways are not permitted in the front yard.

d. A driveway constructed in the front yard adjacent to an existing driveway on an adjacent lot must be spaced a minimum of one foot from the existing driveway on the adjacent lot.

(3) *Parking on driveways.* No vehicles shall be parked on the lawn area of a property.

(Ord. No. 2024-002, § 1, 1-22-2024)

Attachment: 2024-129 ATTH 01 C145 Redline [Revision 1] (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

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: 2024-129 Goals & Perspectives (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

ORDINANCE NO. 2024-129

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING ARTICLES II, III, IV, V, AND VI OF CHAPTER 145 OF THE LAND DEVELOPMENT CODE, "HISTORIC LANDMARK PRESERVATION AND HISTORIC DISTRICTS"; AFFIRMING SUPPORT FOR OBTAINING CERTIFIED LOCAL GOVERNMENT STATUS; CONTAINING A SEVERABILITY CLAUSE; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of Texarkana, Texas, by Ordinance No. 2024-002, amended the Land Development Code with the creation of Chapter 145, "Historic Landmark Preservation And Historic Districts"; and

WHEREAS, proposed amendments to Articles II – VI of Chapter 145, recommended by the Texas Historic Commission (THC), are intended to ensure preservation of the City's historic assets and to obtain compliance with recent changes in the National Parks Service Historic Preservation process in preparation for the City's application as a Certified Local Government; and

WHEREAS, the City intends to apply to the Texas Historic Commission for Certified Local Government (CLG) status, since certification as a CLG can help a local government encourage, develop, and maintain local preservation efforts, with benefits to local governments including (i) direct access to THC staff for training and technical assistance specific to local preservation challenges, (ii) a statewide network of local preservation commissioners and historic preservation officers, (iii) eligibility to apply for CLG grants, (iv) participation in nominations to the National Register of Historic Places within the community's jurisdiction, and (v) recognition of the community's commitment to historic preservation and preservation standards by Federal and state agencies; and

WHEREAS, the Historic Landmark Preservation Commission recommends approval of the submitted amendments; and

WHEREAS, after consideration of these proposed amendments and the recommendation of the Historic Landmark Preservation Committee, the City Council of the City of Texarkana, Texas, finds and determines that approval of these amendments are 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: Articles II, III, IV, V, and VI, of Chapter 145, Historic Landmark Preservation and Historic Districts, of the Land Development Code, are amended in their entirety as set out in **Exhibit A** attached hereto and incorporated herein by reference for all purposes.

SECTION 2: The City Council affirms support for the City's submission of an application for

Attachment: 2024-129 ORD Ch. 145 HLPC CLG signed (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

Certified Local Government status to the Texas Historic Commission.

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 **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:37p.m.

Attachment: 2024-129 ORD Ch. 145 HLPC CLG signed (4353 : 2024-129 ORD Amd Ch 145 Historic Landmark Pres./ Historic Districts)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/23/2024 8:55 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-133 rezoning on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street from Single Family-2 to Single Family-3. Sondra Keener, owner.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

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 Sondra Keener, owner, to rezone Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street from Single Family-2 to Single Family-3. The intention is to place a double wide HUD code manufactured home on this property. The property is currently vacant land.

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

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

Staff recommend 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 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:

October 7, 2024

Attachments

a. 2024-133 ORD 2118 Stevenson St (DOCX)
b. 2024-133 ATTH 01 (Maps) (PDF)
c. 2024-133 Goals & Perspectives (DOCX)
d. 2024-133 ORD rez 2118 Stevenson signed (PDF)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
	10/23/2024 9:03 AM			
Public Works Department		Dusty Henslee	Reviewer	Completed
	10/23/2024 9:15 AM			
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:45 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

Z-24-9

ORDINANCE NO. 2024-133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 6-7, BLOCK 6, NEW TOWN ADDITION, LOCATED AT 2118 STEVENSON STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-2 to Single Family-3 on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street** 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-2 to Single Family-3**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Single Family-3** is in the best interest of the public health, safety, morals, and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3.**

Attachment: 2024-133 ORD 2118 Stevenson St (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson Street)

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 **12th of November 2024.**

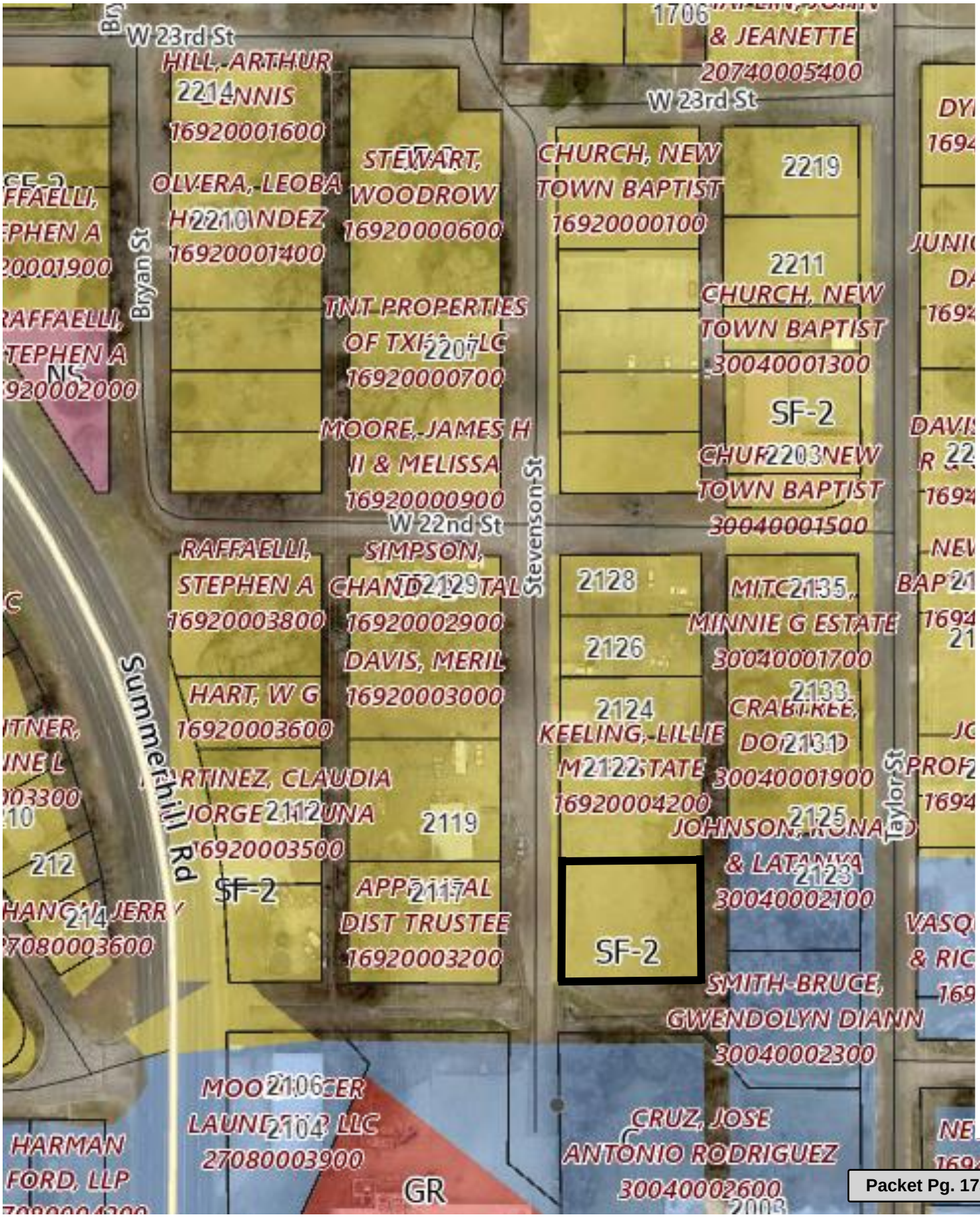
ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-133 ORD 2118 Stevenson St (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson Street)

2024-133 ATTH 01
Z-24-9

2118 Stevenson Street



Attachment: 2024-133 ATTH 01 (Maps) (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson Street)

2024-133 ATTH 01
Z-24-9

2118 Stevenson Street

Attachment: 2024-133 ATTH 01 (Maps) (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson 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: 2024-133 Goals & Perspectives (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson Street)

Z-24-9

ORDINANCE NO. 2024-133

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING LOTS 6-7, BLOCK 6, NEW TOWN ADDITION, LOCATED AT 2118 STEVENSON STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-2 to Single Family-3 on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street** 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-2 to Single Family-3**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Single Family-3** is in the best interest of the public health, safety, morals, and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3.**

Attachment: 2024-133 ORD rez 2118 Stevenson signed (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson Street)

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 **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:38p.m.

Attachment: 2024-133 ORD rez 2118 Stevenson signed (4348 : 2024-133 ORD rezoning SF-2 to SF-3 2118 Stevenson Street)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 10/24/2024 1:49 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-134 granting a Specific Use Permit to allow a double-wide HUD code manufactured home on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street. Sondra Keener, owner.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

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 Sondra Keener, owner, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street. This property is currently a vacant lot.

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

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

The City’s Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends approval of this request with the following stipulations:

1. That one 2018 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.

4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

Potential Options:

Approved

Fiscal Implications:

NOT APPLICABLE

Staff Recommendation:

Staff recommend for approval of this request with stipulations.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

October 7, 2024

Attachments

a. 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson St (DOCX)
b. 2024-134 ATTH 01 (Maps) (PDF)
c. 2024-134 ATTH 02 (Floor Plan) (PDF)
d. 2024-134 Goals & Perspectives (DOCX)
e. 2024-134 ORD SUP manf home 2118 Stevenson signed (PDF)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel	Department Head Review	10/23/2024 9:04 AM
Building Code Administration	10/23/2024 9:04 AM	Mashell Daniel	Reviewer	Completed
Public Works Department	10/23/2024 9:17 AM	Dusty Henslee	Reviewer	Completed
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:49 PM

City of Texarkana, Texas

City Council 6:00 PM	Jennifer Evans	Meeting	Completed	10/28/2024

Meeting History

S-793

ORDINANCE NO. 2024-134

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-793 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON LOTS 6-7, BLOCK 6, NEW TOWN ADDITION, LOCATED AT 2118 STEVENSON STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double wide HUD code manufactured home on **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street**, in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double wide HUD code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-793 for the location of a double wide HUD code manufactured home** on **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson St (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118

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

1. That one 2018 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of November 2024.**

ATTEST:

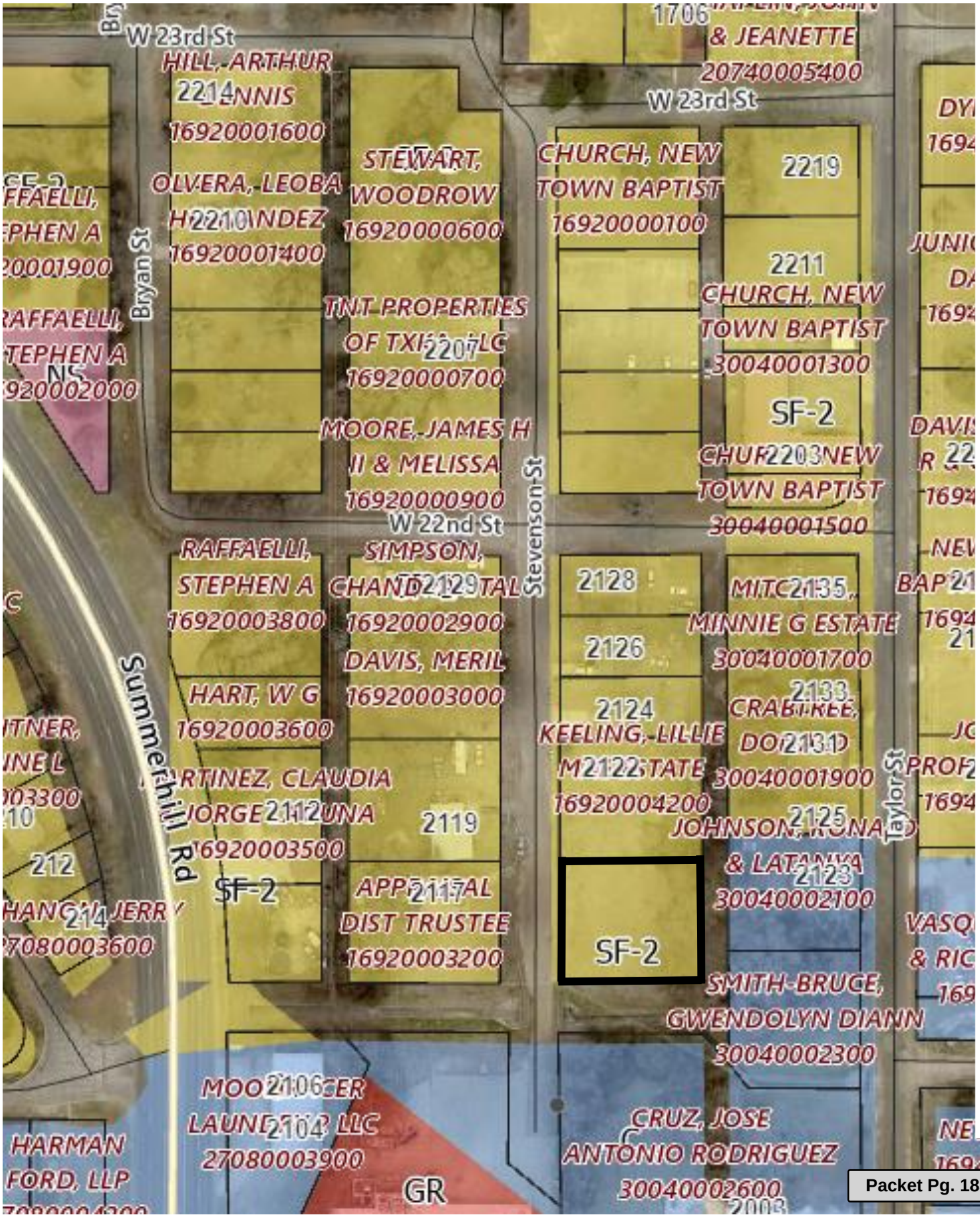
_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson St (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118

2024-134 ATTH 01
S-793

2118 Stevenson Street

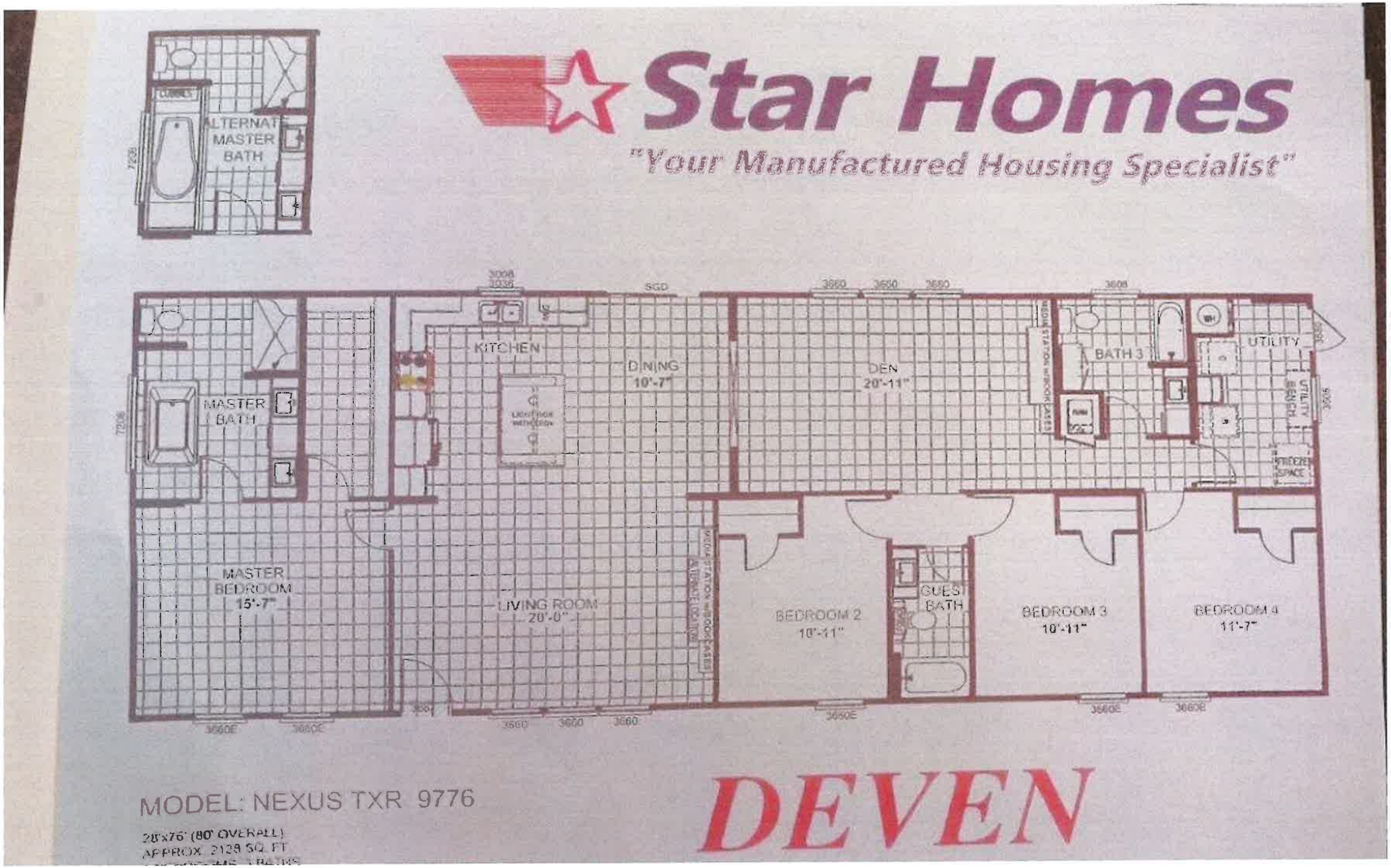


Attachment: 2024-134 ATTH 01 (Maps) (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson)

2024-134 ATTH 01
S-793

2118 Stevenson Street

Attachment: 2024-134 ATTH 01 (Maps) (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson)



Attachment: 2024-134 ATTH 02 (Floor Plan) (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118

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: 2024-134 Goals & Perspectives (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson)

S-793

ORDINANCE NO. 2024-134

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-793 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON LOTS 6-7, BLOCK 6, NEW TOWN ADDITION, LOCATED AT 2118 STEVENSON STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD code manufactured home on **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street**, in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-793 for the location of a double-wide HUD code manufactured home** on **Lots 6-7, Block 6, New Town Addition, located at 2118 Stevenson Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-134 ORD SUP manf home 2118 Stevenson signed (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson)

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

1. That one 2018 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:39p.m.

Attachment: 2024-134 ORD SUP manf home 2118 Stevenson signed (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/23/2024 8:55 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-135 rezoning on a portion of an approximate 1.76-acre tract of land (being Tract 334) Thomas Price HRS, A-466, located at 906 Piney Road from Single Family-2 to Commercial. James Herrington, owner, and Matt Wallak, agent.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

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 James Herrington, with Green, Bunn, Herrington, LLC, owners, and Matt Wallak, agent, to rezone a portion of an approximate 1.76-arcr tract of land (being Tract 334), Thomas Price HRS, A-466, located at 906 Piney Road from Single Family-2 to Commercial. The intention is to build a Starbucks Coffee Shop. The property is currently vacant land.

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

The adjacent zoning is Commercial to the north, east, Loop 369 to the west and Planned Development-Commercial to the south. The adjacent land use is vacant lant to the west and south, interstate loop to the west and collision center to the north.

Staff recommend 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 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:

October 7, 2024

Attachments

a. 2024-135 ORD Rezoning 906 Piney (DOCX)
b. 2024-135 EXH 'A' (Legal Description) (PDF)
c. 2024-135 ATTH 01 (Maps) (PDF)
d. 2024-135 Goals & Perspectives (DOCX)
e. 2024-135 ORD rez 906 Piney signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	10/23/2024 9:04 AM
Public Works Department	Dusty Henslee	Reviewer	Completed	10/23/2024 9:18 AM
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:49 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

Z-24-10

ORDINANCE NO. 2024-135

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 A PORTION OF AN APPROXIMATE 1.76-ACRE TRACT OF LAND (BEING PART OF TRACT 334), THOMAS PRICE HRS, A-466, LOCATED AT 906 PINEY ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on a portion of an **approximate 1.76-acre tract of land (being Part of Tract 334), Thomas Price HRS, A-466 (Exhibit 'A'), located at 906 Piney Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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-2 to Commercial on a portion of an approximate 1.76-acre tract of land (being Part of Tract 334), Thomas Price HRS, A-466 (Exhibit 'A'), located at 906 Piney Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicants agreed to amend the application from **Single Family-2 to Commercial**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

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

Attachment: 2024-135 ORD Rezoning 906 Piney (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

portion of an approximate 1.76-acre tract of land (being Part of Tract 334), Thomas Price HRS, A-466 (Exhibit 'A'), located at 906 Piney Road in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial.**

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th of November 2024.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-135 ORD Rezoning 906 Piney (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

THIS IS TO CERTIFY: that this plat and field notes correctly reflect the results of a survey made by us on the ground covering all that certain tract or parcel of land situated in the THOMAS PRICE HEADRIGHT SURVEY, Abstract No. 466, Bowie County, Texas, and the herein described tract being a part of a certain called 5.00 acre tract conveyed from R. D. Hart and wife, Carrie D. Hart by Deed dated October 13, 1916, and recorded in Volume 77, Page 279 of the Deed Records of Bowie County, Texas, and the herein described tract being a part of that same tract conveyed from Thomas F. Dunnington and wife, Hazel Dunnington to George L. Hammond and wife, Geneva M. Hammond by Deed dated September 16, 1955, and recorded in Volume 328, Page 570 of the Deed Records of Bowie County, Texas, and the herein described tract being that same tract awarded to Jana Jones on July 1, 2005, by Probate No. 39111 of the Probate Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch reinforcing steel rod found for corner in the East right-of-way line of a street designated as Piney Road and the said Point of Beginning being N 87°07'56" E, 35.32 feet from the Northwest corner of said 5.00 acre tract;
THENCE: N 87°07'56" E, 259.12 feet with the North line of said Jones tract and with a South line of a certain tract conveyed to Bunn Green Investment by Deed dated January 29, 1993, and recorded in Volume 1897, Page 228 of the Real Property Records of Bowie County, Texas, to a 1/2 inch reinforcing steel rod set for corner at the Northeast corner of said Jones tract;
THENCE: S 02°42'06" E, 294.10 feet with the East line of said Jones tract and with a West line of said Bunn Green Investment tract, 59 a 1 inch iron rod found for corner at the Southeast corner of said Jones tract;
THENCE: S 86°54'35" W, 264.11 feet with the South line of said Jones tract and with the North line of a certain tract conveyed to Martin Norfleet Kazuma by Deed dated January 14, 2005, and recorded in Volume 4578, Page 299 of the Real Property Records of Bowie County, Texas, to a 1/2 inch reinforcing steel rod found for corner in the East right-of-way line of Piney Road at the Southwest corner of said Jones tract;
THENCE: N 01°44'00" W, 295.18 feet along the East right-of-way line of Piney Road, to the POINT OF BEGINNING and containing 1.769 acres of land, more or less.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY: The undersigned does hereby certify that this survey was this day made on the ground of the property legaliy described hereon and is correct and that any discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments of improvements, apparent or visible easements or rights-of-way are as shown hereon and/or described herein as best can be determined by documents provided and as per on the ground survey, and that said property has access to and from a dedicated roadway.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 480060 0005 B, effective date September 3, 1992, the herein described tract of land does not appear to lie within a Special Flood Hazard Area.

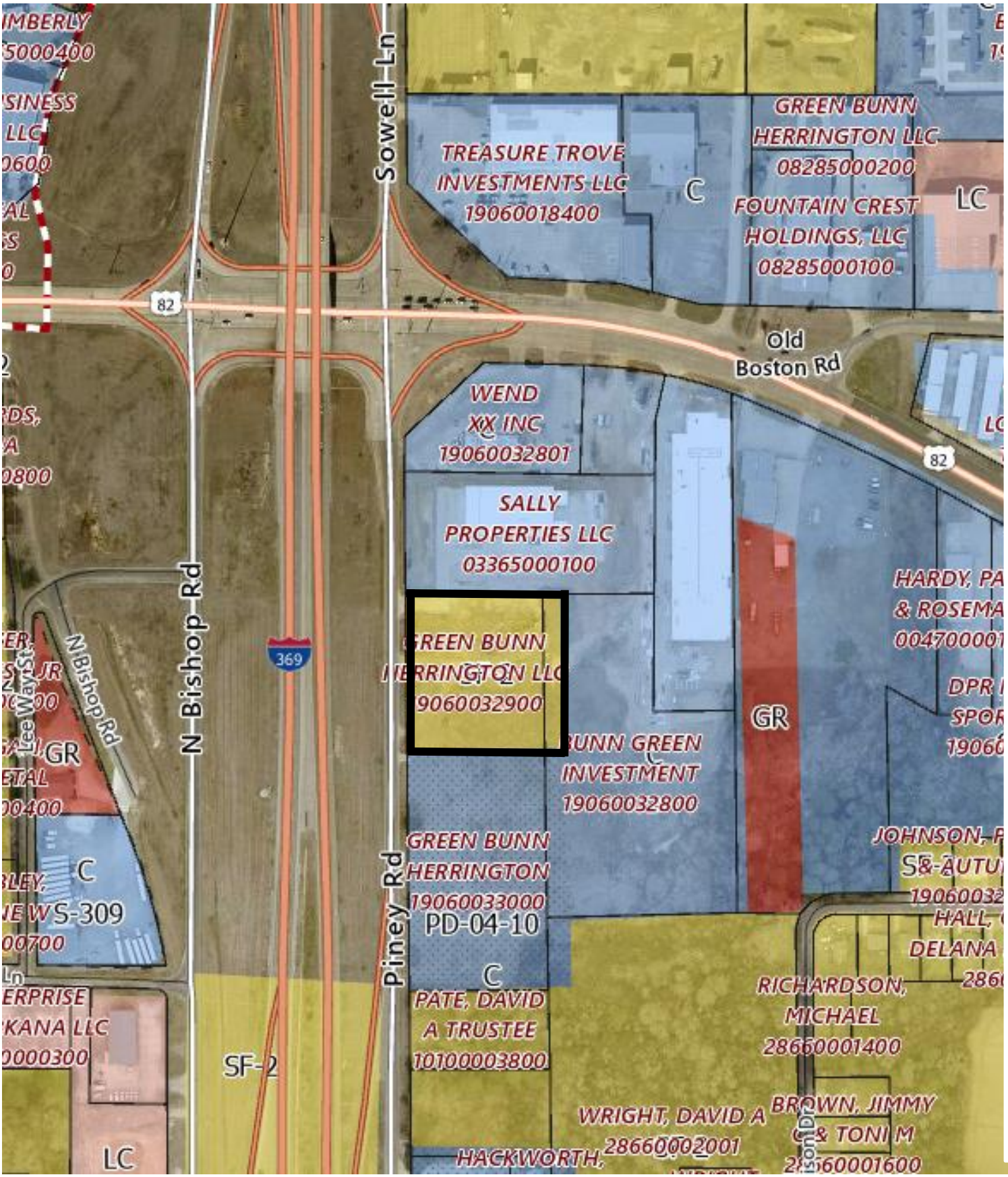
Wallace D. Roy

WALLACE D. ROY
REGISTERED PROFESSIONAL
LAND SURVEYOR
TEXAS NO. 2107

Attachment: 2024-135 EXH 'A' (Legal Description) (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

2024-135 ATTH 01
Z-24-10

906 Piney Road



Attachment: 2024-135 ATTH 01 (Maps) (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

2024-135 ATTH 01
Z-24-10

906 Piney Road

Attachment: 2024-135 ATTH 01 (Maps) (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney 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: 2024-135 Goals & Perspectives (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

Z-24-10

ORDINANCE NO. 2024-135

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 A PORTION OF AN APPROXIMATE 1.76-ACRE TRACT OF LAND (BEING PART OF TRACT 334), THOMAS PRICE HRS, A-466, LOCATED AT 906 PINEY ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-2 TO COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on a portion of an **approximate 1.76-acre tract of land (being part of Tract 334), Thomas Price HRS, A-466 (Exhibit 'A'), located at 906 Piney Road,** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial**; and

WHEREAS, the Planning and Zoning Commission of the City of Texarkana, Texas, and the City Council of the City of Texarkana, Texas, in compliance with the laws of the State of Texas with reference to the granting of zoning classifications and changes, have given the requisite notices by publication and otherwise, and 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-2 to Commercial on a portion of an approximate 1.76-acre tract of land (being part of Tract 334), Thomas Price HRS, A-466 (Exhibit 'A'), located at 906 Piney Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, applicants agreed to amend the application from **Single Family-2 to Commercial**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Commercial** is in the best interest of the public health, safety, morals and general welfare of the City.

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

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

Attachment: 2024-135 ORD rez 906 Piney signed (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

portion of an approximate 1.76-acre tract of land (being part of Tract 334), Thomas Price HRS, A-466 (Exhibit 'A'), located at 906 Piney Road in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Commercial.**

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:43p.m.

Attachment: 2024-135 ORD rez 906 Piney signed (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

2024-135 EXH "A"
Z-24-10

THIS IS TO CERTIFY: that this plat and field notes correctly reflect the results of a survey made by us on the ground covering all that certain tract or parcel of land situated in the THOMAS PRICE HEADRIGHT SURVEY, Abstract No. 466, Bowie County, Texas, and the herein described tract being a part of a certain called 5.00 acre tract conveyed from R. D. Hart and wife, Carrie D. Hart by Deed dated October 13, 1916, and recorded in Volume 77, Page 279 of the Deed Records of Bowie County, Texas, and the herein described tract being a part of that same tract conveyed from Thomas F. Dunnington and wife, Hazel Dunnington to George L. Hammond and wife, Geneva M. Hammond by Deed dated September 16, 1955, and recorded in Volume 328, Page 570 of the Deed Records of Bowie County, Texas, and the herein described tract being that same tract awarded to Jana Jones on July 1, 2005, by Probate No. 39111 of the Probate Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch reinforcing steel rod found for corner in the East right-of-way line of a street designated as Piney Road and the said Point of Beginning being N 87°07'56" E, 35.32 feet from the Northwest corner of said 5.00 acre tract;
THENCE: N 87°07'56" E, 259.12 feet with the North line of said Jones tract and with a South line of a certain tract conveyed to Bunn Green Investment by Deed dated January 29, 1993, and recorded in Volume 1897, Page 228 of the Real Property Records of Bowie County, Texas, to a 1/2 inch reinforcing steel rod set for corner at the Northeast corner of said Jones tract;
THENCE: S 02°42'06" E, 294.10 feet with the East line of said Jones tract and with a West line of said Bunn Green Investment tract, 59 a 1 inch iron rod found for corner at the Southeast corner of said Jones tract;
THENCE: S 86°54'35" W, 264.11 feet with the South line of said Jones tract and with the North line of a certain tract conveyed to Martin Norfleet Kazuma by Deed dated January 14, 2005, and recorded in Volume 4578, Page 299 of the Real Property Records of Bowie County, Texas, to a 1/2 inch reinforcing steel rod found for corner in the East right-of-way line of Piney Road at the Southwest corner of said Jones tract;
THENCE: N 01°44'00" W, 295.18 feet along the East right-of-way line of Piney Road, to the POINT OF BEGINNING and containing 1.769 acres of land, more or less.

TO THE LIENHOLDERS AND/OR THE OWNERS OF THE PREMISES SURVEYED AND TO THE TITLE COMPANY: The undersigned does hereby certify that this survey was this day made on the ground of the property legally described hereon and is correct and that any discrepancies, conflicts, shortages in area, boundary line conflicts, encroachments of improvements, apparent or visible easements or rights-of-way are as shown hereon and/or described herein as best can be determined by documents provided and as per on the ground survey, and that said property has access to and from a dedicated roadway.

According to the Federal Emergency Management Agency Flood Insurance Rate Map, Community Panel No. 480060 0005 B, effective date September 3, 1992, the herein described tract of land does not appear to lie within a Special Flood Hazard Area.

Wallace D. Roy

WALLACE D. ROY
REGISTERED PROFESSIONAL
LAND SURVEYOR
TEXAS NO. 2107

Attachment: 2024-135 ORD rez 906 Piney signed (4350 : 2024-135 ORD rezoning SF-2 to C 906 Piney Rd)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/8/2024 2:15 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-136 granting a Specific Use Permit to allow one additional use of an off premise billboard on a portion of an approximate 2.29-acre tract of land (being Tract 109), H. S. Janes HRS, A-306, located at 2003 Chelf Road. Daniel Kirkland, owner, and Joe Thomas, agent.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

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 Daniel Kirkland, owner, and Joe Thomas, agent, for a Specific Use Permit to allow an additional use for an off-premises billboard on a portion of an approximate 2.29-acre tract of land (being Tract 109), H.S. Janes HRS, A-306, located at 2003 Chelf Road. The property is zoned Planned Development-Commercial.

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

The adjacent zoning is Single Family-2 to the north, Planned Development-Multiple Family-2 to the south and east and I-369 Loop to the west. The adjacent land usage is a vacant property north, I-369 west, apartments east and south.

A Specific Use Permit is required to allow the off-premises billboard in the General Retail zoning district.

Staff recommends approval of this request with the following stipulations:

1. That all City codes be met as to permits, setbacks, height and square footage of the signage.

2. That the sign cannot be placed inside of a public right of way or public utility easement.

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 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:

October 7, 2024

Attachments

a. 2024-136 ORD granting SUP for Off-Premise Billboard 2003 Chelf Road (DOCX)
b. 2024-136 ATTH 01 (Maps) (PDF)
c. 2024-136 EXH 'A' (Site Plan)(PDF)
d. 2024-136 Goals & Perspectives (DOCX)
e. 2024-136 ORD SUP billboard 2003 Chelf signed (PDF)

Staff Coordination

Building Code Administration		Mashell Daniel	Department Head Review	Completed 10/23/2024 9:05 AM
Public Works Department		Dusty Henslee	Reviewer	Completed 10/23/2024 9:18 AM
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:48 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

S-794

ORDINANCE NO. 2024-136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOW THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING SPECIFIC USE PERMIT NO. S-794 FOR THE LOCATION OF ONE ADDITIONAL USE OF AN OFF PREMISE OUTDOOR ADVERTISING SIGN (BILLBOARD) ON A PORTION OF AN APPROXIMATE 2.29-ACRE TRACT OF LAND (BEING TRACT 109) H. S. JANES HRS, A-306, LOCATED AT 2003 CHELF ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use for an Off Premise Outdoor Advertising Sign (Billboard) **on a portion of an approximate 2.29-acre tract of land (being Tract 109), H.S. Janes HRS, A-306 (Exhibit 'A'), located at 2003 Chelf Road,** in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the one additional use and location of an Off Premise Outdoor Advertising Sign (Billboard)** 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-794 to allow the one additional use and location of an Off Premise Outdoor Advertising Sign (Billboard) on a portion of an approximate 2.29-acre tract of land (being Tract 109), H.S. Janes HRS, A-306 (Exhibit 'A'), located at 2003 Chelf Road**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-136 ORD granting SUP for Off-Premise Billboard 2003 Chelf Road (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

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

1. That all City codes be met as to permits, setbacks, height, and square footage of the signage.

2. Signs cannot be placed inside of a public right of way or public utility easement.

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 **12th day of November, 2024.**

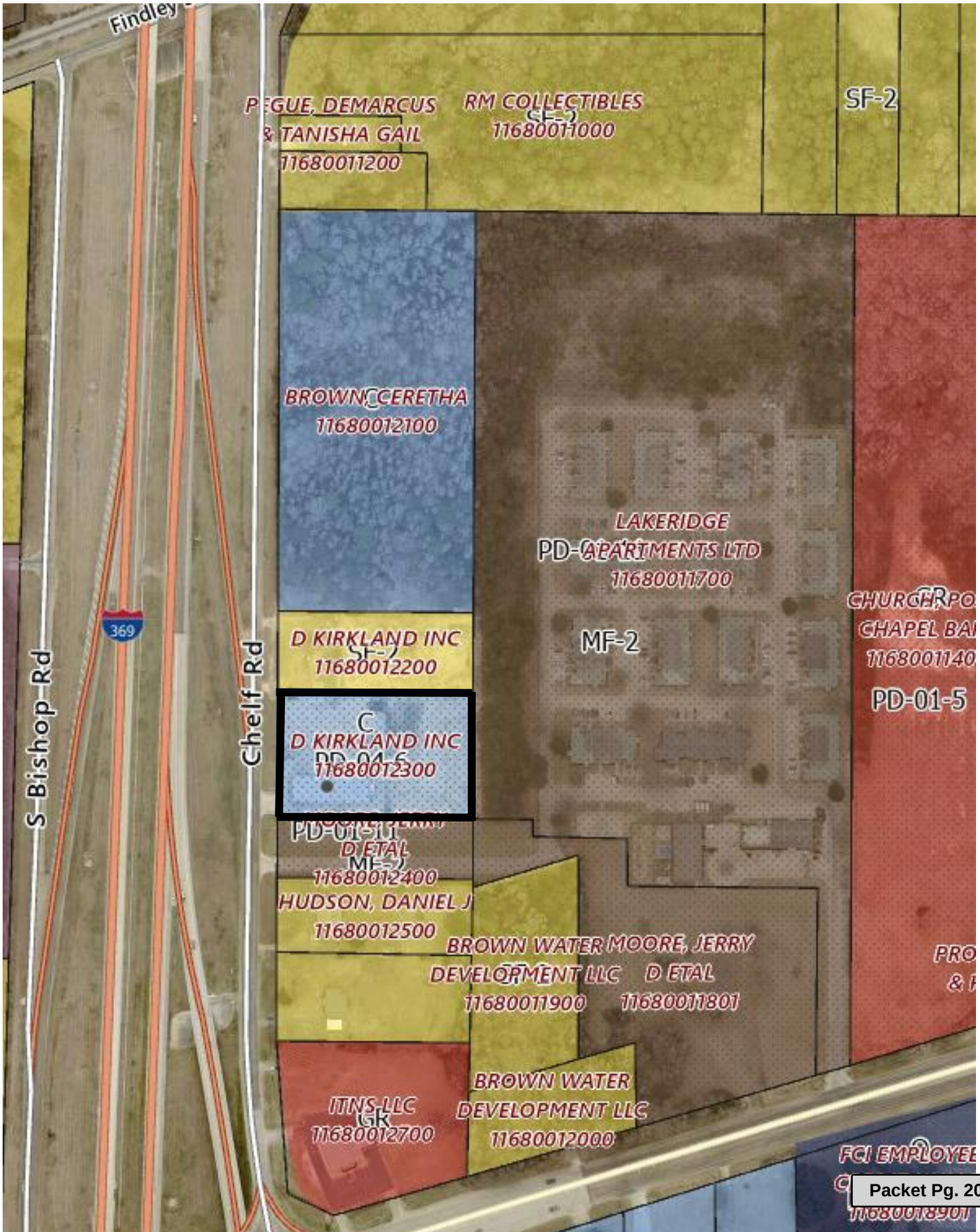
ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-136 ORD granting SUP for Off-Premise Billboard 2003 Chelf Road (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

2024-136 ATTH 01
S-794

2003 Chelf Road



Attachment: 2024-136 ATTH 01 (Maps) (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

2003 Chelf Road

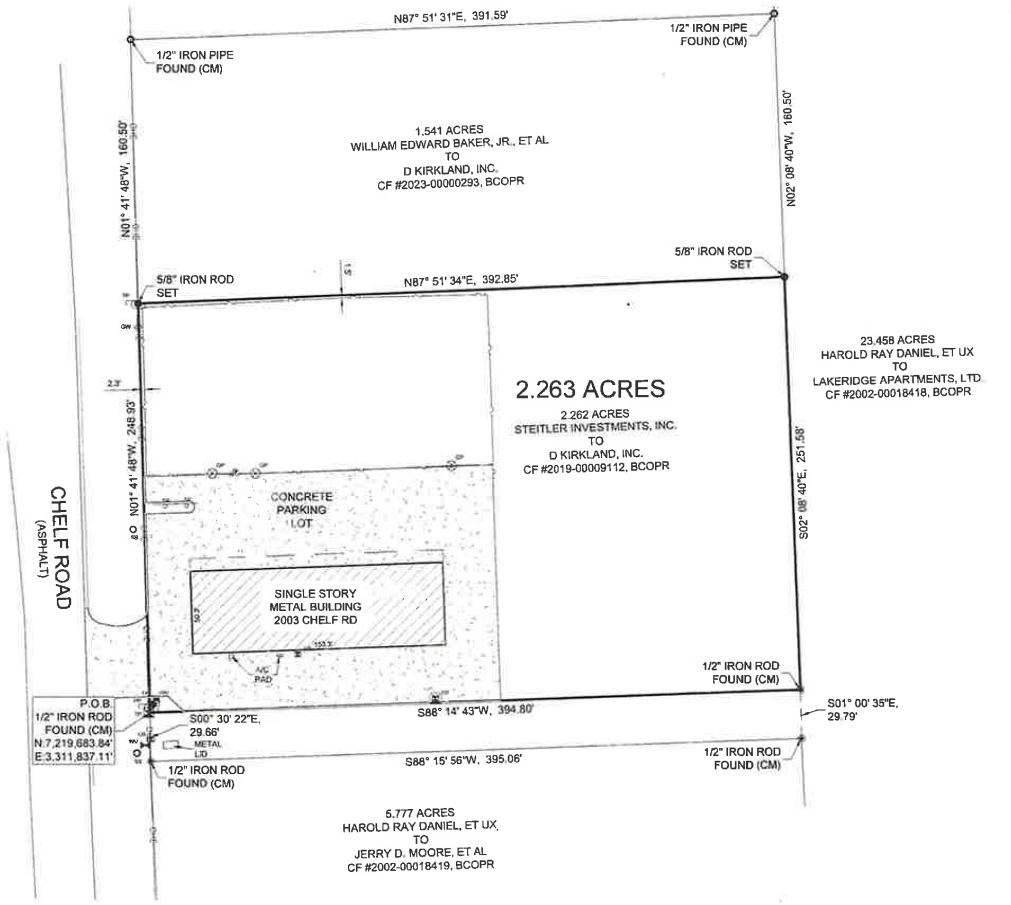
Attachment: 2024-136 ATTH 01 (Maps) (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

NOTES

1. BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), NORTH CENTRAL ZONE.
2. DISTANCES SHOWN ARE GRID DISTANCES. TO CONVERT TO SURFACE DISTANCES DIVIDE GRID DISTANCES BY THE SCALE FACTOR: 0.9998908.
3. A CERTIFIED METES AND BOUNDS DESCRIPTION HAS BEEN PREPARED UNDER THE SAME JOB NUMBER AS A PART OF THIS PROFESSIONAL SERVICE.
4. THIS PROFESSIONAL SERVICE WAS PERFORMED WITHOUT BENEFIT OF HAVING BEEN FURNISHED A TITLE COMMITMENT. EASEMENTS AND/OR OTHER MATTERS AND/OR ISSUES RELATING TO TITLE COULD AND MAY EXIST.
5. ACCORDING TO TEXAS LOCAL GOVERNMENT CODE, CHAPTER 212.004 AND 212.005, DIVIDING ANY TRACT OR LOT INTO TWO OR MORE PARTS WITHOUT BENEFIT OF A SUBDIVISION PLAT APPROVED AND RECORDED WITH THE COUNTY CLERK, IS A VIOLATION OF CITY ORDINANCE AND/OR STATE LAW, SUBJECTING THE VIOLATOR TO FINES AND/OR THE WITHHOLDING OF UTILITIES AND BUILDING PERMITS.
6. THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN.

S-794

GRAPHIC SCALE
30 0 15 30 60 120
(IN FEET)
1 inch = 60 ft.



SURVEYORS CERTIFICATION

I HEREBY CERTIFY THIS PLAT AS A REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT IT REFLECTS THE FACTS AS FOUND AT THE TIME OF SAID SURVEY, AND THAT IT SUBSTANTIALLY CONFORMS TO THE CURRENT GENERAL RULES OF PROCEDURES AND PRACTICES, ESTABLISHED BY THE BOARD OF PROFESSIONAL LAND SURVEYING, AS AUTHORIZED BY THE PROFESSIONAL LAND SURVEYING PRACTICES ACT. (ART 5282C, VTCS)

STATE OF TEXAS
REGISTERED
NICHOLAS NORTHCUTT
6884
PROFESSIONAL
LAND SURVEYOR

NICHOLAS NORTHCUTT
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6884

DEC. 15, 2023
DATE

LEGEND

PP	POWER POLE
TP	TELEPHONE POLE
GW	GUY WIRE
EB	ELECTRIC BOX
TPED	TELEPHONE PEDESTAL
WM	WATER METER
WV	WATER VALVE
FH	FIRE HYDRANT
SS	SANITARY SEWER MANHOLE
SIGN	SIGN POST
GP	GATE POST
(CM)	CONTROLLING MONUMENT
	CHAINLINK FENCE
OHE	OVERHEAD ELECTRIC

PLAT OF SURVEY OF
2.263 ACRES
BEING ALL OF 2.262 ACRES
STEITLER INVESTMENTS, INC.
TO
D KIRKLAND, INC.
CLERKS FILE #2019-00009112, BCOPR
IN THE H.S. JANES SURVEY, A-306
BOWIE COUNTY, TEXAS

Northcutt Land Surveying
4629 HAWK ROAD, DIANA, TEXAS 75640
WWW.NORTHCUTTSURVEYING.COM
PH: 903-371-6563 TBPELS 10194706
EMAIL: NICK@NORTHCUTTSURVEYING.COM

DEC. 18, 2023 | DRAWN BY: NWN | JOB #1108-003

Attachment: 2024-136 EXH 'A' (Site Plan) (4351 : 2024-136 ORD SUP Billboard 2003 Chelf 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: 2024-136 Goals & Perspectives (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

ORDINANCE NO. 2024-136

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING MAP SHOW THE LOCATION, BOUNDARY, AND USE OF CERTAIN PROPERTY BY THE GRANTING SPECIFIC USE PERMIT NO. S-794 FOR THE LOCATION OF ONE ADDITIONAL USE OF AN OFF PREMISE OUTDOOR ADVERTISING SIGN (BILLBOARD) ON A PORTION OF AN APPROXIMATE 2.29-ACRE TRACT OF LAND (BEING TRACT 109) H. S. JANES HRS, A-306, LOCATED AT 2003 CHELF ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use for an Off Premise Outdoor Advertising Sign (Billboard) **on a portion of an approximate 2.29-acre tract of land (being Tract 109), H.S. Janes HRS, A-306 (Exhibit 'A'), located at 2003 Chelf Road,** in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the one additional use and location of an Off Premise Outdoor Advertising Sign (Billboard)** 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-794 to allow the one additional use and location of an Off Premise Outdoor Advertising Sign (Billboard) on a portion of an approximate 2.29-acre tract of land (being Tract 109), H.S. Janes HRS, A-306 (Exhibit 'A'), located at 2003 Chelf Road**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-136 ORD SUP billboard 2003 Chelf signed (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

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

1. That all City codes be met as to permits, setbacks, height, and square footage of the signage.

2. Signs cannot be placed inside of a public right of way or public utility easement.

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 **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:44 p.m.

Attachment: 2024-136 ORD SUP billboard 2003 Chelf signed (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

2024-136 EXH 'A'

NOTES

1. BEARINGS ARE BASED UPON THE TEXAS COORDINATE SYSTEM OF 1983 (NAD83), NORTH CENTRAL ZONE.
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3. A CERTIFIED METES AND BOUNDS DESCRIPTION HAS BEEN PREPARED UNDER THE SAME JOB NUMBER AS A PART OF THIS PROFESSIONAL SERVICE.
4. THIS PROFESSIONAL SERVICE WAS PERFORMED WITHOUT BENEFIT OF HAVING BEEN FURNISHED A TITLE COMMITMENT. EASEMENTS AND/OR OTHER MATTERS AND/OR ISSUES RELATING TO TITLE COULD AND MAY EXIST
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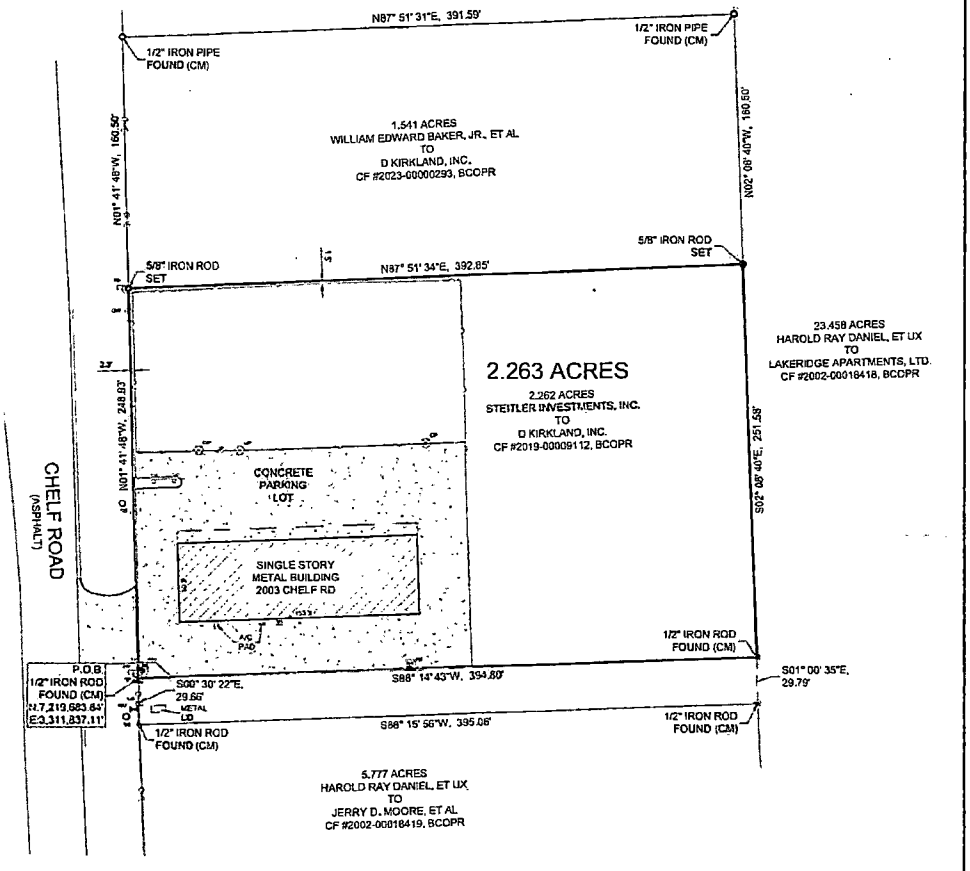
6. THERE ARE NO VISIBLE EASEMENTS, ENCROACHMENTS OR PROTRUSIONS EXCEPT AS SHOWN.

S-794

GRAPHIC SCALE
1 inch = 60 ft.



SURVEYORS CERTIFICATION

I HEREBY CERTIFY THIS PLAT AS A REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT IT REFLECTS THE FACTS AS FOUND AT THE TIME OF SAID SURVEY, AND THAT IT SUBSTANTIALLY CONFORMS TO THE CURRENT GENERAL RULES OF PROCEDURES AND PRACTICES, ESTABLISHED BY THE BOARD OF PROFESSIONAL LAND SURVEYING, AS AUTHORIZED BY THE PROFESSIONAL LAND SURVEYING PRACTICES ACT. (ART 5282C, VTCS)

STATE OF TEXAS
REGISTERED
NICHOLAS NORTHCUTT
6884
PROFESSIONAL
LAND SURVEYOR

NICHOLAS NORTHCUTT
PROFESSIONAL LAND SURVEYOR
TEXAS REGISTRATION NO. 6884

DEC 15, 2023
DATE

LEGEND	
	POWER POLE
	TELEPHONE POLE
	GUY WIRE
	ELECTRIC BOX
	TELEPHONE PEDESTAL
	WATER METER
	WATER VALVE
	FIRE HYDRANT
	SANITARY SEWER MANHOLE
	SIGN POST
	GATE POST
(CM)	CONTROLLING MONUMENT
	CHAINLINK FENCE
OHE	OVERHEAD ELECTRIC

PLAT OF SURVEY OF
2.263 ACRES
BEING ALL OF 2.262 ACRES
STEITLER INVESTMENTS, INC.
TO
D KIRKLAND, INC.
CLERKS FILE #2019-00009112, BCOPR
IN THE H.S. JANES SURVEY, A-306
BOWIE COUNTY, TEXAS

Northcutt
Land Surveying
6529 HAWK ROAD, DIANA, TEXAS 75640
WWW.NORTHCUTTSURVEYING.COM
PH: 903-371-4433 TBPELS 10184706
EMAIL: NICK@NORTHCUTTSURVEYING.COM

DEC. 18, 2023 | DRAWN BY: NWN | JOB #1108-003

Attachment: 2024-136 ORD SUP billboard 2003 Chelf signed (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/23/2024 8:56 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-137 rezoning on an approximate 1.85-acre tract of land (being Tract 36C) R. E. Sevey HRS, A-523, located at 2591 Page Street from Single Family-1 to Single Family-3. Jonathan Fowler, owner.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

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 Jonathan Fowler, owner, to rezone an approximate 1.85-arcr tract of land (being Tract 36C), R. E. Sevey HRS, A-523, located at 2591 Page Street from Single Family-1 to Single Family-3. The property is currently vacant land. The intent is to place a double wide HUD code manufactured home.

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

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

Staff recommend 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 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:

October 7, 2024

Attachments

a. 2024-137 ORD 2591 Page Street (DOCX)
b. 2024-137 EXH 'A' (Legal Description) (PDF)
c. 2024-137 ATTH 01 (Maps) (PDF)
d. 2024-137 Goals & Perspectives (DOCX)
e. 2024-137 ORD rez 2591 Page signed(PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Department Head Review	Completed	10/23/2024 9:05 AM
Public Works Department	Dusty Henslee	Reviewer	Completed	10/23/2024 9:18 AM
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:47 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

Z-24-11

ORDINANCE NO. 2024-137

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 1.85-ACRE TRACT OF LAND (BEING TRACT 36C), R.E. SEVEY HRS, A-523, LOCATED AT 2591 PAGE STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Single Family-3**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to Single Family-3 on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street** 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 Single Family-3**; 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 Single Family-3** is in the best interest of the public health, safety, morals, and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'),**

Attachment: 2024-137 ORD 2591 Page Street (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

located at 2591 Page Street in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Single Family-3.**

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

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

SECTION 4: 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 **12th day of November, 2024.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-137 ORD 2591 Page Street (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

Filed and Recorded: 03/07/2024 03:45:52 PM
2024-00002136 DEED Total Pages: 4
Tina Petty, Bowie County Clerk

Z-24-11

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.

Special Warranty Deed with Vendor's Lien

Date: **11/22/2023**

Grantor: **219 Marshall, LLC a Delaware Limited Liability Company**

Grantor's Mailing Address: **P.O. Box 741209**
Houston, TX 77274-1209

Grantee: **Jonathan Todd Fowler**

Grantee's Mailing Address: **2900 Main Street, Texarkana, TX 75503**

Consideration: A promissory note of even date executed by Grantee and payable to the order of Grantor in the principal amount of **$ 48,500.00** which is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Jose Martinez, Trustee, for the benefit of Grantor.

Property (including any improvements): All that certain tract or parcel of land (together with all improvements thereon, if any) situated in **Bowie County**, Texas, being more particularly described as, **1.842 Acres, more or less, out of the R.E. Sevey Survey, Abstract 523, (Bowie CAD Tract #36C), City of Texarkana, Bowie County, Texas (Volume 4593, Page 107, Deed Records, Bowie County, Texas).**

Reservations from Conveyance: All Oil, Gas and other Minerals in an under that may be produced from the property.

Exceptions to Conveyance and Warranty: 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 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; all rights, obligations, and other matters arising from and existing by reason of the County in which the Property is located; and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee 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

Initials: JF

Attachment: 2024-137 EXH 'A' (Legal Description) (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS, WHERE IS" with any and all latent and patent faults and defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee Acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties, except for the special warranties of title set forth in this deed.

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

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

GRANTOR:

219 Marshall, LLC a Delaware Limited Liability Company, acting by and through its Member, 219 Marshall Trust

By: _____
Jose Martinez, Authorized Signer

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 22 day of NOV., 2023, by **Jose Martinez, Authorized Signer of 219 Marshall Trust, Member of 219 Marshall, LLC a Delaware Limited Liability Company.**

(SEAL) Sandra Benavides My Commission Expires 4/13/2026 Notary ID 126339220

My Commission Expires:

_____
Notary Public, State of Texas

Sandra Benavides
Notary Name Printed or Typed

Sandra Benavides My Commission Expires 4/13/2026 Notary ID 126339220

Initials: JF

Attachment: 2024-137 EXH 'A' (Legal Description) (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

Grantee's Acceptance of Deed

Grantee accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the contract Grantee signed regarding the Property described in the deed. Grantee waives and releases all claims against Grantor, including fraud and fraudulent inducement against Grantor and all persons and entities associated with Grantor.

GRANTEE(S):

Jonathan Todd Fowler

THE STATE OF TEXAS §
§
COUNTY OF Bowie §

This instrument was acknowledged before me on the 22 day of NOV, 2023, by **Jonathan Todd Fowler.**

(SEAL)

Notary Public, State of Texas

My Commission Expires:

Notary Name Printed or Typed

RETURN TO:
219 Marshall, LLC a Delaware Limited Liability Company
P.O. Box 741209
Houston, TX 77274-1209

J Loyd
MY COMMISSION EXPIRES
9/26/2025
NOTARY ID: 4700265

Initials JF

Attachment: 2024-137 EXH 'A' (Legal Description) (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

THE STATE OF TEXAS
COUNTY OF BOWIE

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

2024-00002136 DEED
03/07/2024 03:45:52 PM Total Fees: $33.00

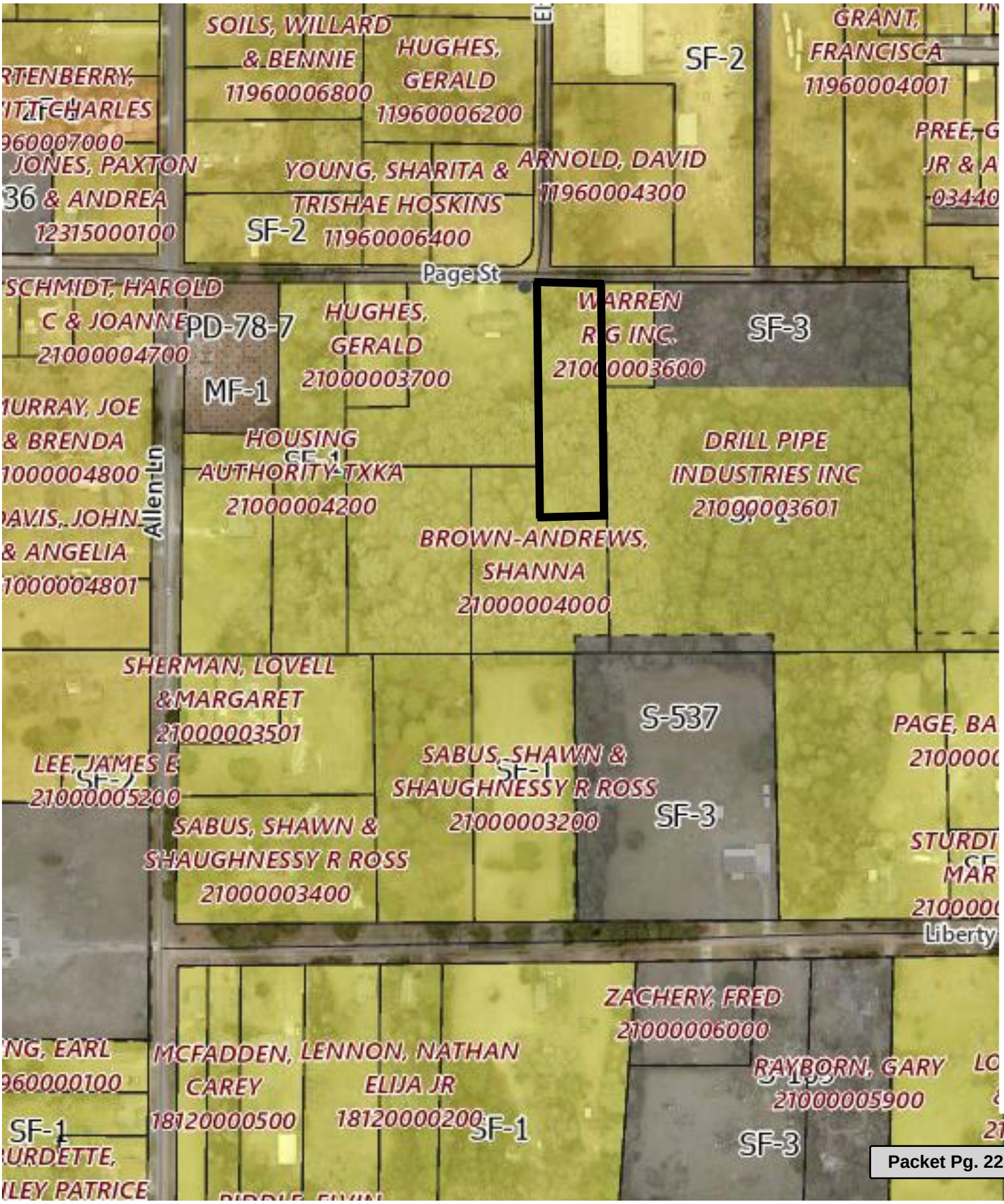
Tina Petty,County Clerk
Bowie County, Texas

Tina Petty

Attachment: 2024-137 EXH 'A' (Legal Description) (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

2024-137 ATTH 01
Z-24-11

2591 Page Street



Attachment: 2024-137 ATTH 01 (Maps) (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

2591 Page Street

Attachment: 2024-137 ATTH 01 (Maps) (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page 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: 2024-137 Goals & Perspectives (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

Z-24-11

ORDINANCE NO. 2024-137

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING AN APPROXIMATE 1.85-ACRE TRACT OF LAND (BEING TRACT 36C), R.E. SEVEY HRS, A-523, LOCATED AT 2591 PAGE STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM SINGLE FAMILY-1 TO SINGLE FAMILY-3; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone **on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street,** in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Single Family-3**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Single Family-1 to Single Family-3 on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street** 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 Single Family-3**; 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 Single Family-3** is in the best interest of the public health, safety, morals, and general welfare of the City.

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be and is hereby further amended to rezone **on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'),**

Attachment: 2024-137 ORD rez 2591 Page signed (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

located at 2591 Page Street in the City of Texarkana, Bowie County, Texas, from **Single Family-1 to Single Family-3.**

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

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

SECTION 4: 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 **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:40 p.m.

Attachment: 2024-137 ORD rez 2591 Page signed (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

2024-137 EXH 'A'

Filed and Recorded: 03/07/2024 03:45:52 PM
2024-00002136 DEED Total Pages: 4
Tina Petty, Bowie County Clerk

Z-24-11

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.

Special Warranty Deed with Vendor's Lien

Date: **11/22/2023**

Grantor: **219 Marshall, LLC a Delaware Limited Liability Company**

Grantor's Mailing Address: **P.O. Box 741209**
Houston, TX 77274-1209

Grantee: **Jonathan Todd Fowler**

Grantee's Mailing Address: **2900 Main Street, Texarkana, TX 75503**

Consideration: A promissory note of even date executed by Grantee and payable to the order of Grantor in the principal amount of **$ 48,500.00** which is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Jose Martinez, Trustee, for the benefit of Grantor.

Property (including any improvements): All that certain tract or parcel of land (together with all improvements thereon, if any) situated in **Bowie County, Texas, being more particularly described as, 1.842 Acres, more or less, out of the R.E. Sevey Survey, Abstract 523, (Bowie CAD Tract #36C), City of Texarkana, Bowie County, Texas (Volume 4593, Page 107, Deed Records, Bowie County, Texas).**

Reservations from Conveyance: All Oil, Gas and other Minerals in an under that may be produced from the property.

Exceptions to Conveyance and Warranty: 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 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; all rights, obligations, and other matters arising from and existing by reason of the County in which the Property is located; and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee 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

Initials: JF

Attachment: 2024-137 ORD rez 2591 Page signed (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS, WHERE IS" with any and all latent and patent faults and defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee Acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties, except for the special warranties of title set forth in this deed.

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

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

GRANTOR:

219 Marshall, LLC a Delaware Limited Liability Company, acting by and through its Member, 219 Marshall Trust

By: _____
Jose Martinez, Authorized Signer

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 22 day of NOV., 2023, by **Jose Martinez, Authorized Signer of 219 Marshall Trust, Member of 219 Marshall, LLC a Delaware Limited Liability Company.**

(SEAL) Sandra Benavides My Commission Expires 4/13/2026 Notary ID 126339220

My Commission Expires:

_____
Notary Public, State of Texas

Sandra Benavides
Notary Name Printed or Typed

Sandra Benavides My Commission Expires 4/13/2026 Notary ID 126339220

Initials: JE

Attachment: 2024-137 ORD rez 2591 Page signed (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

Grantee's Acceptance of Deed

Grantee accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the contract Grantee signed regarding the Property described in the deed. Grantee waives and releases all claims against Grantor, including fraud and fraudulent inducement against Grantor and all persons and entities associated with Grantor.

GRANTEE(S):

Jonathan Todd Fowler

THE STATE OF TEXAS §
§
COUNTY OF Bowie §

This instrument was acknowledged before me on the 22 day of NOV, 2023, by **Jonathan Todd Fowler.**

(SEAL)

Notary Public, State of Texas

My Commission Expires:

Notary Name Printed or Typed

RETURN TO:
219 Marshall, LLC a Delaware Limited Liability Company
P.O. Box 741209
Houston, TX 77274-1209

J Loyd
MY COMMISSION EXPIRES
9/26/2025
NOTARY ID: 4700265

Attachment: 2024-137 ORD rez 2591 Page signed (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

THE STATE OF TEXAS
COUNTY OF BOWIE

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

2024-00002136 DEED
03/07/2024 03:45:52 PM Total Fees: $33.00

Tina Petty,County Clerk
Bowie County, Texas

Tina Petty

Attachment: 2024-137 ORD rez 2591 Page signed (4352 : 2024-137 ORD rezoning SF-1 to SF-3 2591 Page Street)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/23/2024 8:56 AM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-138 granting a Specific Use Permit to allow a double-wide HUD code manufactured home on an approximate 1.85-acre tract of land (being Tract 36C) R. E. Sevey HRS, A-523, located at 2591 Page Street. Jonathan Fowler, owner.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

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 Jonathan Fowler, owner, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home on an approximate 1.85-arcr tract of land (being Tract 36C), R. E. Sevey HRS, A-523, located at 2591 Page Street This property is currently a vacant lot.

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

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

The City’s Zoning Ordinance was amended to comply with the state law in 2002, requiring that all manufactured housing be HUD code building standard. This amendment also stipulated that all HUD code manufactured homes inside the city limits be placed in the Single Family-3 zoning district along with the approval of a Specific Use Permit.

Staff recommends approval of this request with the following stipulations:

1. That one 2018 or newer double wide HUD code manufactured home be allowed on this property.
2. That the double wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.

4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this Ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

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:

October 7, 2024

Attachments

a. 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St (DOCX)
b. 2024-138 EXH 'A' (Legal Description) (PDF)
c. 2024-138 ATTH 01 (Maps) (PDF)
d. 2024-138 Goals & Perspectives (DOCX)
e. 2024-138 ORD SUP manf home 2591 Page signed (PDF)

Staff Coordination

Building Code Administration	Mashell Daniel	Department Head Review	Completed 10/23/2024 9:05 AM
Public Works Department	Dusty Henslee	Reviewer	Completed 10/23/2024 9:19 AM

City Manager 1:47 PM	David Orr	Reviewer	Completed	10/23/2024
City Council 6:00 PM	Jennifer Evans	Meeting	Completed	10/28/2024

Meeting History

S-795

ORDINANCE NO. 2024-138

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-795 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON AN APPROXIMATE 1.85-ACRE TRACT OF LAND (BEING TRACT 36C), R.E. SEVEY HRS, A-523, LOCATED AT 2591 PAGE STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD code manufactured home on **an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street**, in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-795 for the location of a double-wide HUD code manufactured home on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

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

1. That one 2018 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2024.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

Filed and Recorded: 03/07/2024 03:45:52 PM
2024-00002136 DEED Total Pages: 4
Tina Petty, Bowie County Clerk

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.

Special Warranty Deed with Vendor's Lien

Date: **11/22/2023**

Grantor: **219 Marshall, LLC a Delaware Limited Liability Company**

Grantor's Mailing Address: **P.O. Box 741209**
Houston, TX 77274-1209

Grantee: **Jonathan Todd Fowler**

Grantee's Mailing Address: **2900 Main Street, Texarkana, TX 75503**

Consideration: A promissory note of even date executed by Grantee and payable to the order of Grantor in the principal amount of **$ 48,500.00** which is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Jose Martinez, Trustee, for the benefit of Grantor.

Property (including any improvements): All that certain tract or parcel of land (together with all improvements thereon, if any) situated in **Bowie County**, Texas, being more particularly described as, **1.842 Acres, more or less, out of the R.E. Sevey Survey, Abstract 523, (Bowie CAD Tract #36C), City of Texarkana, Bowie County, Texas (Volume 4593, Page 107, Deed Records, Bowie County, Texas).**

Reservations from Conveyance: All Oil, Gas and other Minerals in an under that may be produced from the property.

Exceptions to Conveyance and Warranty: 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 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; all rights, obligations, and other matters arising from and existing by reason of the County in which the Property is located; and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee 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

Initials: JF

Attachment: 2024-138 EXH 'A' (Legal Description) (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS, WHERE IS" with any and all latent and patent faults and defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee Acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties, except for the special warranties of title set forth in this deed.

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

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

GRANTOR:

219 Marshall, LLC a Delaware Limited Liability Company, acting by and through its Member, 219 Marshall Trust

By: _____
Jose Martinez, Authorized Signer

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 22 day of NOV., 2023, by **Jose Martinez, Authorized Signer of 219 Marshall Trust, Member of 219 Marshall, LLC a Delaware Limited Liability Company.**

(SEAL)

Sandra Benavides
My Commission Expires
4/13/2026
Notary ID
126339220

My Commission Expires:

_____

Notary Public, State of Texas

Sandra Benavides

Notary Name Printed or Typed

Sandra Benavides
My Commission Expires
4/13/2026
Notary ID
126339220

Initials: JF

Attachment: 2024-138 EXH 'A' (Legal Description) (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

Grantee's Acceptance of Deed

Grantee accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the contract Grantee signed regarding the Property described in the deed. Grantee waives and releases all claims against Grantor, including fraud and fraudulent inducement against Grantor and all persons and entities associated with Grantor.

GRANTEE(S):

Jonathan Todd Fowler

THE STATE OF TEXAS §
§
COUNTY OF Bowie §

This instrument was acknowledged before me on the 22 day of NOV, 2023, by **Jonathan Todd Fowler.**

(SEAL)

Notary Public, State of Texas

My Commission Expires:

Notary Name Printed or Typed

RETURN TO:
219 Marshall, LLC a Delaware Limited Liability Company
P.O. Box 741209
Houston, TX 77274-1209

J Loyd
MY COMMISSION EXPIRES
9/26/2025
NOTARY ID: 4700265

Initials JF

Attachment: 2024-138 EXH 'A' (Legal Description) (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

THE STATE OF TEXAS
COUNTY OF BOWIE

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

2024-00002136 DEED
03/07/2024 03:45:52 PM Total Fees: $33.00

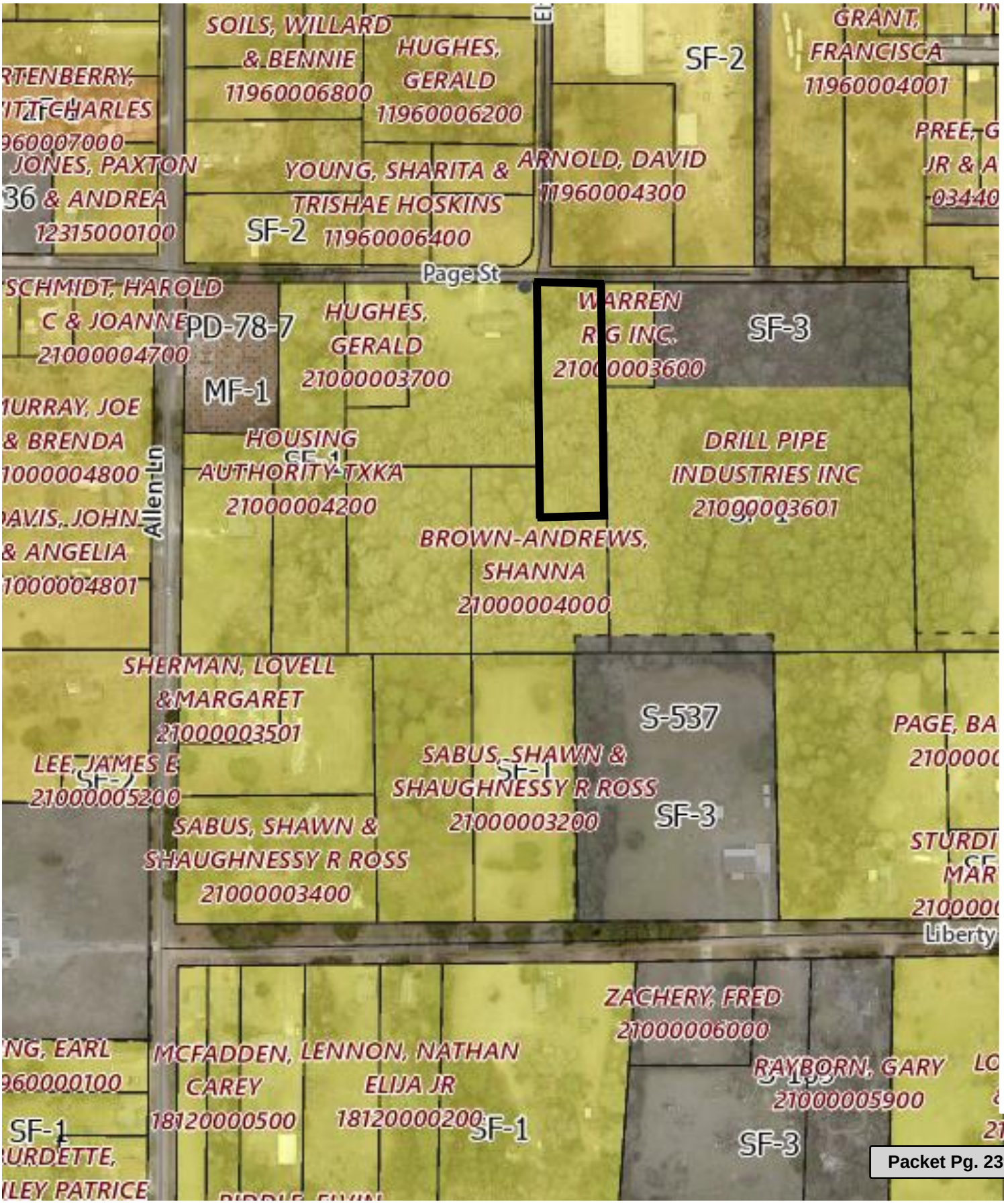
Tina Petty,County Clerk
Bowie County, Texas

Tina Petty

Attachment: 2024-138 EXH 'A' (Legal Description) (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

20247-138 ATTH 01
S-795

2591 Page Street



Attachment: 2024-138 ATTH 01 (Maps) (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

20247-138 ATTH 01
S-795

2591 Page Street

Attachment: 2024-138 ATTH 01 (Maps) (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

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: 2024-138 Goals & Perspectives (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

S-795

ORDINANCE NO. 2024-138

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-795 TO ALLOW THE LOCATION OF A DOUBLE-WIDE HUD CODE MANUFACTURED HOME ON AN APPROXIMATE 1.85-ACRE TRACT OF LAND (BEING TRACT 36C), R.E. SEVEY HRS, A-523, LOCATED AT 2591 PAGE STREET, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow the location of a double-wide HUD code manufactured home on **an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street**, in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously five (5) to zero (0) to recommend** to the City Council of Texarkana, Texas, that a **Specific Use Permit be granted to allow the location of a double-wide HUD code manufactured home** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended to grant **Specific Use Permit Numbered S-795 for the location of a double-wide HUD code manufactured home on an approximate 1.85-acre tract of land (being Tract 36C), R.E. Sevey HRS, A-523 (Exhibit 'A'), located at 2591 Page Street,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-138 ORD SUP manf home 2591 Page signed (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

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

1. That one 2018 or newer double-wide HUD code manufactured home be allowed on this property.
2. That the double-wide HUD code manufactured home be tied down/skirted/underpinned.
3. That the double-wide HUD code manufactured home be used for dwelling purposes only, human occupancy only.
4. That the Specific Use Permit be in effect for a period of three (3) years, beginning at the date of this ordinance. It is the owner's responsibility to renew this permit.
5. That if the HUD code manufactured home is not placed on the property within the three (3) year period, the Specific Use Permit will automatically be revoked.
6. That all driveways, parking, building codes/setbacks, engineered foundation, platting and flood plain requirements must be in accordance with the City of Texarkana, Texas codes.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:44p.m.

Attachment: 2024-138 ORD SUP manf home 2591 Page signed (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

Filed and Recorded: 03/07/2024 03:45:52 PM
2024-00002136 DEED Total Pages: 4
Tina Petty, Bowie County Clerk

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.

Special Warranty Deed with Vendor's Lien

Date: **11/22/2023**

Grantor: **219 Marshall, LLC a Delaware Limited Liability Company**

Grantor's Mailing Address: **P.O. Box 741209**
Houston, TX 77274-1209

Grantee: **Jonathan Todd Fowler**

Grantee's Mailing Address: **2900 Main Street, Texarkana, TX 75503**

Consideration: A promissory note of even date executed by Grantee and payable to the order of Grantor in the principal amount of **$ 48,500.00** which is secured by a first and superior vendor's lien and superior title retained in this deed and by a first-lien deed of trust of even date from Grantee to Jose Martinez, Trustee, for the benefit of Grantor.

Property (including any improvements): All that certain tract or parcel of land (together with all improvements thereon, if any) situated in **Bowie County, Texas, being more particularly described as, 1.842 Acres, more or less, out of the R.E. Sevey Survey, Abstract 523, (Bowie CAD Tract #36C), City of Texarkana, Bowie County, Texas (Volume 4593, Page 107, Deed Records, Bowie County, Texas).**

Reservations from Conveyance: All Oil, Gas and other Minerals in an under that may be produced from the property.

Exceptions to Conveyance and Warranty: 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 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; all rights, obligations, and other matters arising from and existing by reason of the County in which the Property is located; and taxes for the current year, which Grantee assumes and agrees to pay, and subsequent assessments for that and prior years due to change in land usage, ownership, or both, the payment of which Grantee 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

Initials: JF

Attachment: 2024-138 ORD SUP manf home 2591 Page signed (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

against every person whomsoever lawfully claiming or to claim the same or any part thereof, when the claim is by, through, or under Grantor but not otherwise, except as to the Reservations from Conveyance and the Exceptions to Conveyance and Warranty.

As a material part of the Consideration for this deed, Grantor and Grantee agree that Grantee is taking the Property "AS IS, WHERE IS" with any and all latent and patent faults and defects and that there is no warranty by Grantor that the Property has a particular financial value or is fit for a particular purpose. Grantee Acknowledges and stipulates that Grantee is not relying on any representation, statement, or other assertion with respect to the Property condition but is relying on Grantee's examination of the Property. Grantee takes the Property with the express understanding and stipulation that there are no express or implied warranties, except for the special warranties of title set forth in this deed.

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

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

GRANTOR:

219 Marshall, LLC a Delaware Limited Liability Company, acting by and through its Member, 219 Marshall Trust

By: _____
Jose Martinez, Authorized Signer

THE STATE OF TEXAS §
§
COUNTY OF HARRIS §

This instrument was acknowledged before me on the 22 day of NOV., 2023, by Jose Martinez, Authorized Signer of 219 Marshall Trust, Member of 219 Marshall, LLC a Delaware Limited Liability Company.

(SEAL) Sandra Benavides My Commission Expires 4/13/2026 Notary ID 126339220

_____
Notary Public, State of Texas

My Commission Expires:

Sandra Benavides
Notary Name Printed or Typed

Sandra Benavides My Commission Expires 4/13/2026 Notary ID 126339220

Initials: JF

Attachment: 2024-138 ORD SUP manf home 2591 Page signed (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

Grantee's Acceptance of Deed

Grantee accepts the attached deed and consents to its form and substance. Grantee acknowledges that the terms of the deed conform with Grantee's intent and that they will control in the event of any conflict with the contract Grantee signed regarding the Property described in the deed. Grantee waives and releases all claims against Grantor, including fraud and fraudulent inducement against Grantor and all persons and entities associated with Grantor.

GRANTEE(S):

Jonathan Todd Fowler

THE STATE OF TEXAS §
§
COUNTY OF Bowie §

This instrument was acknowledged before me on the 22 day of NOV, 2023, by **Jonathan Todd Fowler.**

(SEAL)

Notary Public, State of Texas

My Commission Expires:

Notary Name Printed or Typed

RETURN TO:
219 Marshall, LLC a Delaware Limited Liability Company
P.O. Box 741209
Houston, TX 77274-1209

J Loyd
MY COMMISSION EXPIRES
9/26/2025
NOTARY ID: 4700265

Attachment: 2024-138 ORD SUP manf home 2591 Page signed (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

THE STATE OF TEXAS
COUNTY OF BOWIE

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

2024-00002136 DEED
03/07/2024 03:45:52 PM Total Fees: $33.00

Tina Petty,County Clerk
Bowie County, Texas

Tina Petty

Attachment: 2024-138 ORD SUP manf home 2591 Page signed (4354 : 2024-138 ORD SUP HUD code mnfctrd home 2591 Page St)

City of Texarkana, Texas

Version:

Briefing Sheet

Update Date: 10/24/2024 1:50 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-139 amending PD-02-13 for site plan approval on Lots 7 and 8, Block 5, Richmond Development – Fourth Subdivision, located at 3504 Arista Boulevard. Aaron Gaylor, owner.		

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

Item Schedule

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

Updates/History of Briefing:

Originally, the applicant presented the Planning and Zoning Commission with 4205 sq ft building with 39 parking spaces. However, in order to comply with drainage issues the building was moved forward and 575 sq ft was added to the building and five (5) parking places were deleted from the site plan.

Executive Summary and Background Information:

This is a request by Aaron Gaylor, owner, for site plan approval on Lots 7-8, Block 5, Richmond Development Fourth Subdivision, located at 3504 Arista Boulevard. The current zoning is Planned Development-General Retail. This site is currently a vacant lot.

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

The adjacent zoning is Planned Development-General Retail to the north, south, east, and west. The adjacent land use is an apartment complex to the west, offices to the south and east, and vacant land to the north.

The site plan consists of the following:

1. The construction of a 4780 sq ft building.
2. The access driveway will be off Arista Boulevard.
3. There will be 34 parking spaces including 2 handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6’ by 8’ monument style sign. No electronic message.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. 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:

(Advisory Board/Committee Name OR say “NONE”)

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

October 7, 2024

Attachments

a. 2024-139 -ORD site plan approval 3504 Arista Blvd (DOCX)
b. 2024-139 EXH 'A' (Site Plan and Elevations) (PDF)
c. 2024-139 ATTH 01 (Maps) (PDF)
d. 2024-139 Goals & Perspectives (DOCX)
e. 2024-139 ORD SPA 3504 Arista Bl signed (PDF)

Staff Coordination

Building Code Administration		Mashell Daniel	Department Head Review	Completed 10/23/2024 9:05 AM
Public Works Department		Dusty Henslee	Reviewer	Completed 10/23/2024 9:19 AM
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:46 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

ORDINANCE NO. 2024-139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-02-13(GR) FOR SITE PLAN APPROVAL ON LOTS 7-8, BLOCK 5, RICHMOND DEVELOPMENT FOURTH SUBDIVISION, LOCATED AT 3504 ARISTA BOULEVARD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit 'A') on Lots 7-8, Block 5, Richmond Development Fourth Subdivision, located at 3504 Arista Boulevard** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-Commercial [PD-02-13(GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-02-13(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 Lots 7-8, Block 5, Richmond Development Fourth Subdivision, located at 3504 Arista Boulevard** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-02-13(GR).

Attachment: 2024-139 -ORD site plan approval 3504 Arista Blvd (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

SECTION 2: PD-02-13(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 a 4780 sq ft building.
2. The access driveway will be off Arista Boulevard.
3. There will be 34 parking spaces, including two (2) handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6' by 8' monument style sign. No electronic message.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. 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 **12th day of November, 2024.**

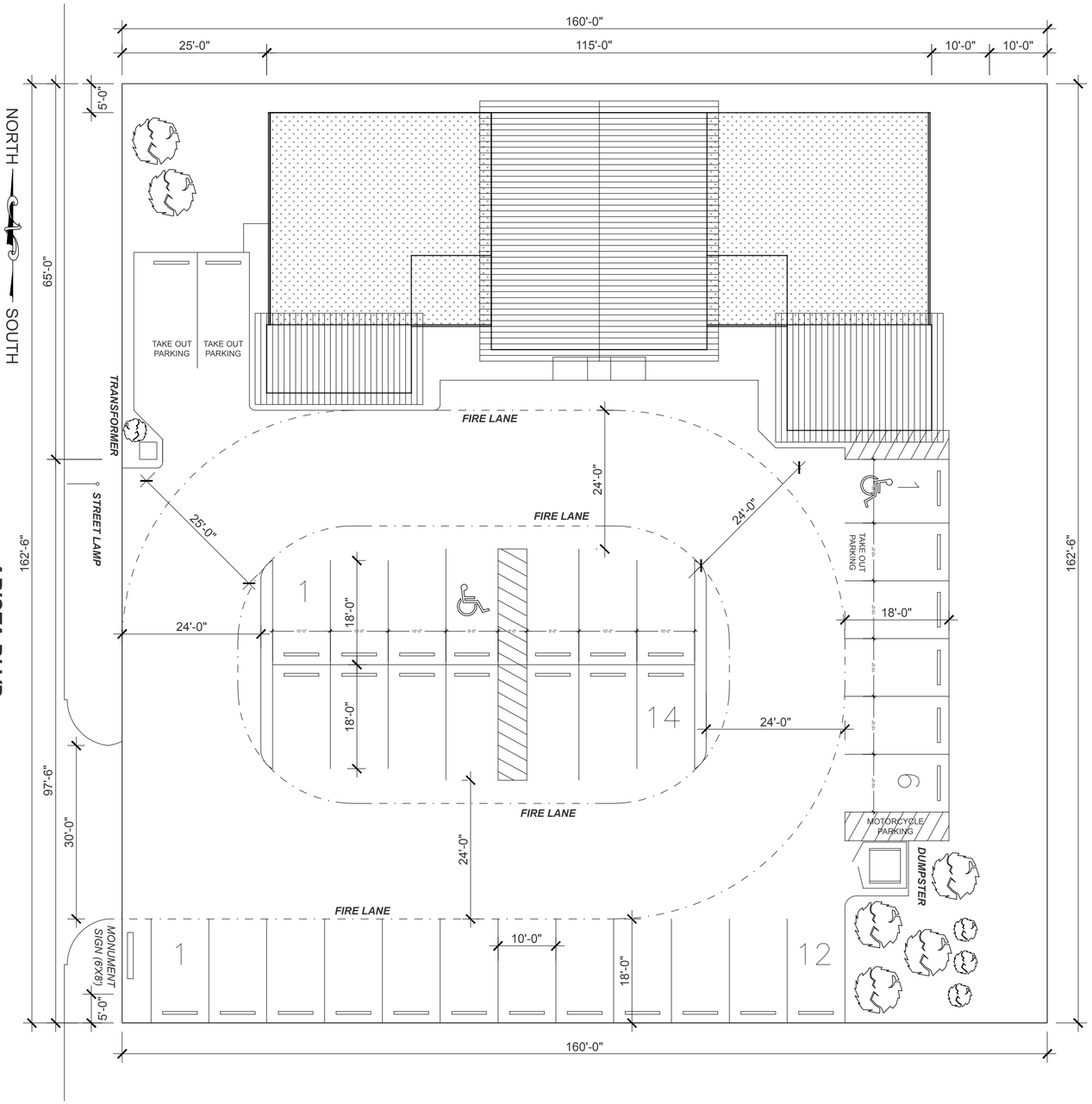
ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-139 -ORD site plan approval 3504 Arista Blvd (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

2024-139 EXH 'A'



SITE PLAN

3/32" = 1'-0" (36 x 24)

ELEVATIONS

3/32" = 1'-0" (36 x 24)

LOT 7 AND 8, BLOCK 5 OF
RICHMOND DEVELOPMENT
FOURTH SUBDIVISION
0.6 ACRES
ZONING - GENERAL RETAIL P.D.

BUILDING SIZE: 4780 SF
21 PARKING SPOTS REQUIRED
34 PARKING SPOTS PROVIDED

LOCATION MAP

Issued: 9/17/24
Printed: 10/11/24 - REVISED
Drawn by: AG
Project No.
Sheet No.: A1

Sheet Title: SITE PLAN

PROPOSED ARISTA DEVELOPMENT
TEXARKANA, TEXAS

THIS DRAWING IS COPYRIGHTED AND IS THE EXCLUSIVE PROPERTY OF DESIGN BUILD CONSULTANTS, PLLC & BUILDING DESIGN OF TEXARKANA, PLLC REPRODUCTION OR OTHER USE OF THIS DRAWING OR THE INFORMATION CONTAINED HEREIN, WITHOUT THE WRITTEN PERMISSION OF STRUCTURAL & BUILDING DESIGN OF TEXARKANA, PLLC IS STRICTLY PROHIBITED. ALL RIGHTS RESERVED.

903-293-3900
design645.works
Design Build Consultants
Texas Firm #11639 / Arkansas Firm #1892

Attachment: 2024-139 EXH 'A' (Site Plan and Elevations) (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

2024-139 ATTH 01
Amendment t to PD-02-13

3504 Arista Boulevard

Attachment: 2024-139 ATTH 01 (Maps) (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

2024-139 ATTH 01
Amendment t to PD-02-13

3504 Arista Boulevard

Attachment: 2024-139 ATTH 01 (Maps) (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

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: 2024-139 Goals & Perspectives (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

ORDINANCE NO. 2024-139

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING PD-02-13(GR) FOR SITE PLAN APPROVAL ON LOTS 7-8, BLOCK 5, RICHMOND DEVELOPMENT FOURTH SUBDIVISION, LOCATED AT 3504 ARISTA BOULEVARD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting the approval of a **site plan (Exhibit 'A') on Lots 7-8, Block 5, Richmond Development Fourth Subdivision, located at 3504 Arista Boulevard** in the City of Texarkana, Bowie County, Texas; and

WHEREAS, the subject property is zoned Planned Development-Commercial [PD-02-13(GR)], and approval of the site plan **(Exhibit 'A')** would constitute an amendment to PD-02-13(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 Lots 7-8, Block 5, Richmond Development Fourth Subdivision, located at 3504 Arista Boulevard** in the City of Texarkana, Texas, Bowie County, Texas, is hereby approved and hereby amends PD-02-13(GR).

Attachment: 2024-139 ORD SPA 3504 Arista BI signed (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

SECTION 2: PD-02-13(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 a 4780 sq ft building.
2. The access driveway will be off Arista Boulevard.
3. There will be 34 parking spaces, including two (2) handicapped spaces. All parking spaces shall be a minimum of 180 sq. ft. in size.
4. A 6' by 8' monument style sign. No electronic message.
5. Development must meet Drainage Ordinance and Stormwater Manual Design Standards.
6. 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 **12th day of November, 2024.**

ATTEST:

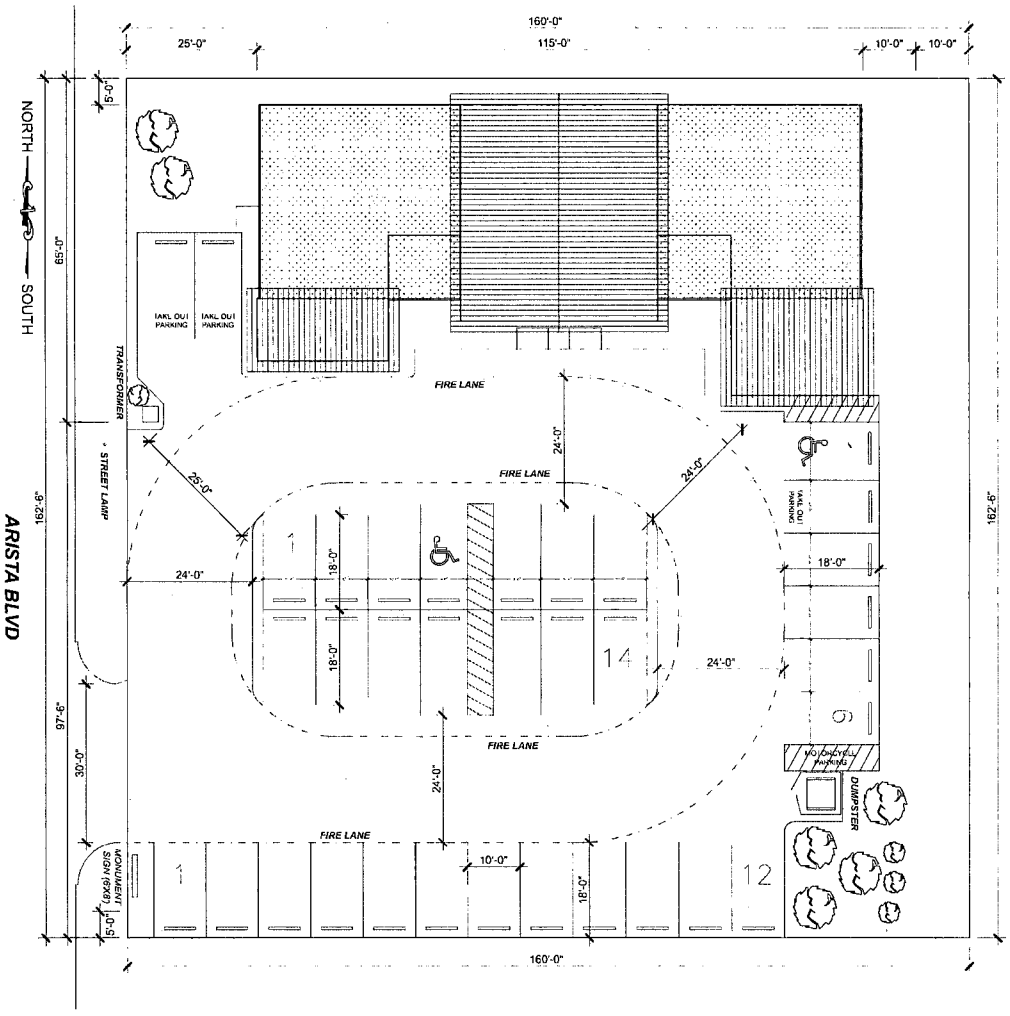
JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:48p.m.

Attachment: 2024-139 ORD SPA 3504 Arista BI signed (4355 : 2024-139 ORD Amendment to PD-02-13 site plan approval 3504 Arista)

2024-139 EXH 'A'

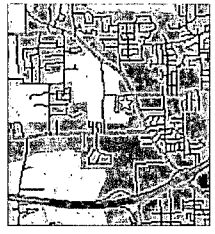


SITE PLAN
3/32" – 1'-0" (36 x 24)

ELEVATIONS
3/32" – 1'-0" (36 x 24)

LOT 7 AND 8, BLOCK 5 OF
RICHMOND DEVELOPMENT
FOURTH SUBDIVISION
0.6 ACRES
ZONING - GENERAL RETAIL P.D.

BUILDING SIZE: 4780 SF
21 PARKING SPOTS REQUIRED
34 PARKING SPOTS PROVIDED



LOCATION MAP

PROPOSED ARISTA DEVELOPMENT
TEXARKANA, TEXAS

SITE PLAN

A1

Design Build Consultants

Attachment: 2024-139 ORD SPA 3504 Arista Bl signed (4355 : 2024-139 ORD Amendment to PD-02-13 site

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/25/2024 3:44 PM

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

Subject: Resolution No. 2024-141 recognizing the Liberty-Eylau Neighborhood Association as an official neighborhood association.

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Executive Summary and Background Information:

The residents and property owners of the Liberty Eylau community have worked to establish a neighborhood association named Liberty Eylau Neighborhood Association. With approximately 7 members currently, the association is comprised of dedicated individuals who are deeply invested in Liberty Eylau. The association recently established a Board of Directors and passed Bylaws. The Liberty Eylau Neighborhood Association desires to be recognized by the City as an official neighborhood association and plans to pursue incorporation followed by status as a 501 (c) 3 in the future.

Potential Options:

- Approve
- Deny

Fiscal Implications:

none

Staff Recommendation:

Staff recommend approval

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

None

Advisory Board/Committee Meeting Date and Minutes:

"NOT APPLICABLE"

Attachments

a. 2024-141 RES Recognizing Liberty-Eylau as an Official Neighborhood Association (DOCX)
b. 2024-141 ATTH 01 Liberty-Eylau Neighborhood ASSOCIATION BYLAWS (DOCX)
c. 2024-141 ATTH 02 Map of Liberty-Eylau Neighborhood Association Boundaries (DOCX)
d. 2024-141 Goals & Perspectives (DOCX)
e. 2024-141 ORD LE official Neighborhood Assoc signed (PDF)

Staff Coordination

Planning and Community Development	Vashil Fernandez	Department Head Review	Completed	10/22/2024 12:16 PM
City Manager	David Orr	City Manager Review	Completed	10/22/2024 1:55 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

Attachment: 2024-141 RES Recognizing Liberty-Eylau as an Official Neighborhood Association (4356 : 2024-141 RES Recognizing Liberty Eylau

RESOLUTION NO. 2024 - 141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, OFFICIALLY RECOGNIZING LIBERTY-EYLAU NEIGHBORHOOD ASSOCIATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council, along with staff and citizens, recognizes the importance of developing and maintaining healthy neighborhoods throughout the community; and

WHEREAS, the City of Texarkana, Texas, values citizen involvement and wishes to reach out to all segments of the community by supporting the formation of effective neighborhood associations; and

WHEREAS, the residents of the Liberty-Eylau area have a deep commitment to bring about positive change in their community with a dedicated group of residents that have joined together to establish a neighborhood association, elect a Board of Directors, and adopt bylaws, (**ATTH 01**); and

WHEREAS, the Liberty-Eylau Neighborhood Association will be open to and serve residents and property owners of the City of Texarkana in the area described in **ATTH 02**.

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

SECTION 1: The Liberty-Eylau Neighborhood Association is an officially recognized neighborhood association.

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 **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Liberty-Eylau **Neighborhood Association** is to educate, mentor, assist, and beautify the community. The Liberty-Eylau Association is designed to implement solutions for the betterment of the residence within the community by being the catalyst that will bring change and success to all.

ARTICLE I. NAME

The name of the organization shall be the Liberty Eylau Neighborhood Association referred herein as the Association.

ARTICLE II. STATEMENT OF PURPOSE

The Association shall be open to all residents living within the boundaries established by the Liberty Eylau Neighborhood Association who may consider and deal by all lawful means, with common and shared concerns, goals, and activities that affect the quality of life of its community.

The Association shall be focused on housing, community development, recreation, environmental, public safety, and other matters that affect the quality and character of the neighborhood.

ARTICLE III. MEMBERSHIP

The membership of the Association shall consist of anyone who lives, works, or owns property within the neighborhood association boundaries who have submitted their names on/for a membership list.

A Voting Member shall be a household or business in attendance at an association meeting that has established membership in the Association. Each household or business within the neighborhood shall be entitled to one vote.

Membership shall not be denied on the basis of views or opinions contrary to the goals and purposes of the Association.

ARTICLE IV. MEETINGS

The Association shall hold quarterly meetings (meeting schedule is established by the association but must be at least yearly) for purposes of conducting business as determined by the officers.

The Association shall hold an annual meeting for the purpose of electing officers and standing committee chairs.

It shall be the duty of the President to call special meetings for purposes which shall be stated in the notice. Notices shall state the time, place, and purpose of the special

Attachment: 2024-141 ATTH 01 Liberty-Eylau Neighborhood ASSOCIATION BYLAWS (4356 : 2024-141 RES Recognizing Liberty Eylau

meeting. No business outside of what has been stated in the notice shall be discussed at the special meeting.

Five members shall constitute a quorum for any meeting.

At least a seven (7) day notice shall be provided in advance of any association meeting. Every effort will be made to notify all interested parties and members of the Association of upcoming meetings either by direct mailing, pamphlets, newsletters, or announcements at regularly scheduled meetings.

All meetings shall be public and open to any interested persons.

Residents who do not reside within the Liberty Eylau Neighborhood Association boundaries are welcome to attend meetings and discuss issues but shall not have a vote.

ARTICLE V. NOMINATIONS, ELECTIONS, ANNUAL REPORTS AND INSTALLATION OF OFFICERS

Nominations of Officers shall be made from the floor at the annual meeting.

Election of Officers shall be held on the same day as the nominations.

Any vacancy which occurs during the term of any Officer shall be filled by appointment by the Board of Directors.

Any officer can be removed from office by a 2/3 majority vote of the Voting Members after a special meeting has been requested at least fourteen (14) days in advance.

ARTICLE VI. OFFICERS

The Voting Members of the Association shall nominate and elect the Officers of the Association. The Officers shall hold office for a term of one (1) year or until successors are elected. The term of office shall begin at the close of the Annual Meeting. The Officers of the Association shall be President, Vice President, Secretary, and Treasurer. The Officers of the Association will comprise the Board of Directors.

President:
The President shall call and preside at all meetings, shall act for and on behalf of the membership of the Association, shall appoint any special committees necessary for the operation of Association business, and shall act as official spokesperson for the Association.

Vice President:
The Vice President shall, in the absence of the President, assume all of the duties of that office and shall be responsible for publicity and notification of meetings of the Association.

Attachment: 2024-141 ATTH 01 Liberty-Eylau Neighborhood ASSOCIATION BYLAWS (4356 : 2024-141 RES Recognizing Liberty Eylau

Secretary:
The Secretary shall keep a permanent record of all formal meetings and all legal documents and transactions of the association. The Secretary shall transcribe the minutes of each meeting and shall maintain a file copy of the same. The Secretary shall at each meeting read the minutes from the previous meeting and have available copies of the minutes for members to have.

Treasurer:
The Treasurer shall keep all financial receipts and a permanent record of all financial business of the Association. An up-to-date financial report shall be submitted at each meeting.

Neighborhood Advocates:
Neighborhood Advocates shall be composed of an appropriate number of voting Members, shall be appointed by the Board of Directors, and shall serve in the capacity of gathering and disseminating information critical to the implementation of the purpose of the Association. Every effort will be made to ensure that neighborhood advocates serve specific blocks or streets within the Association boundaries.

ARTICLE VII. COMMITTEES

The President shall have the power to appoint committees as necessary to implement the purposes of the Association.

ARTICLE VIII. AMENDMENT OF BYLAWS

The Liberty Eylau Neighborhood Association Bylaws shall be adopted by a vote of the general membership and may be amended by a majority vote of Voting Members. To amend, a formal written notice, which shall include the location, date, and time of the meeting must be given at least 10 days in advance at the direction of the President and disseminated either in person, by e-mail, by posting, or by mail by the Secretary. The notice and the agenda must include the wording of the proposed change. No change to the bylaws will be valid unless the majority vote to change is received.

DATE ADOPTED: 10/10/2024

Attachment: 2024-141 ATTH 01 Liberty-Eylau Neighborhood ASSOCIATION BYLAWS (4356 : 2024-141 RES Recognizing Liberty Eylau

CURRENT OFFICERS

Johnathon Boyce
PRESIDENT/FOUNDER

Kirby Cotton
VICE-PRESIDENT

Beatrice Ross
SECRETARY

Dr. Ceretha Brown
TREASURER

Melvin Hill
HISTORIAN/NEIGHBORHOOD ADVOCATE

David Webster
HISTORIAN/NEIGHBORHOOD ADVOCATE

Denny Harris
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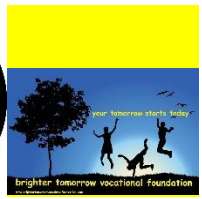
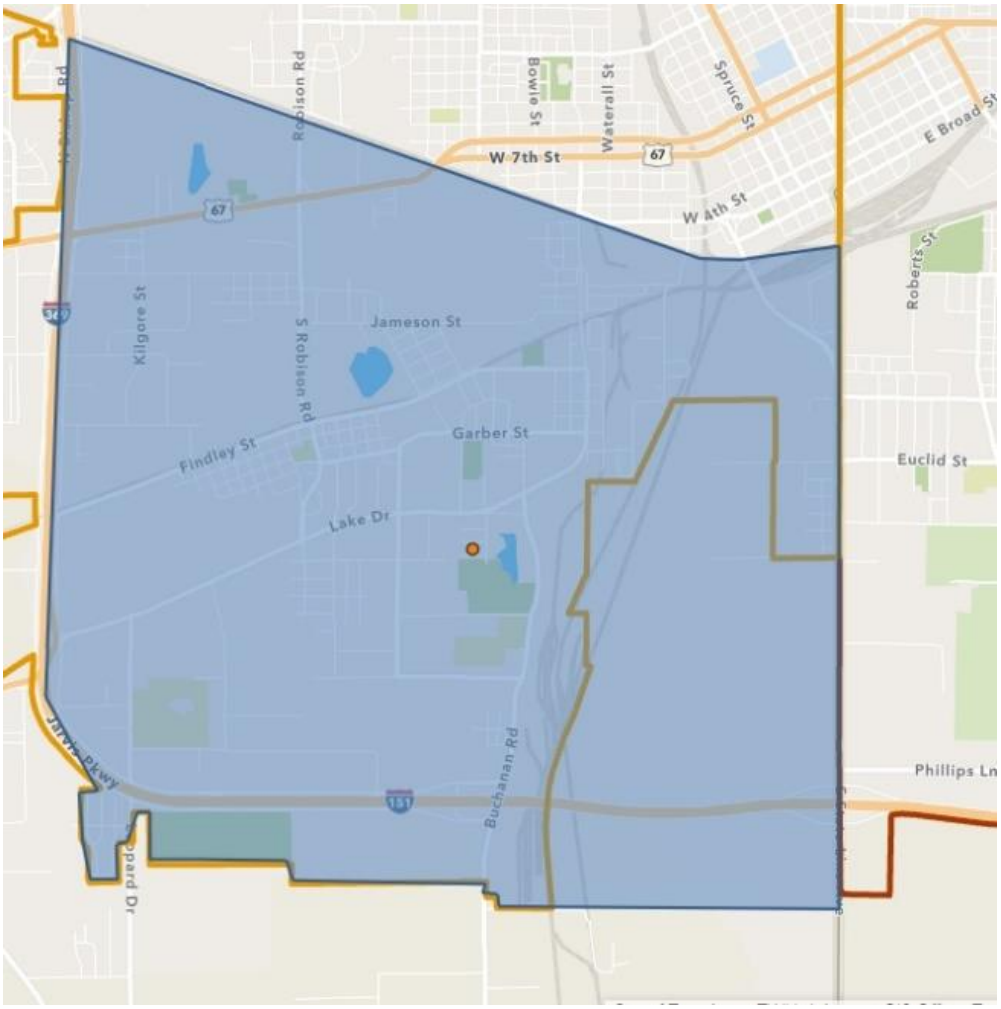
" If you live your life only concerned about your self benefits, then when your life on Earth expires; you've created nothing worth dying for, so your life on Earth was in vain."

CEO Johnathon Boyce-Khemet, BIS



Attachment: 2024-141 ATTH 01 Liberty-Eylau Neighborhood ASSOCIATION BYLAWS (4356 : 2024-141 RES Recognizing Liberty Eylau

MAP OF THE LIBERTY-EYLAU NEIGHBORHOOD ASSOCIATION



North Boundary: (Follows) Texas NE Railroad/Union Pacific Railroad

South Boundary: ¼ mile below IH-151 (Jarvis Parkway) (Including Grady T. Wallace Park)

West Boundary: IH-369

East Boundary: South Stateline Avenue

Attachment: 2024-141 ATTH 02 Map of Liberty-Eylau Neighborhood Association Boundaries [Revision 1] (4356 : 2024-141 RES Recognizing

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: 2024-141 Goals & Perspectives (4356 : 2024-141 RES Recognizing Liberty Eylau Neighborhood Association as an official

RESOLUTION NO. 2024 - 141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, OFFICIALLY RECOGNIZING LIBERTY-EYLAU NEIGHBORHOOD ASSOCIATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council, along with staff and citizens, recognizes the importance of developing and maintaining healthy neighborhoods throughout the community; and

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WHEREAS, the residents of the Liberty-Eylau area have a deep commitment to bring about positive change in their community with a dedicated group of residents that have joined together to establish a neighborhood association, elect a Board of Directors, and adopt bylaws, (**ATTH 01**); and

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PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:49p.m.

Attachment: 2024-141 ORD LE official Neighborhood Assoc signed (4356 : 2024-141 RES Recognizing Liberty Eylau Neighborhood Association

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DATE ADOPTED: 10/10/2024

Attachment: 2024-141 ORD LE official Neighborhood Assoc signed (4356 : 2024-141 RES Recognizing Liberty Eylau Neighborhood Association

CURRENT OFFICERS

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PRESIDENT/FOUNDER

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Dr. Ceretha Brown
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Melvin Hill
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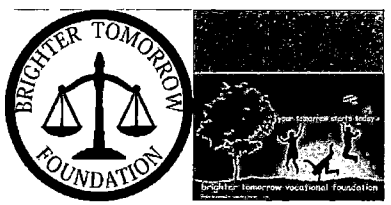
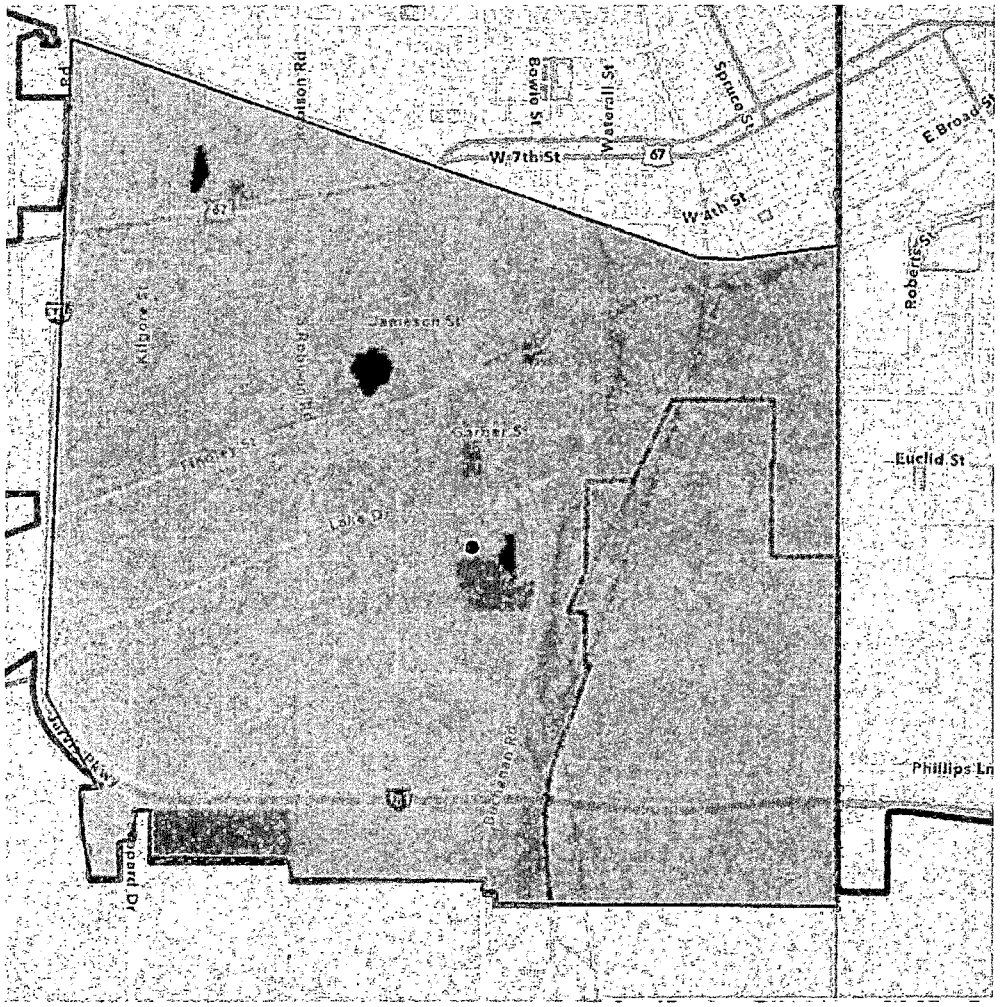
CEO Johnathon Boyce-Khemet, BIS



Attachment: 2024-141 ORD LE official Neighborhood Assoc signed (4356 : 2024-141 RES Recognizing Liberty Eylau Neighborhood Association

MAP OF THE LIBERTY-EYLAU NEIGHBORHOOD ASSOCIATION



North Boundary: (Follows) Texas NE Railroad/Union Pacific Railroad

South Boundary: ¼ mile below IH-151 (Jarvis Parkway) (Including Grady T. Wallace Park)

West Boundary: IH-369

East Boundary: South Stateline Avenue

Attachment: 2024-141 ORD LE official Neighborhood Assoc signed (4356 : 2024-141 RES Recognizing Liberty Eylau Neighborhood Association

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/25/2024 3:45 PM

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

Subject: Resolution No. 2024-142 approving the use of funds allocated in the Home Program Fund (Fund 209) to be used as a match for the City's HOME Homeowners Reconstruction Assistance (HRA) Program.

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

Item Schedule

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

The City participates in the Home HRA program through the Texas Department of Housing and Community Affairs (TDHCA). In May 2023, a contract was established with KBB Consulting, LLC to manage the program.

Five homes have been identified that meet the qualifications for reconstruction. JSG Homes, LLC was selected as the contractor through a competitive bidding process. Three of the five homes identified a require a city match of 15% which is budgeted in the Home Program Fund (Fund 209).

Potential Options:

- Approve
- Deny

Fiscal Implications:

Funds are available in the Home Program Fund (Fund 209)

Staff Recommendation:

Staff recommends approval

Advisory Board/Committee Review:

Not Applicable

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

Attachments

a. 2024-142 ATTH 01 5 Selected Homes (DOCX)
b. 2024-142 RES Approving the use of HOME Program Funds as Match (DOCX)
c. 2024-142 Goals & Perspectives (DOCX)
d. 2024-142 RES HOME prog. funds signed (PDF)

Staff Coordination

Planning and Community Development		Vashil Fernandez	Department Head Review	Completed 10/24/2024 11:42 AM
Finance Department	Kristin Peeples	Finance Review	Completed	10/24/2024 4:54 PM
City Manager	David Orr	City Manager Review	Completed	10/24/2024 9:30 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History

Address	TDHCA Approved Budget w Demolition and Match	TDHCA Funded	Expected Match	JSG Bid, includin demo
2511 Phillips	$154,100	$134,000	$20,100	$130,200
1302 W Broadway	$154,100	$134,000	$20,100	$130,200
816 Wilson *In flood plain*	$154,350 plus $15,000 flood mitigation allowance	$134,000 plus $15,000 flood mitigation allowance	$22,350	$138,400 plus $15,000 floo mitigation allowance
810 Jerome *In flood plain*	$134,000 plus $15,000 flood mitigation allowance	$134,000 plus $15,000 flood mitigation allowance	$0	$139,200 plus $15,000 floo mitigation allowance
114 Parish	$134,000	$134,000	$0	$130,200

Attachment: 2024-142 ATTH 01 5 Selected Homes (4357 : 2024-142 RES Approving The use of HOME Program Funds as Match)

RESOLUTION NO. 2024-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE THE USE OF FUNDING ALLOCATED IN THE HOME PROGRAM FUND (FUND 209) AS A MATCH FOR THE CITY'S HOME HOMEOWNER RECONSTRUCTION PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is a part of the Texas Department of Housing and Community Affairs (TDHCA) Homeowners Reconstruction Assistance (HRA) program reservation system; and

WHEREAS, TDHCA requires a 15% match for certain homes selected for the City's Home program; and

WHEREAS, KBB Consulting, LLC, a consultant for the City, will select a contractor to reconstruct five (5) homes under the City's HOME ownership reconstruction program through a competitive bidding process (**ATTH 01**).

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

SECTION 1: The City Manager is hereby authorized to approve the use of funds allocated in the Home Program Fund (Fund 209) as a match for the City's HOME Program.

.

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 **12th day of November, 2024**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-142 RES Approving the use of HOME Program Funds as Match (4357 : 2024-142 RES Approving The use of HOME Program

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: 2024-142 Goals & Perspectives (4357 : 2024-142 RES Approving The use of HOME Program Funds as Match)

RESOLUTION NO. 2024-142

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO APPROVE THE USE OF FUNDING ALLOCATED IN THE HOME PROGRAM FUND (FUND 209) AS A MATCH FOR THE CITY'S HOME HOMEOWNER RECONSTRUCTION PROGRAM; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is a part of the Texas Department of Housing and Community Affairs (TDHCA) Homeowners Reconstruction Assistance (HRA) program reservation system; and

WHEREAS, TDHCA requires a 15% match for certain homes selected for the City's Home program; and

WHEREAS, KBB Consulting, LLC, a consultant for the City, will select a contractor to reconstruct five (5) homes under the City's HOME ownership reconstruction program through a competitive bidding process (**ATTH 01**).

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

SECTION 1: The City Manager is hereby authorized to approve the use of funds allocated in the Home Program Fund (Fund 209) as a match for the City's HOME Program.

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 **12th day of November, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:50p.m.

Attachment: 2024-142 RES HOME prog. funds signed (4357 : 2024-142 RES Approving The use of HOME Program Funds as Match)

Address	TDHCA Approved Budget w Demolition and Match	TDHCA Funded	Expected Match	JSG Bid, includin demo
2511 Phillips	$154,100	$134,000	$20,100	$130,200
1302 W Broadway	$154,100	$134,000	$20,100	$130,200
816 Wilson *In flood plain*	$154,350 plus $15,000 flood mitigation allowance	$134,000 plus $15,000 flood mitigation allowance	$22,350	$138,400 plus $15,000 floo mitigation allowance
810 Jerome *In flood plain*	$134,000 plus $15,000 flood mitigation allowance	$134,000 plus $15,000 flood mitigation allowance	$0	$139,200 plus $15,000 floo mitigation allowance
114 Parish	$134,000	$134,000	$0	$130,200

Attachment: 2024-142 RES HOME prog. funds signed (4357 : 2024-142 RES Approving The use of HOME Program Funds as Match)

City of Texarkana, Texas

Version: B

Briefing Sheet

Update Date: 11/8/2024 1:52 PM

Lead Department: Water Utilities **Action Officer:** Michelle Warren,

Subject: Resolution No. 2024-143 authorizing the City Manager to execute a Reimbursement and Development Agreement with 2B Builders, LLC, Inc. for the purpose of aiding in economic growth, in an amount not to exceed $71,055, with funds available in the City's General Fund (Fund 101) and the Texarkana Water Utilities Texas Capital Improvement Fund (Fund 62).

Briefing: 11/12/2024 **Public Hearing:** 11/12/2024 **Council Vote:** 11/12/2024

Item Schedule

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

Updates/History of Briefing:

Not Applicable

Executive Summary and Background Information:

Consider resolution authorizing the City Manager to enter into a Reimbursement and Development Agreement with 2B Builders, LLC for the purpose of aiding in economic growth. The developer, as part of a residential development on Cooks Lane, is extending a city street as part of the development. The City will utilize the dead-end looping funds to extend the existing water line that dead ends on Bethany Lane just to the east of this proposed project, to an existing water line along Cooks Lane, thereby eliminating the existing dead end. Texarkana Water Utility will utilize budgeted funds to extend sewer to the proposed development.

Potential Options:

- None
-

Fiscal Implications:

Funds are available in the City's Dead End Looping Funds (Fund 101) and the Utility's 2024-2025 Budget in the Texas Capital Improvement Fund (Fund 62).

Staff Recommendation:

The Utility staff recommends approval.

Advisory Board/Committee Review:

None

Board/Committee Recommendation:

Not Applicable

Advisory Board/Committee Meeting Date and Minutes:

Not Applicable

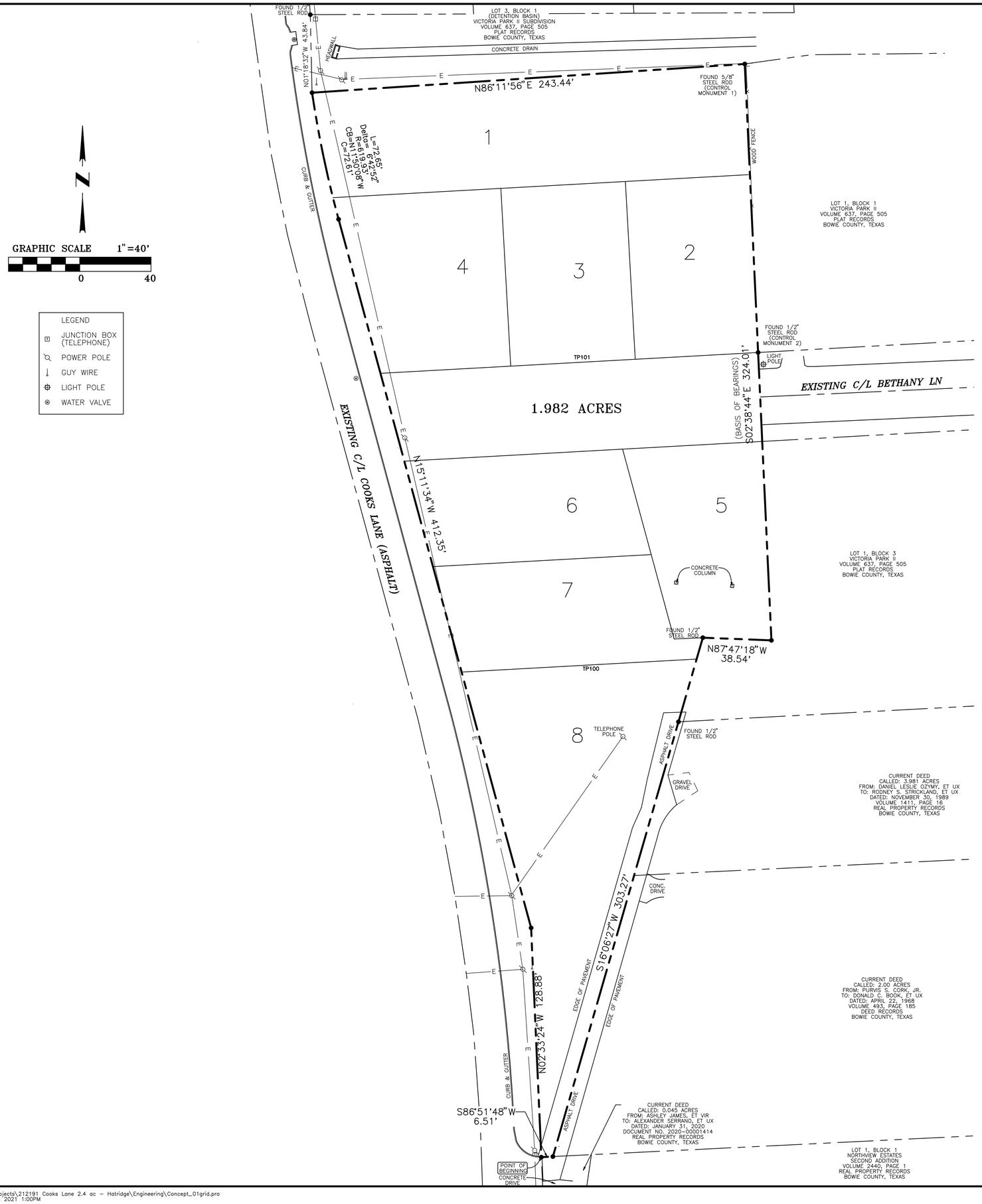
Attachments

a. 2024-143 EXH A-8 lot plan (PDF)
b. 2024-143 Goals & Perspectives (DOCX)
c. 2024-143 RES Reimbursement and Development Agreement (jcl rev) (DOCX)
d. 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (DOCX)
e. 2024-143 RES Reimbr & Development Agrmt signed (PDF)

Staff Coordination

Water Utilities	Gary Smith	Department Head Review	Completed	10/24/2024 4:02 PM
TWU Administration	Kenny Icenhower	Review	Completed	10/24/2024 4:12 PM
TWU Finance	Tricia Briggs	TWU Finance Review	Completed	10/24/2024 4:35 PM
City Manager	David Orr	City Manager Review	Completed	10/24/2024 9:33 PM
City Council	Jennifer Evans	Meeting	Completed	10/28/2024 6:00 PM

Meeting History



SCHEMATIC SITE PLAN

1.982 ACRES IN THE M. E. P. & P. RAILWAY COMPANY SURVEY
ABSTRACT 428
BOWIE COUNTY, TEXAS

Date	Revision/Description

Drawn By	Checked By	Project No.	Dwg. Date
BLB	JH	212191	7/06/2021

MTG engineers & surveyors
5430 SUMMERHILL RD.
TEXARKANA TEXAS 75503
P 903.838.8533 | F 903.832.4700
www.mtgengineers.com

© MTG 2021 TBPE NO. 354

File No. | Sheet No.

X:\2021 Projects\212191 Cooks Lane 2.4 ac - Hatridge\Engineering\Concept_01grid.pro
Tue Oct 19, 2021 1:00PM

Attachment: 2024-143 EXH A-8 lot plan [Revision 1] (4358 : 2024-143 RES Reimburse& Development Agmt w/ 2B Builders)

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: 2024-143 Goals & Perspectives (4358 : 2024-143 RES Reimburse& Development Agrmt w/ 2B Builders)

Attachment: 2024-143 RES Reimbursement and Development Agreement (jcl rev) (4358 : 2024-143 RES Reimburse& Development Agrmt w/ 2B

RESOLUTION NO. 2024-143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AND DEVELOPMENT AGREEMENT WITH 2B BUILDERS, LLC, OF TEXARKANA, TEXAS, FOR THE PURPOSE OF AIDING IN ECONOMIC GROWTH, IN AN AMOUNT NOT TO EXCEED $71,055.00; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004, and having full power of local self-government not inconsistent with the Texas Constitution, Texas general laws, or the municipal charter, and is fully empowered to enter into this Reimbursement and Development Agreement with Developer for the purpose of aiding in economic growth and other useful purposes permitted by law and upon such terms and for such time as the parties may agree; and

WHEREAS, Developer as part of a residential development on Cooks Lane in Texarkana, Bowie County, Texas, is extending a city street as part of the development and adding new residential lots (the "Project") as set forth in Exhibit "A" attached and made a part hereof; and

WHEREAS, the extension of the water line in this area meeting a dead end looping project and extending the sewer across Cooks Lane to the corner of the development will be a public benefit to the City; and

WHEREAS, the City Council finds and determines there is a need for funding for the proposed extension of the water and sewer lines through reimbursement of the Public Infrastructure costs using revenue generated from the City's dead end looping funds for the water portion of the project and TWU funds for the sewer portion of the project; and

WHEREAS, the City Council finds and determines that the Project, upon completion, will be a public benefit to City, and the best interests of the City and Developer will be advanced by establishing conditions, guidelines and procedures governing reimbursement for the construction of the Public Infrastructure and the manner in which the Developer may be eligible for reimbursement; and

WHEREAS, funds are budgeted in the City's Dead End Looping Funds (Fund 101) and the Texarkana Water Utilities 2024-2025 Budget in the Texas Capital Improvement Fund (Fund 62) in the amount of $71,055.00, for transfer to this Project as authorized by Article VIII, Section 5, of the City Charter.

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

SECTION 1: The City Manager be and is authorized to execute a contract with 2B Builders, LLC of Texarkana, Texas, for the Project in an amount not to exceed Seventy-one Thousand Fifty-five

Dollars ($71,055.00); such authorization shall include execution of any and all documents necessary to effectuate the intent of this Resolution.

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 **9th day of December, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-143 RES Reimbursement and Development Agreement (jcl rev) (4358 : 2024-143 RES Reimburse& Development Agrmt w/ 2B

REIMBURSEMENT AND DEVELOPMENT AGREEMENT

This Reimbursement and Development Agreement is made by and between the City of Texarkana, Texas, a home ruled municipality of the State of Texas, with offices located at 220 Texas Blvd, Texarkana TX 75502 ("City"), Texarkana Water Utilities with offices located at 801 Wood Street, Texarkana, TX 75501 ("TWU") and 2B Builders, LLC. a Texas limited liability company with an address of 509 S. Robison Road, Texarkana, TX 75501(the "Developer).

WHEREAS, the City is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004, and having full power of local self-government not inconsistent with the Texas Constitution, Texas general laws, or the municipal charter, and is fully empowered to enter into this Reimbursement and Development Agreement with Developer for the purpose of aiding in economic growth and other useful purposes permitted by law and upon such terms and for such time as the parties may agree; and

WHEREAS, Developer as part of a residential development on Cooks Lane in Texarkana, Bowie County, Texas, is extending a city street as part of the development and adding new residential lots (the "Project") as set forth in Exhibit "A" attached and made a part hereof; and

WHEREAS, the extension of the water line in this area meeting a dead end looping project and extending the sewer across Cooks Lane to the corner of the development (the "Public Infrastructure") will be a public benefit to the City; and

WHEREAS, the City Council finds and determines there is a need for funding for the proposed extension of the water and sewers lines through reimbursement of the Public Infrastructure costs using revenue generated from the City's dead end looping funds for the water portion of the project and TWU funds for the sewer portion of the project; and

WHEREAS, the City Council finds and determines that the Project, upon completion, will be a public benefit to City, and the best interests of the City and Developer will be advanced by establishing conditions, guidelines and procedures governing reimbursement for the construction of the Public Infrastructure and the manner in which the Developer may be eligible for reimbursement.

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

NOW THEREFORE, in accordance with the consideration of the mutual promises contained herein and for other good and valuable consideration, receipt of which is mutually acknowledged, the parties do hereby agree as follow:

I. AGREEMENT

1. Subject to the terms and conditions contained in this Agreement and incorporating the recitals set forth above, and pursuant to plans and specifications consistent with City ordinances approved by City (the "Approved Plans and Specifications"), Developer agrees in constructing a residential development on Cooks Lane in Texarkana, Bowie County, Texas, to extend the city street as part of the development and adding new residential lots, and extending the water line in this area meeting a dead end looping project and extending the sewer line across Cooks Lane to the corner of the development as set forth in Exhibit "A", which depicts the parameters of the Project.

2. Developer will construct the above improvements in conformity with the Approved Plans and Specifications and all applicable City and State laws.

II. APPROVALS

3. Developer shall be required to obtain any and all local, county, state and other governmental approvals necessary to construct the Improvements, as generally described on the Approved Plans and Specifications. This Agreement shall not be construed to grant such governmental approvals. Any approvals needed from City will be submitted and approved under City's ordinances and normal and customary practice.

4. Developer shall be required to obtain and submit to City and TWU a survey that identifies the Project area and all properties that will be affected by the Project. Any deficiency identified by City or TWU in the submitted survey shall be corrected by Developer at Developer's expense.

III. REIMBURSEMENT

5. The Developer shall be entitled to reimbursement for the cost associated with the construction of the Public Infrastructure incurred by Developer (the "Reimbursable Expenses") up to a maximum reimbursement of Seventy-One Thousand and Fifty-Five and No/Dollars($71,055.00) (the "Reimbursable Cap").

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

6. City shall reimburse Developer for the costs incurred in constructing the extension of the water lines, and TWU shall reimburse the Developer for the costs incurred in constructing the sewer lines, only after the following conditions have been met:

(a) The extension of the water lines and the extension of the sewer line have been fully completed, inspected and approved by the City and TWU; and

(b) Developer has provided a full and complete accounting to City and TWU of the costs incurred in construction of the water and sewer line extensions, separating the costs for the water line and the sewer line, and City and TWU has verified all costs incurred are in accordance with the Approved Plans and Specifications, the allowable Reimbursable Expenses, and the dates such costs were incurred; and

(c) Developer has provided a release executed by each supplier, contractor, and subcontractor stating they have been paid in full by Developer and no liens have been filed within 30 days after certification of completion by the Municipal Engineer; and

(d) Developer has provided proof that Developer has no outstanding City liens on any properties, no outstanding property taxes, and no Code violations relating to this or any other of Developer's properties within the City's jurisdiction.

7. This Agreement is intended to cover only the Project depicted in Exhibit "A".

8. Upon fulfillment of all the conditions set forth in this Agreement, completion of the Project, and fulfillment of the terms and conditions stated in this Agreement, City and TWU agree to reimburse Developer for the costs incurred by Developer in constructing the extension of the water and sewer lines in an amount not to exceed the Reimbursable Cap with the City portion of reimbursement from funds derived solely from City's dead end looping funds, and TWU's portion of reimbursement from TWU revenue funds.

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

IV. WARRANTIES/GUARANTEES

9. Developer makes the following warranties and representation to City and TWU as a material inducement to the execution of this Agreement:

a. Developer is authorized to enter into this Agreement to carry out its obligations hereunder and has authorized its signatory on the last page of this Agreement to sign and execute the document on behalf of Developer.

V. INSURANCE

10. During the term of this Agreement, and before commencing work, the Developer shall be required, at its own expense, to furnish City and TWU certified copies of all insurance certificates showing the following insurance coverage to be in force throughout the term of this Agreement. City nor TWU shall have any duty to pay or perform under this Agreement until such certificate has been delivered to and approved by City and TWU.

(a) Commercial General Liability (CGL) insurance at minimum combined single limits of $1,000,000 per-occurrence and $2,000,000 general aggregate for bodily injury and property damage. Coverage must be written on an occurrence form. The general aggregate limit must be at least two (2) times the per-occurrence limit. CGL shall include coverage for:

(1) Premises/Operations
(2) Products Completed Operations
(3) Independent Contractors
(4) Personal Injury
(5) Contractual Liability

(b) Workers Compensation insurance at statutory limits.

(c) Commercial Automobile Liability insurance at minimum combined single limits of $500,000 per-occurrence for bodily injury and property damage, including owned, non-owned, and hired vehicle coverage.

11. The required limits may be satisfied by any combination of primary, excess or umbrella liability insurances, provided the primary policy complies with the above requirements and the excess umbrella is following form. Developer may maintain reasonable and customary deductibles, subject to approval by City and TWU.

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

12. A comprehensive general liability insurance form may be used in lieu of a commercial general liability insurance form. In this event, coverage must be written on an occurrence basis, at limits of $500,000 per occurrence, combined single limit; and coverage must include a broad form comprehensive general liability endorsement, coverage for products/completed operations, and broad form contractual liability covering the obligations included in the contract.

13. All insurance shall be purchased from an insurance company that meets the following requirements: (i) a financial rating of A: VII or better as assigned by the BEST rating Company or A or better by Standard and Poor's; and (ii) written by companies approved by the State of Texas and acceptable to City and TWU.

VI. DEFAULT

14. In the event that either party fails to perform its duties and obligations under this Agreement after ten (10) days written notice, then there shall be an event of default and the aggrieved party shall have the rights as set forth in article VII of this Agreement; provided that if the failure to perform is of such nature that it cannot reasonably be cured in ten (10) days, then there shall be no default so long as the party is making a diligent and good faith effort to correct the deficiency.

VII. DISPUTE RESOLUTION

15. If a dispute arises between the parties relating to rights, duties, or obligations arising out of the Contract, the parties agree to the following dispute resolution procedures:

(a) A meeting shall be held promptly between the parties or their designated representatives to attempt in good faith to informally negotiate a resolution of the dispute. Such negotiations may include one or both parties securing legal counsel or consultants who may participate in the negotiation.

(b) If resolution is not readily achieved by informal negotiations, the parties may agree to select a neutral third party ("NTP") to assist in resolution of the dispute. The NTP shall promptly convene a private meeting with all representatives of the parties to hear the parties' positions and render oral recommendations for resolution of the dispute. The recommendations of the NTP shall not be binding on any party. By separate written agreement, the parties may further define the role of the NTP and may expand the NTP to consist of a team of persons possessing the necessary expertise. Use of the NTP is voluntary. No party

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

will be deemed to be in breach of this Contract solely because of a refusal to utilize a NTP.

(c) If resolution is not achieved by informal negotiations, the dispute shall be settled by mandatory arbitration in accordance with and governed by Texas state law. Each party shall select a disinterested representative; then the parties' respective representative shall choose a third person; and the three persons shall then comprise the "arbitration panel" with authority as provided under Chapter 171 of the Texas Civil Practice and Remedies Code. The arbitration panel shall then determine the matter in dispute, which determination shall be binding on both parties. Neither federal law nor the provisions of the Federal Arbitration Act shall apply to any arbitration required by this Contract.

(d) At all times during the course of any dispute resolution, the parties shall continue diligently and without delay to perform their respective obligations of the Contract.

(e) Each party shall pay its own costs and expenses, including attorney's fees, incurred during any facet of dispute resolution procedures outlined above. The fees and expenses of the NTP and arbitration panel shall be divided equally between the parties.

VIII. NOTICES

16. Any and all notices required pursuant to the terms of this Agreement shall be sent to the following:

As to City:

City of Texarkana, Texas
Attn: David Orr, City Manager
220 Texas Blvd
Texarkana, Texas 75501
Phone: 903-798-3902
Email: david.orr@texarkanatexas.gov

As to TWU:

Texarkana Water Utilities
Attn: Gary Smith, Executive Director
801 Wood Street
Texarkana, TX 75501

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

Phone: 903-798-3831
Email: gmith@txkusa.org

Copy to:

Jo Thomason
Atchley, Russell, Waldrop & Hlavinka
1730 Galleria Oaks
Texarkana, Texas 75503
903-792-8246
Email: jthomason@arwhlaw.com

As to Developer :

2B Builder, LLC
Attn: Brad Meador, Member/Owner
509 S. Robison Road
Texarkana, TX 75501
Phone: 903-809-8183
Email: brad.mdr@gmail.com

17. All notices, demands or communications required in accordance with the terms of this Agreement, shall be sent by registered or certified mail, return receipt requested, by nationally recognized overnight courier service, or by email delivery receipt attached. Notice shall be effective five days after deposit in the mail, upon delivery to the courier service, or upon receipt of email delivery notice. The notices shall be sent to the addresses set forth above unless otherwise designated, in writing, by the parties.

IX. ASSIGNMENT

18. Developer shall not assign its rights, duties, and obligations under this Agreement to anyone without City or TWU's written consent, which shall be at City and TWU's sole discretion. The obligations of the Developer hereunder shall be binding on all successors and assigns and shall run with the land. Nothing in this section shall limit or prohibit Developer from contracting with third parties to perform the construction of the Project.

X. TERM AND TERMINATION

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

19. The term of this Agreement shall commence upon its execution and shall terminate upon the occurrence of one the following events, whichever is earlier:

(a) Developer completes the construction of the extension of the water and sewer lines set forth in the Project according to the Approved Plans and Specifications, they have been inspected and approved by City and TWU, and Developer has received reimbursement for all approved Reimbursable Expenses, with such Reimbursable Expenses being less than the Reimbursable Cap;

(b) City has paid Developer the Reimbursable Cap; or

(c) Developer does not qualify for reimbursement under the terms of this Agreement for any reason, and in such event this Agreement shall terminate thirty (30) days after Developer has terminated work on the Project or completed same.

XI. MISCELLANEOUS PROVISIONS

20. Governing Law. The terms and conditions of this Agreement shall be governed and construed in accordance with the laws of the State of Texas. Venue for this Agreement shall be in Bowie County, Texas, the place of performance.

21. Headings. The article headings contained in this Agreement are for reference only and for the convenience of the parties. They shall not be deemed to constitute a part of this Agreement nor shall they alter, modify, or supersede the contents of any of the provisions themselves.

22. Severability. If any of the provisions of this Agreement are deemed invalid, void, or illegal, then the provisions so affected shall be deleted from this Agreement. All remaining provisions shall remain in full force and effect.

23. Further Assurances. Developer, City, and TWU agree that each will take any action including but not limited to the execution of any documentation, which may be reasonably necessary to effectuate the intent of the parties as set forth in this Agreement.

25. Authorization. Developer, City, and TWU further agree and represent that the parties executing this Agreement each have been duly authorized to execute this Agreement and have the requisite authority to execute this Agreement, and be bound thereby.

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

IN WITNESS WHEREOF, the parties have executed this Development and Reimbursement Agreement on the dates indicated below.

CITY OF TEXARKANA, TEXAS

_____ Date: _____, 2024

By: Dr. David Orr, City Manager

TEXARKANA WATER UTILITIES

_____ Date: _____, 2024

By: Gary Smith, Executive Director

DEVELOPER: 2B BUILDERS, LLC

_____ Date: _____, 2024

By: Brad Meador, Member/Owner

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

EXHIBIT "A"
PROJECT PLANS AND SPECIFICATIONS

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

RESOLUTION NO. 2024-143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE A REIMBURSEMENT AND DEVELOPMENT AGREEMENT WITH 2B BUILDERS, LLC, OF TEXARKANA, TEXAS, FOR THE PURPOSE OF AIDING IN ECONOMIC GROWTH, IN AN AMOUNT NOT TO EXCEED $71,055; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City is a home-rule municipality operating under a municipal charter adopted as authorized by Article XI, Section 5, of the Texas Constitution and as recognized by Texas Local Government Code Section 5.004, and having full power of local self-government not inconsistent with the Texas Constitution, Texas general laws, or the municipal charter, and is fully empowered to enter into this Reimbursement and Development Agreement with the Developer for the purpose of aiding in economic growth and other useful purposes permitted by law and upon such terms and for such time as the parties may agree; and

WHEREAS, the Developer, as part of a residential development on Cooks Lane in Texarkana, Bowie County, Texas, is extending a city street as part of the development and adding new residential lots (the "Project") as set forth in **Exhibit "A"** attached and made a part hereof; and

WHEREAS, the extension of the water line in this area meeting a dead end looping project and extending the sewer across Cooks Lane to the corner of the development will be a public benefit to the City; and

WHEREAS, the City Council finds and determines there is a need for funding for the proposed extension of the water and sewer lines through reimbursement of the Public Infrastructure costs using funds allocated in the City's General Fund (Fund 101) for dead end looping projects for the water portion of the project and funds allocated in the Texarkana Water Utilities Texas Capital Improvement Fund (Fund 62) for the sewer portion of the project; and

WHEREAS, the City Council finds and determines that the Project, upon completion, will be a public benefit to City, and the best interests of the City and the Developer will be advanced by establishing conditions, guidelines and procedures governing reimbursement for the construction of the Public Infrastructure and the way in which the Developer may be eligible for reimbursement; and

WHEREAS, funds are budgeted in the City's General Fund (Fund 101) and the Texarkana Water Utilities Texas Capital Improvement Fund (Fund 62) for the fiscal year ending September 30, 2025 in the amount of $71,055, for transfer to this Project as authorized by Article VIII, Section 5, of the City Charter.

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

Attachment: 2024-143 RES Reimbr & Development Agrmt signed (4358 : 2024-143 RES Reimburse& Development Agrmt w/ 2B Builders)

SECTION 1: The City Manager be and is authorized to execute a contract with 2B Builders, LLC of Texarkana, Texas, for the Project in an amount not to exceed Seventy-one Thousand Fifty-five Dollars ($71,055); such authorization shall include execution of any and all documents necessary to effectuate the intent of this Resolution.

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 **12th day of November, 2024.**

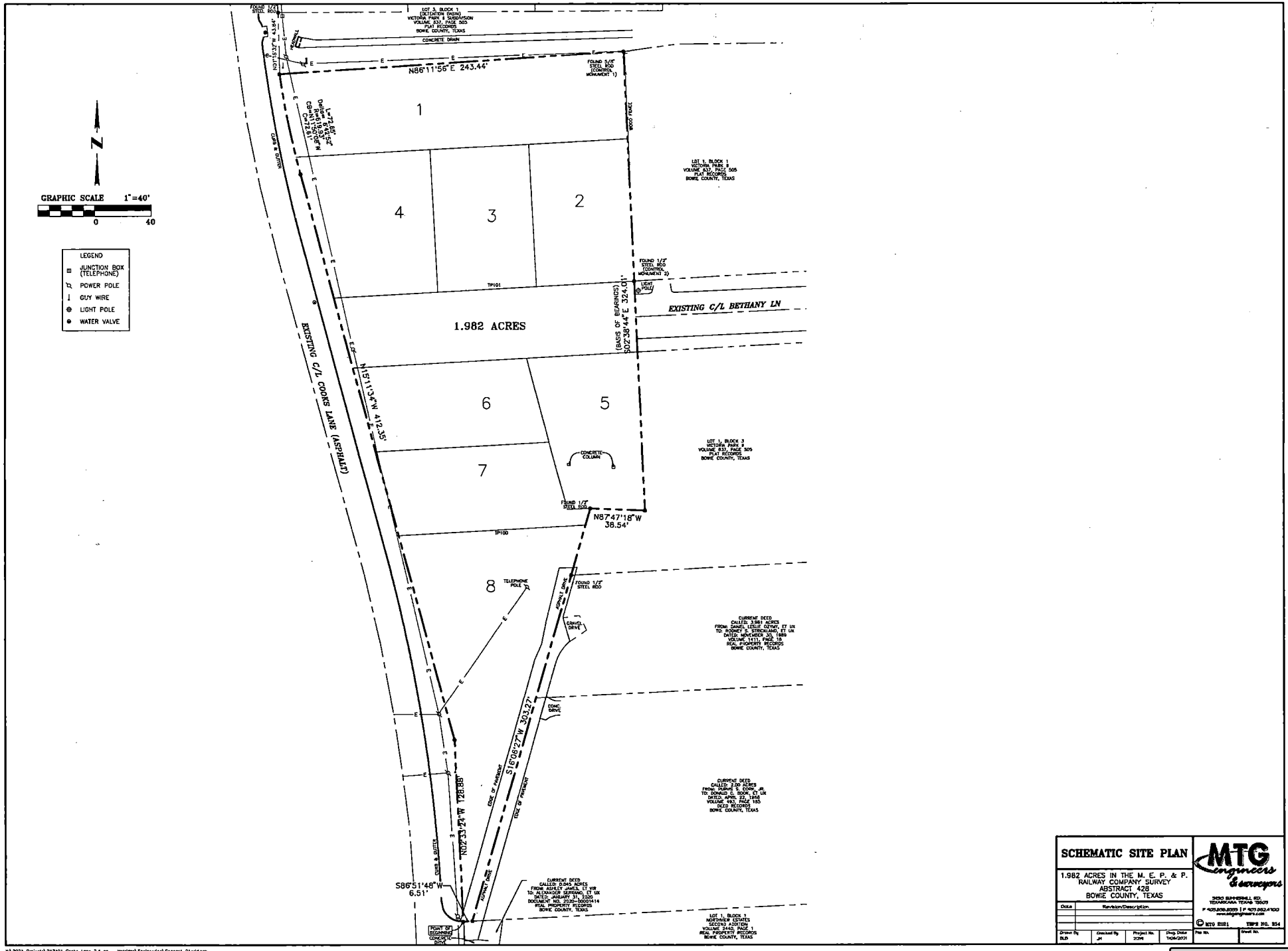
ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:50 p.m.

Attachment: 2024-143 RES Reimbr & Development Agrmt signed (4358 : 2024-143 RES Reimburse& Development Agrmt w/ 2B Builders)



SCHEMATIC SITE PLAN

1.982 ACRES IN THE M. E. P. & P. RAILWAY COMPANY SURVEY ABSTRACT 428 BOWIE COUNTY, TEXAS

Date	Revision/Description

Drawn By	Checked By	Project No.	Drwg Date
BLD	JH	2096	11/04/2021

MTG engineers & surveyors
3430 SHERRELL RD.
TEXARKANA TEXAS 75503
P 903.838.9393 | F 903.832.4700
www.mtgengineers.com
© MTG 2021 TBPE NO. 354

Pro No. | Sheet No.

X:\2021 Projects\212181 Cooks Lane 2.4 ac – Herridge\Engineering\Concept_01grid.pro
Tue Oct 19, 2021 1:30PM

Attachment: 2024-143 RES Reimbr & Development Agrmt signed (4358 : 2024-143 RES Reimburse&

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/2/2024 4:23 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Resolution No. 2024-120 approving the Texarkana Airport Authority approving a right-of-way easement for the Southwestern Electric Power Company (SWEPCO) to place an electrical transformer.

Briefing: 10/28/2024 **Public Hearing:** 10/28/2024 **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

SWEPCO has requested a right of way easement to set a transformer on airport property to connect the Solar Canopy and begin producing electricity.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

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. 2024-120 RES Airport SWEPCO ROW Easement (DOCX)
b. 2024-120 ATTH 01 TAA Reso No. 092624A (PDF)
c. 2024-120 Goals & Perspectives (DOCX)

d. 2024-120 RES Airport ROW easement w SWEPCO signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	10/02/2024 4:23 PM
City Manager	David Orr	City Manager Review	Completed	10/02/2024 9:43 PM
City Council	Jennifer Evans	Meeting	Completed	10/14/2024 6:00 PM

Meeting History

10/14/24	City Council	MOVED FORWARD	Next: 10/28/24

RESOLUTION NO. 2024 - 120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA AIRPORT AUTHORITY APPROVING A RIGHT-OF-WAY EASEMENT FOR THE SOUTHWESTERN ELECTRIC POWER COMPANY (SWEPCO) TO PLACE AN ELECTRICAL TRANSFORMER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, require permission to sell, transfer, or in any manner encumber without written consent of joint approval from the cities' governing bodies under the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Texarkana Regional Airport Authority approved the easement with Resolution No. 092624A (**ATTH 01**) on September 26, 2024; and

WHEREAS, SWEPCO requires a right of way easement in order to place an electrical transformer on airport property.

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

SECTION 1: The City Council confirms the Texarkana Airport Authority approving an easement between the Texarkana Regional Airport and SWEPCO to place an electrical transformer on airport property.

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 **28th day of October**, **2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-120 RES Airport SWEPCO ROW Easement (4335 : 2024-120 RES Airport ROW Easement w SWEPCO)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 092624A
A RESOLUTION APPROVING A RIGHT OF WAY EASEMENT FOR SWEPCO TO PLACE AN ELECTRICAL TRANSFORMER

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and

WHEREAS, the Airport Authority is entrusted with the power to operate, and regulate the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code require the cities governing bodies approval to be sold, transferred, or in any manner encumbered; and,

WHEREAS, SWEPCO requires a right of way easement in order to place an electrical transformer on airport property;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director signing a right of way easement with SWEPCO to place an electrical transformer on airport property. Pending approval of both cities governing bodies.

Adopted this 26th day of September 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-120 ATTH 01 TAA Reso No. 092624A (4335 : 2024-120 RES Airport ROW Easement w SWEPCO)

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: 2024-120 Goals & Perspectives (4335 : 2024-120 RES Airport ROW Easement w SWEPCO)

RESOLUTION NO. 2024 - 120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA AIRPORT AUTHORITY APPROVING A RIGHT-OF-WAY EASEMENT FOR THE SOUTHWESTERN ELECTRIC POWER COMPANY (SWEPCO) TO PLACE AN ELECTRICAL TRANSFORMER; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, require permission to sell, transfer, or in any manner encumber without written consent of joint approval from the cities' governing bodies under the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Texarkana Regional Airport Authority approved the easement with Resolution No. 092624A (**ATTH 01**) on September 26, 2024; and

WHEREAS, SWEPCO requires a right of way easement in order to place an electrical transformer on airport property.

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

SECTION 1: The City Council confirms the Texarkana Airport Authority approving an easement between the Texarkana Regional Airport and SWEPCO to place an electrical transformer on airport property.

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:34 pm

Attachment: 2024-120 RES Airport ROW easement w SWEPCO signed (4335 : 2024-120 RES Airport ROW Easement w SWEPCO)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 092624A
A RESOLUTION APPROVING A RIGHT OF WAY EASEMENT FOR SWEPCO TO PLACE AN ELECTRICAL TRANSFORMER

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and

WHEREAS, the Airport Authority is entrusted with the power to operate, and regulate the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code require the cities governing bodies approval to be sold, transferred, or in any manner encumbered; and,

WHEREAS, SWEPCO requires a right of way easement in order to place an electrical transformer on airport property;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director signing a right of way easement with SWEPCO to place an electrical transformer on airport property. Pending approval of both cities governing bodies.

Adopted this 26th day of September 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-120 RES Airport ROW easement w SWEPCO signed (4335 : 2024-120 RES Airport ROW Easement w SWEPCO)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/2/2024 4:24 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Resolution No. 2024-121 approving the Texarkana Airport Authority approving an easement with Project Moonbeam to clear and maintain property south of E. 19th Street, Texarkana, Arkansas.

Briefing: 10/28/2024 **Public Hearing:** 10/28/2024 **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Project Moonbeam has requested an easement on airport property south of E. 19th St, Texarkana, Arkansas, adjoining the Chamber of Commerce property to allow access to clear and maintain trees and brush.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

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. 2024-121 RES Airport Proj. Moonbeam Easement (DOCX)

b. 2024-121 ATTH 01 Proj. Moonbeam Easement TAA Reso. 092624B (PDF)
c. 2024-121 Goals & Perspectives (DOCX)
d. 2024-121 RES airport ROW easement w Proj. Moonbeam signed (PDF)

Staff Coordination

City Manager	Jennifer Evans 10/02/2024 4:24 PM	Department Head Review	Completed	
City Manager	David Orr	City Manager Review	Completed	10/02/2024 9:42 PM
City Council	Jennifer Evans	Meeting	Completed	10/14/2024 6:00 PM

Meeting History

10/14/24	City Council	MOVED FORWARD	Next: 10/28/24

RESOLUTION NO. 2024 - 121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA AIRPORT AUTHORITY APPROVING AN EASEMENT WITH PROJECT MOONBEAM TO CLEAR AND MAINTAIN PROPERTY SOUTH OF E. 19TH ST, TEXARKANA, ARKANSAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, require permission to sell, transfer, or in any manner encumber without written consent of joint approval from the cities' governing bodies under the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Texarkana Regional Airport Authority approved the easement with Resolution No. 092624B (**ATTH 01**) on September 26, 2024; and

WHEREAS, Project Moonbeam requires an easement in order to clear trees and maintain property in perpetuity at their own cost; and

WHEREAS, Project Moonbeam needs to clear these trees in order to develop property owned by the Chamber of Commerce.

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

SECTION 1: The City Council confirms the Texarkana Airport Authority approving an easement between the Texarkana Regional Airport and Project Moonbeam to clear trees and maintain property in perpetuity at their own cost.

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2024-121 RES Airport Proj. Moonbeam Easement (4336 : 2024-121 RES Airport Easement w Proj. Moonbeam)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 092624B
A RESOLUTION APPROVING AN EASEMENT WITH PROJECT MOONBEAM TO CEAR AND MAINTAIN PROPERTY SOUTH OF E19TH ST

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and

WHEREAS, the Airport Authority is entrusted with the power to operate, and regulate the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code require the cities governing bodies approval to be sold, transferred, or in any manner encumbered; and,

WHEREAS, Project Moonbeam requires an easement in order to clear trees and maintain property in perpetuity at their own cost; and

WHEREAS, Project Moonbeam needs to clear these trees in order to develop property owned by the Chamber of Commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director signing a right of way easement with Project Moonbeam to clear and maintain property across E19th St. Pending approval of both cities governing bodies.

Adopted this 26th day of September 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-121 ATTH 01 Proj. Moonbeam Easement TAA Reso. 092624B (4336 : 2024-121 RES Airport Easement w Proj. Moonbeam)

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: 2024-121 Goals & Perspectives (4336 : 2024-121 RES Airport Easement w Proj. Moonbeam)

RESOLUTION NO. 2024 - 121

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA AIRPORT AUTHORITY APPROVING AN EASEMENT WITH PROJECT MOONBEAM TO CLEAR AND MAINTAIN PROPERTY SOUTH OF E. 19TH ST, TEXARKANA, ARKANSAS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, require permission to sell, transfer, or in any manner encumber without written consent of joint approval from the cities' governing bodies under the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Texarkana Regional Airport Authority approved the easement with Resolution No. 092624B (**ATTH 01**) on September 26, 2024; and

WHEREAS, Project Moonbeam requires an easement in order to clear trees and maintain property in perpetuity at their own cost; and

WHEREAS, Project Moonbeam needs to clear these trees in order to develop property owned by the Chamber of Commerce.

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

SECTION 1: The City Council confirms the Texarkana Airport Authority approving an easement between the Texarkana Regional Airport and Project Moonbeam to clear trees and maintain property in perpetuity at their own cost.

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:35pm

Attachment: 2024-121 RES airport ROW easement w Proj. Moonbeam signed (4336 : 2024-121 RES Airport Easement w Proj. Moonbeam)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 092624B
A RESOLUTION APPROVING AN EASEMENT WITH PROJECT MOONBEAM TO CEAR AND MAINTAIN PROPERTY SOUTH OF E19TH ST

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and

WHEREAS, the Airport Authority is entrusted with the power to operate, and regulate the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code require the cities governing bodies approval to be sold, transferred, or in any manner encumbered; and,

WHEREAS, Project Moonbeam requires an easement in order to clear trees and maintain property in perpetuity at their own cost; and

WHEREAS, Project Moonbeam needs to clear these trees in order to develop property owned by the Chamber of Commerce;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director signing a right of way easement with Project Moonbeam to clear and maintain property across E19th St. Pending approval of both cities governing bodies.

Adopted this 26th day of September 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-121 RES airport ROW easement w Proj. Moonbeam signed (4336 : 2024-121 RES Airport Easement w Proj. Moonbeam)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/2/2024 4:24 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary

Subject: Resolution No. 2024-122 approving the Texarkana Regional Airport Executive Director sending the 2025-2030 Capital Improvement Plan in the amount of One Hundred Thirty-Five Million, Six Hundred Fifty-One Thousand, Four Hundred Two Dollars ($135,651,402) to the Federal Aviation Administration (FAA).

Briefing: 10/28/2024 **Public Hearing:** 10/28/2024 **Council Vote:** 10/28/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Every year in October the FAA requires the Airport to submit a 5-year Capital Improvement Plan. This is a required document in order to receive federal grant funds. Matches for these projects are brought each year to the city in the annual Capital Budget request.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

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. 2024-122 RES Airport CIP to FAA (DOCX)
b. 2024-122 ATTH 01 TAA Reso. No. 092624F (PDF)
c. 2024-122 ATTH 02 CIP FY 25-30 Spreadsheet (PDF)
d. 2024-122 Goals & Perspectives (DOCX)
e. 2024-122 RES Airport CIP to FAA signed (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	10/02/2024 4:24 PM
City Manager	David Orr	City Manager Review	Completed	10/02/2024 9:41 PM
City Council	Jennifer Evans	Meeting	Completed	10/14/2024 6:00 PM

Meeting History

10/14/24	City Council	MOVED FORWARD	Next: 10/28/24

RESOLUTION NO. 2024 - 122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA AIRPORT EXECUTIVE DIRECTOR SENDING THE 2025-2030 CAPITAL IMPROVEMENT PLAN IN THE AMOUNT OF $135,651,402 TO THE FEDERAL AVIATION ADMINISTRATION (FAA); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, require permission to sell, transfer, or in any manner encumber without written consent of joint approval from the cities' governing bodies under the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Texarkana Regional Airport Authority approved the Capital Improvement Plan with Resolution No. 092624F (**ATTH 01**) on September 26, 2024; and

WHEREAS, Section 6-31 of Texarkana Arkansas City Code and Section 4-25 of Texarkana Texas, City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana Arkansas City Code and Section 4-25 of Texarkana Texas, City Code require the cities to approve any expenditure over $25,000; and,

WHEREAS, the FAA requires a 5-year Capital Improvement Plan in order to provide federal grant funds for projects; and

WHEREAS, Texarkana, Arkansas, approved a capital match of $1,565,921.00 in the 2024 budget, and $290,020.18 in the 2025 budget; and

WHEREAS, Texarkana, Texas, approved a capital match of $2,017,419.00 in the 2024 budget, and $357,201.82 in the 2025 budget; and

WHEREAS, the airport annually takes a capital budget for approval by the two cities; and

WHEREAS, these projects are necessary for future growth and contained in the 2024 Master Plan.

Attachment: 2024-122 RES Airport CIP to FAA (4337 : 2024-122 RES Airport CIP to FAA)

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

SECTION 1: The City Council approves the Texarkana Regional Airport Executive Director sending the 5-year Capital Improvement Plan, in the amount of $135,651,402, to the FAA.

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-122 RES Airport CIP to FAA (4337 : 2024-122 RES Airport CIP to FAA)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 092624F
A RESOLUTION APPROVING THE 2025-2030 CAPITAL IMPROVEMENT PLAN IN THE AMOUNT OF $135,651,402

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and

WHEREAS, the Airport Authority is entrusted with the power to operate, and regulate the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code requires the cities to approve any expenditure over $25,000; and,

WHEREAS, the FAA requires a 5-year Capital Improvement Plan in order to provide federal grant funds for projects; and

WHEREAS, Texarkana AR approved capital match of $1,565,921.00 in the 2024 budget, and $290,020.18 in the 2025 budget; and

WHEREAS, Texarkana TX approved capital match of $2,017,419.00 in the 2024 budget, and $357,201.82 in the 2025 budget; and

WHEREAS, the airport annually takes a capital budget for approval by the two cities; and

WHEREAS, these projects are necessary for future growth and contained in the 2024 Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director signing an agreement with ROI to coordinate meetings with MROs at MRO Americas 2025 at the cost of $11,340.00.

Adopted this 26th day of September 2024

ATTEST

inand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-122 ATTH 01 TAA Reso. No. 092624F (4337 : 2024-122 RES Airport CIP to FAA)

FED FY	Available		Funding Source	ODO Project Component/Phase	Estimated Cost	Funding Plan						Match Funding Sources										
	NPE	AIG				NPE	AIG	Additional AIP	ATP	FAA	Match	ADA-AIP	ADA 90/10	ADA 80/20	ADA 50/50	TXDOT	TX State	AR State	TX	AR	TXK	PFC
2025	$ 1,300,000	$ 1,024,311	AIP	ODO- Construct Apron - Phase III	$ 5,500,000	$ 1,300,000		$ 3,650,000		$ 4,950,000	$ 550,000	$ 250,000							$ 165,570	$ 134,430		
			BIL	ARFF Truck	$ 1,500,000		$ 1,350,000			$ 1,350,000	$ 150,000	$ 150,000										
			AIP	Runway Extension	$ 9,000,000			$ 8,100,000		$ 8,100,000	$ 900,000	$ 250,000							$ 358,735	$ 291,265		
			AIP	Taxiway Widening	$ 9,000,000			$ 8,100,000		$ 8,100,000	$ 900,000	$ 250,000					$ 171,579	$ 450,000	$ 15,686	$ 12,735		
			TXDOT	RWY 4/22 Edge Striping	$ 111,111						$ 111,111					$ 100,000			$ -	$ -	$ 11,111	
			ADA (50-50)	MRO Environmental Assessment	$ 400,000					$ -	$ 400,000				$ 200,000				$ 112,000	$ 88,000		
			ADA (80-20)	MRO Site Development	$ 375,000									$ 300,000					$ 41,393	$ 33,608		
			ADA (90-10)	Service Animal Relief Area (Tentative)	$ 222,222								$ 200,000						$ 12,264	$ 9,958		
			Remaining Funds	**2025 Annual Subtotals**	**$ 26,108,333**	**$ 1,300,000**	**$ 1,350,000**	**$ 19,850,000**	**$ -**	**$ 22,500,000**	**$ 3,011,111**	**$ 900,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 100,000**	**$ 171,579**	**$ 450,000**	**$ 705,648**	**$ 569,995**	**$ 11,111**	**$ -**
2026	$ 1,300,000	$ 1,238,622		Site Prep (Dirt, Road, Utilities, Parking)	$ 20,142,157					$ 15,000,000		$ 250,000					$ 4,750,000		$ 78,456	$ 63,701		
				Taxiway Extension	$ 4,300,000						$ 4,300,000							$ 3,870,000	$ 237,317	$ 192,683		
				Hangar	$ 35,000,000						$ 35,000,000										$ 35,000,000	
				Taxilane	$ 10,000,000						$ 10,000,000						$ 7,442,785	$ 2,307,215	$ 137,975	$ 112,025		
				Runway Overlay	$ 11,300,000						$ 11,300,000							$ 10,170,000	$ 623,647	$ 506,353		
				Enivronmental & Storm Water	$ 10,200,000						$ 10,200,000						$ 9,013,910		$ 654,603	$ 531,487		
			AIP	MALSF Runway 4	$ 1,683,000	$ 1,300,000		$ 214,700		$ 1,514,700	$ 168,300	$ 168,300										
			BIL	Perimeter Road - TWY A to TWY D	$ 1,376,247		$ 1,238,622			$ 1,238,622	$ 137,625	$ 137,625										
			TXDOT	General Airport Maintenance	$ 111,111											$ 100,000					$ 11,111	
			ADA (50-50)	MRO Site Development	$ 400,000										$ 200,000				$ 112,000	$ 88,000		
			ADA (80-20)	MRO Site Development	$ 375,000									$ 300,000					$ 42,000	$ 33,000		
			ADA (90-10)	General Airport Maintenance	$ 222,222								$ 200,000						$ 12,444	$ 9,778		
			Remaining Funds	**2026 Annual Subtotals**	**$ 95,109,737**	**$ 1,300,000**	**$ 1,238,622**	**$ 214,700**	**$ -**	**$ 17,753,322**	**$ 71,105,925**	**$ 555,925**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 100,000**	**$ 21,206,695**	**$ 16,347,215**	**$ 1,898,443**	**$ 1,537,026**	**$ 35,011,111**	**$ -**
2027	$ 1,300,000		AIP	MRO Taxilane Extension	$ 2,500,000	$ 1,300,000		$ 950,000		$ 2,250,000	$ 250,000	$ 250,000										
			TXDOT	Runway 13-31 Maintenance	$ 111,111											$ 100,000					$ 11,111	
			ADA (50-50)	MRO Site Development	$ 400,000										$ 200,000				$ 112,000	$ 88,000		
			ADA (80-20)	MRO Site Development	$ 375,000									$ 300,000					$ 42,000	$ 33,000		
			ADA (90-10)	General Airport Maintenance	$ 222,222								$ 200,000						$ 12,444	$ 9,778		
			Remaining Funds	**2027 Annual Subtotals**	**$ 3,608,333**	**$ 1,300,000**	**$ -**	**$ 950,000**	**$ -**	**$ 2,250,000**	**$ 250,000**	**$ 250,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 100,000**	**$ -**	**$ -**	**$ 166,444**	**$ 130,778**	**$ 11,111**	**$ -**
2028	$ 1,300,000		AIP	AOA Fence Installation	$ 2,500,000	$ 1,300,000		$ 950,000			$ 250,000	$ 250,000										
			TXDOT	General Airport Maintenance	$ 111,111											$ 100,000					$ 11,111	
			ADA (50-50)	MRO Site Development	$ 400,000										$ 200,000				$ 112,000	$ 88,000		
			ADA (80-20)	MRO Site Development	$ 375,000									$ 300,000					$ 42,000	$ 33,000		
			ADA (90-10)	General Airport Maintenance	$ 222,222								$ 200,000						$ 12,444	$ 9,778		
			Remaining Funds	**2028 Annual Subtotals**	**$ 3,608,333**	**$ 1,300,000**	**$ -**	**$ 950,000**	**$ -**	**$ -**	**$ 250,000**	**$ 250,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 100,000**	**$ -**	**$ -**	**$ 166,444**	**$ 130,778**	**$ 11,111**	**$ -**
2029	$ 1,300,000		AIP	MRO Taxilane Extension	$ 2,500,000	$ 1,300,000		$ 950,000		$ 2,250,000	$ 250,000	$ 250,000										
			TXDOT	General Airport Maintenance	$ 111,111											$ 100,000					$ 11,111	
			ADA (50-50)	MRO Site Development	$ 400,000										$ 200,000				$ 112,000	$ 88,000		
			ADA (80-20)	MRO Site Development	$ 375,000									$ 300,000					$ 42,000	$ 33,000		
			ADA (90-10)	General Airport Maintenance	$ 222,222								$ 200,000						$ 12,444	$ 9,778		
			Remaining Funds	**2029 Annual Subtotals**	**$ 3,608,333**	**$ 1,300,000**	**$ -**	**$ 950,000**	**$ -**	**$ 2,250,000**	**$ 250,000**	**$ 250,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 100,000**	**$ -**	**$ -**	**$ 166,444**	**$ 130,778**	**$ 11,111**	**$ -**
2030	$ 1,300,000		AIP	MRO Taxilane Extension	$ 2,500,000	$ 1,300,000		$ 950,000		$ 2,250,000	$ 250,000	$ 250,000										
			TXDOT	General Airport Maintenance	$ 111,111											$ 100,000					$ 11,111	
			ADA (50-50)	MRO Site Development	$ 400,000										$ 200,000				$ 112,000	$ 88,000		
			ADA (80-20)	MRO Site Development	$ 375,000									$ 300,000					$ 42,000	$ 33,000		
			ADA (90-10)	General Airport Maintenance	$ 222,222								$ 200,000						$ 12,444	$ 9,778		
			Remaining Funds	**2030 Annual Subtotals**	**$ 3,608,333**	**$ 1,300,000**	**$ -**	**$ 950,000**	**$ -**	**$ 2,250,000**	**$ 250,000**	**$ 250,000**	**$ 200,000**	**$ 300,000**	**$ 200,000**	**$ 100,000**	**$ -**	**$ -**	**$ 166,444**	**$ 130,778**	**$ 11,111**	**$ -**
				6 Year CIP Totals:	**$ 135,651,402**	**$ 7,800,000**	**$ 2,588,622**	**$ 23,864,700**	**$ -**	**$ 47,003,322**	**$ 75,117,036**	**$ 2,455,925**	**$ 1,200,000**	**$ 1,800,000**	**$ 1,200,000**	**$ 600,000**		**$ 16,797,215**	**$ 3,269,868**	**$ 2,630,132**	**$ 35,066,666**	**$ -**

Attachment: 2024-122 ATTH 02 CIP FY 25-30 Spreadsheet (4337 : 2024-122 RES Airport CIP to FAA)

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: 2024-122 Goals & Perspectives (4337 : 2024-122 RES Airport CIP to FAA)

RESOLUTION NO. 2024 - 122

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA AIRPORT EXECUTIVE DIRECTOR SENDING THE 2025-2030 CAPITAL IMPROVEMENT PLAN IN THE AMOUNT OF $135,651,402 TO THE FEDERAL AVIATION ADMINISTRATION (FAA); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, created the Texarkana Airport Authority by means of reciprocal ordinances codified in Chapter 6 – Aviation, Article II – Texarkana Airport Authority, of the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Cities of Texarkana, Arkansas, and Texarkana, Texas, require permission to sell, transfer, or in any manner encumber without written consent of joint approval from the cities' governing bodies under the Code of Ordinances of the City of Texarkana, Arkansas, and Chapter 4 – Airports, Article II – Airport Authority, of the Code of Ordinances of the City of Texarkana, Texas; and

WHEREAS, the Texarkana Regional Airport Authority approved the Capital Improvement Plan with Resolution No. 092624F (**ATTH 01**) on September 26, 2024; and

WHEREAS, Section 6-31 of Texarkana Arkansas City Code and Section 4-25 of Texarkana Texas, City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana Arkansas City Code and Section 4-25 of Texarkana Texas, City Code require the cities to approve any expenditure over $25,000; and,

WHEREAS, the FAA requires a 5-year Capital Improvement Plan in order to provide federal grant funds for projects; and

WHEREAS, Texarkana, Arkansas, approved a capital match of $1,565,921.00 in the 2024 budget, and $290,020.18 in the 2025 budget; and

WHEREAS, Texarkana, Texas, approved a capital match of $2,017,419.00 in the 2024 budget, and $357,201.82 in the 2025 budget; and

WHEREAS, the airport annually takes a capital budget for approval by the two cities; and

WHEREAS, these projects are necessary for future growth and contained in the 2024 Master Plan.

Attachment: 2024-122 RES Airport CIP to FAA signed (4337 : 2024-122 RES Airport CIP to FAA)

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

SECTION 1: The City Council approves the Texarkana Regional Airport Executive Director sending the 5-year Capital Improvement Plan, in the amount of $135,651,402, to the FAA.

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 **28th day of October, 2024**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:35 pm

Attachment: 2024-122 RES Airport CIP to FAA signed (4337 : 2024-122 RES Airport CIP to FAA)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 092624F
A RESOLUTION APPROVING THE 2025-2030 CAPITAL IMPROVEMENT PLAN IN THE AMOUNT OF $135,651,402

WHEREAS, the Texarkana Regional Airport Authority was formed under Arkansas Code § 14-361-101 to be jointly owned by the cities of Texarkana AR and Texarkana TX; and

WHEREAS, the Airport Authority is entrusted with the power to operate, and regulate the airport; and

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code allow the authority to plan, develop, construct, enlarge, improve, maintain, equip, operate, regulate, protect and police the airport; and,

WHEREAS, Section 6-31 of Texarkana AR City Code and Section 4-25 of Texarkana TX City Code requires the cities to approve any expenditure over $25,000; and,

WHEREAS, the FAA requires a 5-year Capital Improvement Plan in order to provide federal grant funds for projects; and

WHEREAS, Texarkana AR approved capital match of $1,565,921.00 in the 2024 budget, and $290,020.18 in the 2025 budget; and

WHEREAS, Texarkana TX approved capital match of $2,017,419.00 in the 2024 budget, and $357,201.82 in the 2025 budget; and

WHEREAS, the airport annually takes a capital budget for approval by the two cities; and

WHEREAS, these projects are necessary for future growth and contained in the 2024 Master Plan;

NOW, THEREFORE, BE IT RESOLVED BY THE TEXARKANA AIRPORT AUTHORITY THAT:

SECTION 1. The Texarkana Regional Airport Authority Approves the Executive Director signing an agreement with ROI to coordinate meetings with MROs at MRO Americas 2025 at the cost of $11,340.00.

Adopted this 26th day of September 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-122 RES Airport CIP to FAA signed (4337 : 2024-122 RES Airport CIP to FAA)