CITY OF TEXARKANA

CITY COUNCIL

AGENDA ● NOVEMBER 12, 2024

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

220 TEXAS BLVD., TEXARKANA, TX 75501

Mayor

Bob Bruggeman

Ward 1	Ward 3	Ward 5
Jean H. Matlock	Steve Thompson	Cole Meador
Ward 2	**Ward 4**	**Ward 6**
Mary Hart	Christie Page	Jay Davis



Vision

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

Mission

The mission of the City is to provide customer-focused public services and regional leadership that serve our residents and visitors while offering a safe, vibrant, and welcoming community.

The City Council reserves the right to convene into closed session on any agenda item or issue if applicable pursuant to authorization by the Texas Open Meetings Act (Title 5, Chapter 551 of the Texas Government Code), and will reconvene into open session before taking any final action, decision, or vote on a matter deliberated.

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

II. INVOCATION AND PLEDGE LED BY MAYOR BOB BRUGGEMAN

III. SWEARING-IN CEREMONY FOR MAYOR, WARD 1, AND WARD 2

IV. TEXARKANA REGIONAL AIRPORT 3RD QUARTER BUDGET UPDATE

V. SMALL BUSINESS SATURDAY PROCLAMATION

Small Business Saturday - November 30, 2024

VI. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

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

Parks & Recreation Activities

Nov 15th	Disc Golf Association Hosts – Night Disc Golf Tournament 6 pm – 10 pm	Spring Lake Park
Dec 5th	Bramlett Beans and Cornbread 11 am – 1 pm	Texarkana, Texas Convention Center
Dec 5th	Advance TXK – Master Plan Public Meeting 6 pm	Texarkana, Texas Convention Center

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

Perot Theatre Event

The **"Texarkana Symphony Orchestra - Star Wars Concert"** will be held on Saturday, November 23rd at 7:00 pm.

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

VII. 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.

VIII. APPOINTMENTS TO BOARDS, COMMISSIONS, AND COMMITTEES

IX. ITEMS FOR CONSIDERATION

Consent Items

1. Consider approval of the minutes of the Regular Meeting of the City Council held on October 28, 2024 at 6:00 PM.

2. Resolution No. 2024-132 casting all 792 cumulative votes for Council Member Jay Davis for membership on the Bowie Central Appraisal District's Board of Directors.

   Public Hearing:
   Council Vote: November 12, 2024

3. Resolution No. 2024-149 approving the Texarkana Regional Airport Executive Director to execute an agreement with Tatum Excavating Company, Inc. of Texarkana, Texas, for general aviation apron expansion in the amount of $738,670 with funds approved in the Texarkana Regional Airport FY24 capital budget.

   Public Hearing:
   Council Vote: November 12, 2024

4. Resolution No. 2024-151 approving Parks and Recreation staff to submit a grant application, in the amount of $43,531 for an outdoor education and recreational activity to be held in the Spring of 2026 for children of under served populations in the community.

   Public Hearing:
   Council Vote: November 12, 2024

5. Order No. 2024-156 [Minute Order] amending the FY25 Master Fee List to add:

Service/Permit	FY25 Rate	Per Unit	Office	Location	Telephone
Water meter fees – ¾" meter	Cost	Each	TWU	801 Wood St	903-798-3800

Action Items

6. Resolution No. 2024-153 approving two agreements for The Assembly Line project: an interlocal cooperation agreement with Texarkana College for construction, and reimbursing College construction costs in an amount not to exceed $2,000,000; and an agreement for design-only services with architect Bill Patton in an amount not to exceed $40,000, deducted from the City's maximum reimbursement commitment to the College.

   Public Hearing:
   Council Vote: November 12, 2024

X. FIRST BRIEFINGS

1. Resolution No. 2024-117 setting the 2025 City Council regular meeting schedule and city holidays.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

2. Ordinance No. 2024-145 granting a Specific Use Permit for one additional use of an LED/Digital display on an existing off-premise advertising billboard on an approximate 4.5-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305, located at 7770 Hampton Road. Tyler Parsons, Representing FMG North Texas, owners.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

3. Ordinance No. 2024-146 granting a Specific Use Permit for one additional use of permanent cosmetics on Lots 14-16, Block 3, Parish Place Addition, located at 824 Richmond Road. Shankar Poudel, owner, and Sarswoti Yadav, agent.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

4. Ordinance No. 2024-147 rezoning on an approximate 30.61-acre-tract of land (being Tracts 144 & 146) Willis Oldham HRS, A-458, located at 500 St. Michael Drive from Agriculture/Industrial-1 to Agriculture/General Retail. Blaz Korosec, owner and Jaimie Stone, agent.

Public Hearing: December 9, 2024
Council Vote: December 9, 2024

5. Ordinance No. 2024-148 granting a Specific Use Permit to allow the one additional use of a camp trailer park and HUD code manufactured home park on an approximate 30.61-acre tract of land (being Tracts 144 & 146) Willis Oldham HRS, A-458, located at 500 St. Michael Drive. Blaz Korosec, owner and Jaimie Stone, agent.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

6. Resolution No. 2024-150 approving the PY23/FY24 Community Development Block Grant (CDBG) Annual Comprehensive Assessment Performance Evaluation Report.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

7. Ordinance No. 2024-152 amending Chapter 42 of the City Code of Ordinances to require looping of water mains and proscribing dead-end water mains.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

8. Resolution No. 2024-154 adopting 2025 legislative priorities for the City of Texarkana.

   Public Hearing: December 9, 2024
   Council Vote: December 9, 2024

XI. PUBLIC HEARINGS

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

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

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

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

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

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

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

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

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

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

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

XII. CITY MANAGER'S REPORT

XIII. ADMINISTRATIVE COMMENTS

1. City Council
2. City Staff

XIV. ADJOURNMENT

Jennifer Evans
City Secretary

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

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

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

Pursuant to Section 46.03, Penal Code (places weapons prohibited), subsection (a)(14), a person commits an offense if the person intentionally, knowingly, or recklessly possesses or goes with a firearm, location-restricted knife, club, or prohibited weapon [listed in Penal Code Section 46.05(a)] in the room or rooms where a meeting of a governmental entity is held, if the meeting is an open meeting subject to Chapter 551, Government Code, and if the entity provided notice as required by that chapter.

This facility is wheelchair accessible and handicap parking is available. If you plan to attend this public meeting and you have a disability that requires special arrangements or accommodations, please call 903-798-3900 or (TTY) 1-800-RELAY TX (1-800-735-2989) at least 48 hours in advance.

Version:

Briefing Sheet

Update Date: 11/1/2024 12:03 PM

Lead Department: City Manager **Action Officer:** Chiquita Burks, City Management Fellow

Subject: Small Business Saturday - November 30, 2024

Attachments

a. Small Business Saturday Proclamation_TX 11.30.24 (002) (PDF)

PROCLAMATION

WHEREAS, the government of Texarkana, Texas, celebrates its local small businesses and the contributions they make to the local economy and community; and

WHEREAS, according to the United States Small Business Administration, there are 34.7 million small businesses in the United States, small businesses represent 99.7% of firms with paid employees, small businesses are responsible for 61.1% of new jobs created since 1995, and small businesses employ 45.9% of the employees in the private sector in the United States; and

WHEREAS, 68 cents of every dollar spent at a small business in the U.S. stays in the local community and every dollar spent at small businesses creates an additional 48 cents in local business activity as a result of employees and local businesses purchasing local goods and services; and

WHEREAS, 59% of U.S. consumers aware of Small Business Saturday shopped or ate at a small, independently-owned retailer or restaurant on Small Business Saturday in 2023; and

WHEREAS, Texarkana, Texas, supports its local businesses that create jobs, boost the local economy, and preserve the communities; and

WHEREAS, advocacy groups, as well as public and private organizations, across the country have endorsed the Saturday after Thanksgiving as Small Business Saturday; and

WHEREAS, participating partners including, the City of Texarkana, Texas, City of Texarkana, Arkansas, Mainstreet Texarkana, the Texarkana Chamber of Commerce, Communities Unlimited, the Small Business Development Center, and partners from locally owned or small businesses in the Greater Texarkana Area have partnered to promote small businesses; and

WHEREAS, participating partners will launch a scavenger hunt, encouraging consumers to visit locally owned or small businesses within Texarkana between November 21, 2024, to December 6, 2024. Consumers will hunt for hidden elves in participating businesses and scan a QR code attached to the elf, prompting them to fill out a form and enter to win a variety of prizes. Consumers are also encouraged to show their support by using the hashtag #ShopSmallTXK24 when they visit local businesses this holiday season.

NOW, **THEREFORE**, I, Bob Bruggeman, Mayor of Texarkana, Texas, do hereby proclaim, November 30, 2024, as:

SMALL BUSINESS SATURDAY

and urge the residents of the Texarkana community, and communities across the country, to support small businesses and merchants on Small Business Saturday and throughout the year.

_____

Bob Bruggeman, Mayor

_____

Jennifer Evans, TRMC, City Secretary

Attachment: Small Business Saturday Proclamation_TX 11.30.24 (002) (4368 : Small Business Saturday Proclamation)

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

ee Name	Title	Status	Arrived
ggeman	Mayor	Present	
Matlock	Ward 1	Present	
art	Ward 2	Present	
hompson	Ward 3	Present	
Page	Ward 4	Present	
eador	Ward 5	Present	
is	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.

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.)

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.)

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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.

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

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

Minutes Acceptance: Minutes of Oct 28, 2024 6:00 PM (Consent Items)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/6/2024 10:56 AM

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

Subject: Resolution No. 2024-132 casting all 792 cumulative votes for Council Member Jay Davis for membership on the Bowie Central Appraisal District's Board of Directors.

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

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

On October 14, 2024, with Resolution No. 2024-119, the City Council nominated Council Member Jay Davis to serve as a director on the Bowie Central Appraisal District Board beginning on January 1, 2025. After nominations were received from each voting unit, the Bowie Central Appraisal District issued an official ballot to each voting unit listing the nominees alphabetically by each candidate's last name. Each voting unit is allocated a specific number of votes that it can cast. The City of Texarkana, Texas is allocated 792 votes. These votes can be cast for any of the nominees listed on the ballot. In prior years, the council has chosen to cast all votes allocated to the City of Texarkana, Texas for the nominee chosen by the Texarkana, Texas City Council. The resolution presented is to cast all 792 votes for nominee Jay Davis. The council must determine its vote and return the ballot to the Chief Appraiser before December 15, 2024.

Potential Options:

- Cast all 792 votes for Jay Davis

Fiscal Implications:

City's director has direct input into the BCAD budget and to the District's appraisal and tax collections operations on behalf of the City.

Staff Recommendation:

Staff recommends approval of the resolution as presented.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-132 RES Casting Votes for BCAD Board (DOC)
b. 2024-132 EXH A Texarkana City Ballot (PDF)
c. 2024-132 Goals & Perspectives (DOCX)

Staff Coordination

Finance Department	Kristin Peeples	Department Head Review	Completed	11/06/2024 10:56 AM
City Manager	David Orr	City Manager Review	Completed	11/06/2024 1:08 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024-132

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, CASTING ALL 792 VOTES FOR JAY DAVIS FOR MEMBERSHIP ON THE BOARD OF DIRECTORS OF THE BOWIE CENTRAL APPRAISAL DISTRICT; DIRECTING THE MAYOR TO EXECUTE THE OFFICIAL BALLOT; DIRECTING THE CITY SECRETARY TO DELIVER THE OFFICIAL BALLOT TO THE CHIEF APPRAISER ON OR BEFORE DECEMBER 15, 2024; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the terms of the present members of the Board of Directors of the Bowie Central Appraisal District expire on December 31, 2024; and

WHEREAS, Section 6.03 of the Texas Property Tax Code permits this Council to nominate, by resolution, one candidate for each of the five positions to be filled on the Board of Directors of the Bowie Central Appraisal District; and

WHEREAS, in accordance with said statute, this Council, by Resolution No. 2024-119, on October 14, 2024, nominated **Jay Davis** as a candidate for membership on the Board of Directors of the Bowie Central Appraisal District; and

WHEREAS, the City of Texarkana, Texas, is entitled by law to cast a total of 792 cumulative votes for persons nominated to serve on the said Board; and

WHEREAS, the Council has chosen to cast all 792 votes for **Jay Davis**.

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

SECTION 1: That all 792 votes be and are hereby cast, by this Council, for **Jay Davis** for the position of director on the Board of Directors of the Bowie Central Appraisal District, as shown on the Official Ballot, attached hereto as **Exhibit 'A'.**

SECTION 2: The votes transcribed onto the Official Ballot provided by the Chief Appraiser are to be thereafter executed by the Mayor and attested by the City Secretary.

SECTION 3: A copy of the Official Ballot as executed be attached hereto as **Exhibit 'A'** and made a part hereof by reference.

SECTION 4: The City Secretary provides a duplicate original executed copy of this Resolution and the original of the executed official ballot to the Chief Appraiser on or before December 15, 2024, as required by the Texas Property Tax Code.

Attachment: 2024-132 RES Casting Votes for BCAD Board (4346 : 2024-132 RES Casting Votes For BCAD Board)

SECTION 5: 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: 2024-132 RES Casting Votes for BCAD Board (4346 : 2024-132 RES Casting Votes For BCAD Board)

BOWIE CAD

Bowie Central Appraisal District

122 Plaza West, Suite A
Post Office Box 6527
Texarkana, TX 75505-6527
Phone (903) 793-8936
Fax (903) 792-8889

710 James Bowie Dr.
Post Office Box 967
New Boston, TX 75570-0967
Phone (903) 628-5493
Fax (903) 628-2087

November 05, 2024

Enclosed please find ballots for the 2025 Bowie Central Appraisal District Board of Directors. In the upper right-hand corner, you will find the total number of votes you may cast. **This year please also cast a vote for term limits. Three members will serve a three-year term, and two members will serve a one-year term.** Ballots are being sent by email. If you wish to have a copy mailed, please let me know.

Please be advised that Property Tax Code Section 6.03 (K) states:
"The governing body of each taxing unit entitled to vote shall determine its vote by resolution and submit it to the Chief Appraiser **BEFORE** December 15."

Thank you for your attention to this matter and if you have any questions, please feel free to call.

Regards,
Mike Brower, RPA
Chief Appraiser, BCAD

Attachment: 2024-132 EXH A Texarkana City Ballot (4346 : 2024-132 RES Casting Votes For BCAD Board)

Ballot #22
Number of Votes 792

OFFICIAL BALLOT
RESOLUTION

STATE OF TEXAS

COUNTY OF BOWIE

Be it resolved that the City of Texarkana cast its votes for the following nominee(s) for election to the Board of Directors for the Bowie Central Appraisal District for the 2025 term:

NOMINEE	NUMBER OF VOTES	YEARS
Amy Bowers	_____	_____
Mike Carter	_____	_____
Jay Davis	_____	_____
Paul Miller	_____	_____
Robert Sheppard	_____	_____

Attachment: 2024-132 EXH A Texarkana City Ballot (4346 : 2024-132 RES Casting Votes For BCAD Board)

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: 2024-132 Goals & Perspectives (4346 : 2024-132 RES Casting Votes For BCAD Board)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/4/2024 9:16 AM

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

Subject: Resolution No. 2024-149 approving the Texarkana Regional Airport Executive Director to execute an agreement with Tatum Excavating Company, Inc. of Texarkana, Texas, for general aviation apron expansion in the amount of $738,670 with funds approved in the Texarkana Regional Airport FY24 capital budget.

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

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Adoption of this resolution will grant approval for the Texarkana Regional Airport Executive Director to execute an agreement with Tatum Excavating Company, Inc. of Texarkana, Texas, for general aviation apron expansion in the amount of $738,670 with funds approved in the Texarkana Regional Airport FY24 capital budget.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends for approval of this resolution.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-149 RES Airport Apron Expansion (DOCX)
b. 2024-149 EXH 'A' Airport Reso. 102424C Apron Expan. Tatum (PDF)
c. 2024-149 ATTH 01 Apron Expansion Bid Tab (PDF)
d. 2024-149 ATTH 02 Apron Expansion Notice of Aw149 (PDF)
e. 2024-149 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	11/01/2024 9:04 AM
City Manager	David Orr	City Manager Review	Completed	11/06/2024 1:08 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024 - 149

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE TEXARKANA REGIONAL AIRPORT EXECUTIVE DIRECTOR TO EXECUTE AN AGREEMENT WITH TATUM EXCAVATING COMPANY, INC. OF TEXARKANA, TEXAS, FOR GENERAL AVIATION APRON EXPANSION IN THE AMOUNT OF $738,670 APPROVED IN THE TEXARKANA REGIONAL AIRPORT FY24 CAPITAL 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 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 requires the cities to approve any expenditure over $25,000; and,

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

WHEREAS, Tatum Excavating Company, Inc. of Texarkana, Texas successfully bid to do the work for the amount of $738,670; and

WHEREAS, the Arkansas Division of Aeronautics has provided a grant in the amount of $200,000; and,

WHEREAS, the Arkansas Division of Aeronautics has provided a grant in the amount of $150,000; and,

WHEREAS, McClelland Consulting Engineers, Inc had Work Order #7 approved for $47,400 in 2022 for the engineering services for the General Aviation Apron design; and,

WHEREAS, Flight Solutions will be reimbursing the airport in the amount of $435,255, which will serve as credit towards its ground lease.

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 Tatum Excavating Company, Inc. of Texarkana, Texas, in the amount of $738,670 for construction of a new general aviation apron.

PASSED AND APPROVED in Regular Council Session on this the **12th day of November, 2024**.

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-149 RES Airport Apron Expansion (4367 : 2024-149 RES Airport Apron Expansion)

TEXARKANA AIRPORT AUTHORITY RESOLUTION No. 102424C
A RESOLUTION APPROVING THE AIRPORT DIRECTOR ENTERING INTO AN AGREEMENT WITH TATUM EXCAVATING FOR GENERAL AVIATION APRON EXPANSION IN THE AMOUNT OF $738,670

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 Arkansas Division of Aeronautics has provided a grant in the amount of $200,000; and,

WHEREAS, the Arkansas Division of Aeronautics has provided a grant in the amount of $150,000; and,

WHEREAS, the Tatum Excavating has provided a bid of $738,670 for the construction of a General Aviation Apron; and,

WHEREAS, McClelland Consulting Engineers, inc had Work Order #7 approved for $47,400 in 2022 for the engineering services for the General Aviation Apron design; and,

WHEREAS, Flight Solutions will be reimbursing the airport in the amount of $435,255, which will serve as credit towards their ground lease;

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 Tatum Excavating in the amount of $738,670 for construction of a new general aviation apron.

Adopted this 24th day of October, 2024

ATTEST

Ferdinand P Mehrlich III, Director

SIGNED

Airport Authority Chair

Attachment: 2024-149 EXH 'A' Airport Reso. 102424C Apron Expan. Tatum (4367 : 2024-149 RES Airport Apron Expansion)

CERTIFIED BID TAB

PROJECT: 23-5733 Texarkana Regional Airport (TXK) Apron and Taxilane Expansion
BID LOCATION: 2nd Floor Administrative Offices, 2600 TXK Boulevard, Texarkana, Arkansas
BID TIME AND DATE: 2:00 PM, Thursday, September 26, 2024

Certified By: Matthew Vinyard
Matthew R Vinyard, P.E., No. #15184

				CONTRACTORS NAME	**Tatum Excavating Company, Inc.**		**Ambrozi Contracting**	
				CONTRACTORS LICENSE NO.	**0034960525**		**0415680425**	
Item No.	**Item Description**	**Units**	**Quantity**		**Unit Cost**	**Total Cost**	**Unit Cost**	**Total Cost**
C-102A	Maintenance and Removal of Sand Bag Ditch Check	EA	1		$800.00	$800.00	$18,000.00	$18,000.00
C-102B	Maintenance and Removal of Silt Fence	LF	449		$6.00	$2,694.00	$30.00	$13,470.00
C-102C	Installation and Removal of Grate Inlet Protection	EA	1		$500.00	$500.00	$32,000.00	$32,000.00
C-102D	Maintenance and Removal of Grate Inlet Protection	EA	1		$500.00	$500.00	$32,000.00	$32,000.00
C-105	Mobilization (10% Maximum of Base Bid)	LS	1		$72,786.00	$72,786.00	$138,745.00	$138,745.00
P-101	Asphalt Pavement Removal	SY	446		$10.00	$4,460.00	$42.00	$18,732.00
P-152A	Unclassified Excavation	CY	2,750		$18.00	$49,500.00	$54.00	$148,500.00
P-152B	Embankment in Place	CY	620		$48.00	$29,760.00	$84.00	$52,080.00
P-152C	Undercut and Select Backfill (As Directed by the Engineer)	CY	2,000		$28.00	$56,000.00	$72.00	$144,000.00
ARDOT-303	Class 7 Crushed Aggregate Base Course (10" Depth)	SY	5,740		$30.00	$172,200.00	$43.00	$246,820.00
ARDOT-407	ACHM Surface Course (5" Depth)	TON	1,565		$163.00	* $255,095.00	$394.00	$616,610.00
ARDOT-625	Triaxial Grid Geotextile Fabric	SY	1,500		$5.00	$7,500.00	$6.19	$9,285.00
P-620	Pavement Markings	SF	290		$30.00	$8,700.00	$53.00	$15,370.00
D-751	Grate Inlet	EA	1		$57,000.00	$57,000.00	$162,294.00	$162,294.00
T-901	Seeding and Mulching	ACRE	0.3		$11,000.00	$3,300.00	$19,400.00	$5,820.00
L-108A	Trenching for Conduit, 18-inch Minimum Depth	LF	125		$44.00	$5,500.00	$12.00	$1,500.00
L-108B	No. 8 AWG, 5 kV, L-824, Type C Cable, Installed in Conduit or Duct Bank	LF	125		$6.50	$812.50	$6.00	$750.00
L-108C	No. 6 AWG, Solid, Bare Copper Counterpoise Wire, Installed in Trench or Above Duct Bank or Conduit, Including Ground Rods and Connections/Terminations	LF	125		$6.50	$812.50	$8.00	$1,000.00
L-110	Electrical Conduit 2" Sch. 40 PVC	LF	125		$22.00	$2,750.00	$8.00	$1,000.00
L-125A	Install Stockpiled Taxiway Edge Light in Asphalt Shoulder	EA	2		$2,450.00	$4,900.00	$1,800.00	$3,600.00
L-125B	Install Incandescent Taxiway Elevated Edge Light, L-861T, Medium Intensity, 30W Lamp, Omni-directional, Blue Color, Base Mounted	EA	1		$3,100.00	$3,100.00	$2,400.00	$2,400.00
				Total Base Bid		* **$738,670.00**		**$1,663,976.00**

*** Correction due to Math Error**

Attachment: 2024-149 ATTH 01 Apron Expansion Bid Tab (4367 : 2024-149 RES Airport Apron Expansion)

NOTICE OF AWARD

TO: Tatum Excavating Company, Inc.
2416 S Lake Drive
Texarkana, Texas 75501

PROJECT: TEXARKANA REGIONAL AIRPORT (TXK) APRON AND TAXILANE EXPANSION – 23-5733

The OWNER has considered the BID submitted by you on September 26, 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:

Seven Hundred Thirty-eight Thousand Six Hundred Seventy & no/100 Dollars ($738,670.00)

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 Tatum Excavating Company, Inc., this the_____ day of _____, 2024.

By _____

Title _____

Attachment: 2024-149 ATTH 02 Apron Expansion Notice of Aw149 (4367 : 2024-149 RES Airport Apron Expansion)

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: 2024-149 Goals & Perspectives (4367 : 2024-149 RES Airport Apron Expansion)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/8/2024 12:13 PM

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

Subject: Resolution No. 2024-151 approving Parks and Recreation staff to submit a grant application, in the amount of $43,531 for an outdoor education and recreational activity to be held in the Spring of 2026 for children of under served populations in the community.

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

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

(November 12, 2024):
NOT APPLICABLE

Executive Summary and Background Information:

The Parks and Recreation Staff requests approval to apply for the 2025 Community Outdoor Outreach Program with Texas Parks and Wildlife Department to enhance outdoor education and recreation experiences for children of underserved communities during a two-day Spring Outdoor Academy. The application includes supplies for activities including archery, fishing, hiking, and kayaking, as well as training that will teach staff proper facilitation and safety measures. The grant application is for $43,531.00 with no matching funding required.

Potential Options:

- Approve
- Deny

Fiscal Implications:

Application for $43,531.00 for equipment and staff training to facilitate outdoor activities for Parks and Recreation Spring Outdoors Academy, with no required matching funds.

Staff Recommendation:

Approval of grant application.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-151 RES Approving TPWD COOP Grant Application(DOCX)
b. 2024-151 Goals & Perspectives (DOCX)

Staff Coordination

Parks, Recreation & Health		Robby Robertson	Review	Completed
11/07/2024 11:16 AM				
Parks, Recreation & Health		Jennifer Evans	Department Head Review	
Skipped		11/06/2024 4:56 PM		
Finance Department	Kristin Peeples	Review	Completed	11/06/2024 5:00 PM
City Manager	David Orr	City Manager Review	Completed	11/06/2024 5:50 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024–151

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE APPLICATION FOR THE TEXAS PARKS AND WILDLIFE DEPARTMENT COMMUNITY OUTDOOR OUTREACH PROGRAM GRANT, PROVIDING A TOTAL GRANT IN THE AMOUNT OF FORTY-THREE THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS ($43,531); AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the Texas Parks and Wildlife Department has notified the City, as applicant and fiscal agent for available grant funds, that the City's application for funding under the FY2025 Community Outdoor Outreach Program Grant in the amount of FORTY-THREE THOUSAND FIVE HUNDRED THIRTY-ONE DOLLARS (**$43,531)** will be considered for the period ending September 30, 2023; and

WHEREAS, the Texarkana Texas Parks and Recreation Department is pursuing these funds to host a new event currently titled "Outdoors Academy" during a weekend in the Spring of 2026 that will provide outdoor education and recreational activities including archery, hiking, fishing, kayaking and outdoor education; and

WHEREAS, participation in this program will be offered to children between the ages of 6-12 of underserved populations including, ethnic minorities, females, children from low income homes or individuals with a disability, as required by the grant application; and

WHEREAS, funds that are requested, through this grant from Texas Parks and Wildlife, will cover the cost of equipment needed as well as facilitator training for staff to assist in supervision with specialists in each activity; and

WHEREAS, the City will not be required to furnish additional matching funding to receive funds under the grant program; and

WHEREAS, the City Council, being informed of the nature and proposed use of said grant, does consider and find that the above-recommended uses and grant expenditures therefore are in the best interest of and will promote the health, safety and general welfare of the community.

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

SECTION 1: The above-described Texas Parks and Wildlife Community Outdoor Outreach Program grant in the amount of **$43,531** is hereby approved for application.

SECTION 2: The City Manager is hereby authorized to undertake the necessary steps and execute the necessary documents including the Grant Acceptance document required for formal acceptance of the Community Outdoor Outreach Program Grant from the Texas Parks and Wildlife, providing a total grant in the amount of **$43,531**.

Attachment: 2024-151 RES Approving TPWD COOP Grant Application (4370 : 2024-151 RES Approving TPWD COOP Grant Application)

SECTION 3: 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: 2024-151 RES Approving TPWD COOP Grant Application (4370 : 2024-151 RES Approving TPWD COOP Grant Application)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2024-151 Goals & Perspectives (4370 : 2024-151 RES Approving TPWD COOP Grant Application)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/6/2024 3:34 PM

Lead Department: City Attorney **Action Officer:** Jeffery Lewis,

Subject: Resolution No. 2024-153 approving two agreements for The Assembly Line project: an interlocal cooperation agreement with Texarkana College for construction, and reimbursing College construction costs in an amount not to exceed $2,000,000; and an agreement for design-only services with architect Bill Patton in an amount not to exceed $40,000, deducted from the City's maximum reimbursement commitment to the College.

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

Item Schedule

Schedule 3: No briefing required (one week)

Updates/History of Briefing:

Not applicable.

Executive Summary and Background Information:

The Assembly Line project was approved as part of the projects for the 2023 Bond Fund. This project consists of remodeling the old Discovery Place Children's Museum at 215 N. Stateline Avenue into a two-story office space building. This project is a partnership between the City of Texarkana, Texas, City of Texarkana, Arkansas, Texarkana College, Texas A&M University – Texarkana, University of Arkansas – Hope, and AR-TEX REDI.

This past summer, the City and Texarkana College entered into a Memorandum of Understanding, approved by the City Council [Res. No. 2024-106], providing a framework for strengthening the relationship between the City and College. The MOU expressly called out The Assembly Line as one of many initiatives: "[e]conomic development and entrepreneurship opportunities by funding the development of The Assembly Line, a regional incubator located in downtown Texarkana".

Consistent with the MOU, the City and College propose an Interlocal Cooperation Agreement for the City to procure design-only services of an architect for The Assembly Line, the College having responsibility for construction, the City assuming operation and maintenance of the Project improvements after completion and acceptance, and the City reimbursing the College in an amount not to exceed Two Million Dollars ($2,000,000.00) from available funds in the 2023 Bond Fund (Fund 426). ATTH 01 is the proposed interlocal agreement with the College.

City performance of the proposed interlocal agreement requires procurement of professional architectural design services. Bill Patton is an approved vendor on the cities professional services list for architectural services (Res. 2024-065). ATTH 02 is the proposed design-only agreement with Bill Patton for this work.

This Resolution, if approved, supersedes Resolution No. 2024-127.

Potential Options:

Approve or decline approval of proposed agreements.

Fiscal Implications:

Funds are available in the 2023 Bond Fund.

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. 2024-153 RES Assembly Line - TC interlocal & architect contract (DOCX)
b. 2024-153 ATTH 01 TC interlocal (DOCX)
c. 2024-153 ATTH 02 Agreement with Architect (DOCX)
d. 2024-153 ATTH 03 MOU w TC (PDF)
e. 2024-153 Goals & Perspectives (DOCX)

Staff Coordination

City Attorney	Jeffery C. Lewis	Department Head Review	Completed	11/06/2024 3:34 PM
Finance Department	Kristin Peeples	Finance Review	Completed	11/06/2024 4:39 PM
City Manager	Jennifer Evans	Review	Skipped	11/07/2024 8:49 AM
City Manager	David Orr	City Manager Review	Completed	11/07/2024 3:41 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

Attachment: 2024-153 RES Assembly Line - TC interlocal & architect contract (4376 : 2024-153 RES Assembly Line TC interlocal & architect

RESOLUTION NO. 2024-153

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO EXECUTE AN INTERLOCAL AGREEMENT WITH TEXARKANA COLLEGE FOR CONSTRUCTION OF THE ASSEMBLY LINE PROJECT IN AN AMOUNT NOT TO EXCEED TWO MILLION DOLLARS ($2,000,000) TO BE PAID FROM THE 2023 BOND FUND (FUND 426); AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT FOR DESIGN SERVICES WITH BILL PATTON, ARCHITECT, FOR THE ASSEMBLY LINE PROJECT IN AN AMOUNT NOT TO EXCEED FORTY THOUSAND DOLLARS ($40,000), TO BE PAID FROM THE AUTHORIZED INTERLOCAL PROJECT FUNDS; CONTAINING A SUPERSEDING CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council approved a list of projects in the FY24 Budget to be funded by the 2023 Bond Fund; and

WHEREAS, one of the projects approved by the City Council, The Assembly Line project, consists of a remodel of the old Discovery Place Children's Museum at 215 N. State Line Avenue, Texarkana, Texas, into a two-story office space building; and

WHEREAS, the City and Texarkana College entered into a Memorandum of Understanding effective August 1, 2024 ("the MOU"), approved by the City Council through Resolution No. 2024-106, providing a framework for strengthening the relationship between the City and College which included "[e]conomic development and entrepreneurship opportunities by funding the development of The Assembly Line, a regional incubator located in downtown Texarkana"; and

WHEREAS, consistent with the MOU, the City and Texarkana College propose an Interlocal Cooperation Agreement for the City to procure design-only services of an architect for The Assembly Line, the College having responsibility for construction, the City assuming operation and maintenance of the Project improvements after completion and acceptance, and the City reimbursing the College in an amount not to exceed Two Million Dollars ($2,000,000) from available funds in the 2023 Bond Fund (Fund 426), pursuant to agreement terms set out and attached as **ATTH 01** to this Resolution, incorporated herein by reference for all purposes; and

WHEREAS, for City performance of the proposed Interlocal Cooperation Agreement, the Project requires procurement of professional architectural design services, and Resolution No. 2023-148, amended by Resolution No. 2024-065, included an approved list of highly qualified professional service providers for future architectural, engineering, and surveying services; and

WHEREAS, on the basis of demonstrated competence, qualifications, and related submissions, City staff recommends that the Council select an approved professional service provider, Bill Patton of Texarkana, Arkansas, to perform the design services for the Project in an amount not to exceed Forty Thousand Dollars ($40,000), pursuant to agreement terms set out and attached as **ATTH 02** to this Resolution, incorporated herein by reference for all purposes (with the MOU providing that the architect fee shall be deducted from the City's maximum reimbursement commitment).

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

SECTION 1: The Interlocal Cooperation Agreement between the City and Texarkana College, attached as **ATTH 01** to this Resolution, is approved and referred to the City Manager for execution.

SECTION 2: The City Council selects Bill Patton of Texarkana, Arkansas, an approved provider for architectural services, on the basis of demonstrated competence and qualifications, to perform the design-only architectural services for The Assembly Line project.

SECTION 3: The City Council finds and determines that a fair and reasonable price for design-only services for The Assembly Line project is an amount not to exceed Forty Thousand Dollars ($40,000).

SECTION 4: The City Manager is hereby authorized to execute a design-only services agreement, attached as **ATTH 02** to this Resolution, with architect Bill Patton for The Assembly Line project in an amount not to exceed Forty Thousand Dollars ($40,000).

SECTION 5: The City Manager is further authorized to execute any and all documents necessary to effectuate the intent of The Assembly Line project consistent with the FY24 Budget, the MOU, and the agreements authorized by this Resolution.

SECTION 6: This Resolution supersedes Resolution No. 2024-127.

SECTION 7: 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: 2024-153 RES Assembly Line - TC interlocal & architect contract (4376 : 2024-153 RES Assembly Line TC interlocal & architect

Interlocal Cooperation Agreement between
City of Texarkana, Texas And Texarkana College

This Interlocal Agreement is made and entered into effective the _____ day of _____, 2024, by and between The City of Texarkana, Texas ("City"), a home-rule municipality, and Texarkana College, a political subdivision of the State of Texas, ("TC"), and collectively known as the "Parties."

WHEREAS, V.T.C.A., Government Code, Chapter 791, the Texas Interlocal Cooperation Act, provides that any one or more public agencies may contract with each other for the performance of governmental functions or services for the promotion and protection of the health and welfare of the inhabitants of this State and the mutual benefit of the parties; and

WHEREAS, the City owns certain property located at 219 N. State Line Avenue, Texarkana, Bowie County, Texas formerly known as Discovery Place Children's Museum (the "Property") and has been in the process of planning, designing, and renovating the Property to create a two story office space called "The Assembly Line" which will act as an incubator program to help early-stage businesses and startups grow and succeed by providing resources and support (the "Project"); and

WHEREAS, the City and TC entered into a Memorandum of Understanding effective August 1, 2024 (the "MOU") and thereafter approved by City Council in regular council session on September 23, 2024 through Resolution No. 2024-106, wherein the Parties agreed to work together through economic development and entrepreneurship opportunities by funding the development of The Assembly Line; and

WHEREAS, both the City and TC recognize that their respective successes are mutually reinforcing and depend on a process that facilitates enhanced communication, continued education and advancement of joint opportunities; and

WHEREAS, City and TC agree that the Project will be of benefit to the public, and have agreed to work together in the design and construction of improvements for the Project;

NOW, THEREFORE, in consideration of the foregoing premises, and for other good and valuable consideration, the receipt and sufficiency of which is acknowledged, the City and TC agree as follows:

Recitals

The recitals set forth above are incorporated herein for all purposes and are found by the parties to be true and correct. It is further found and determined that City and TC have authorized and approved this Agreement, and that this agreement will be in full force and effect when signed by the authorized representatives of each party.

DRAFT

Attachment: 2024-153 ATTH 01 TC interlocal (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

I.
PURPOSE

The purpose of this Agreement is to provide for the City and TC's participation in the design, renovation and construction of the Project.

II.
DESIGN AND CONSTRUCTION

2.01 Design of Project. City is responsible for contracting with an Architect (the "Architect") regarding the engineering and design for the Project in order to ensure that the design meets the requirements for the Project goals. TC agrees to cooperate and work with the Architect in the performance and completion of the Project.

2.02 Construction. TC shall be responsible for contracting with a Contractor or utilizing its professional staff to construct the improvements for the Project.

2.03 Construction Plans. The Project plans and specifications, including any amendments, for the improvements shall be provided to the City and TC or review and approval prior to construction.

2.06 Insurance, Bonds, and Warranties. TC shall require the contractor for the Project to name the City as an additional insured on any policies related to the Project. TC shall require all performance and maintenance bonds in favor of the City in amounts satisfactory to the City. All applicable warranties shall be transferred to City upon final completion and acceptance of the Project.

III.
OBLIGATIONS

3.01 Permission to Construct. City agrees to allow TC to construct the Project on the City Property.

3.02 Operation and Maintenance After Acceptance. City agrees to be responsible for the operation and maintenance of the Project improvements after completion and acceptance by City.

3.03 City Payment. The City shall reimburse TC for the Project in an amount not to exceed a total project cost of TWO MILLION AND NO/100 DOLLARS ($2,000,000.00) for the design and construction of the Project (the "City Participation Amount" or "Guaranteed Maximum Price" "GMP"). TC acknowledges a portion of the GMP shall be paid to the Architect and be deducted from the GMP.

3.04 Fees and Payments. TC shall be reimbursed based on achievement of each of the agreed upon design milestones. Upon achievement of each such milestone, TC shall submit an Application for Payment with appropriate back up documentation to City setting for the expenses incurred by TC for reimbursement. Upon review and approval of the Application for Payment, City shall submit payment to TC within thirty (30) days.

DRAFT

Attachment: 2024-153 ATTH 01 TC interlocal (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

3.04 NO LIABILITY OR WARRANTY OF SERVICES. CITY AND TC AGREE AND ACKNOWLEDGE THAT THE OTHER PARTY DOES NOT ASSUME ANY LIABILITY FOR, OR WARRANT, THE SERVICES THAT A THIRD PARTY PROVIDES PURSUANT TO THIS AGREEMENT. THE PARTIES AGREE AND ACKNOWLEDGE THAT THE OTHER PARTY SHALL NOT BE LIABLE FOR ANY CLAIM OR CAUSE OF ACTION THAT EITHER PARTY MAY HAVE NOW OR IN THE FUTURE AGAINST AN ENGINEER OR THIRD PARTY FOR ANY DAMAGES OF ANY NATURE WHATSOEVER ALLEGEDLY SUSTAINED BY THE DAMAGED PARTY, OR ANYONE HAVING A CLAIM BY, THROUGH OR UNDER THE DAMAGED PARTY RELATED IN ANY WAY, DIRECTLY OR INDIRECTLY, WITH THE SERVICES PROVIDED BY A THIRD PARTY PURSUANT TO THIS AGREEMENT.

IV.
SCOPE OF SERVICES AND TERM

4.01 Scope of Services

The services to be provided by TC are set forth in Exhibit ____ attached and made a part hereof.

4.02 Term. This Agreement shall be effective from the last date of execution and continue for a period of twenty-four months or until completion of the Project, whichever occurs first. This Agreement may be terminated at any time by TC or City, with or without cause, upon ninety (90) days written notice to the other party.

4.03 Construction and Renovation. TC agrees that all activities, including installation, construction, and repairs will be performed in a neat, responsible, safe and professional manner, using generally accepted industry standards, consistent with such reasonable requirements that may be imposed by City.

4.04 Compliance With Laws. TC shall be the primary contractor and shall obey and adhere to all applicable Federal and state laws, rules, regulations, and guidelines concerning procurement, construction, and renovation of the Project.

4.05 Force Majeure. TC shall not be liable for any loss or damage whatsoever caused by delays, failures of performance, damage, destruction, any loss or damage occasioned by fire, the elements, labor disputes, shortages, utility curtailments, acts of God, government requisition, changes in government regulation, acts or omissions of third parties or any other cause beyond TC's reasonable control.

DRAFT

Attachment: 2024-153 ATTH 01 TC interlocal (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

V.
DEFAULT AND REMEDIES

5.1 Default. It shall be considered a default of this Agreement if any one or more of the following events occurs:

5.1.1 Bankruptcy The filing of bankruptcy by a party or making a general assignment for the benefit of creditors;

5.1.2 Violation of Law A party violates any applicable laws, statutes, ordinances, codes or other legal requirements with respect to services specified in this Agreement and such violation(s) are not remedied within fourteen (14) days after written notice thereof; or

5.1.3 Non-Performance A party fails to perform its obligations under this Agreement and such non-performance is not remedied within thirty (30) days after notice thereof.

5.2 Remedies and Effect of Termination

5.2.1 Remedies Upon or after the occurrence of a default as described above, the non-defaulting party may elect to terminate this Agreement and may pursue any other damages to which the non-defaulting party may be entitled at law or in equity.

5.2.2 Removal of Equipment Upon termination of this Agreement ("Termination Date"), TC shall remove its Equipment and personal property from the Project within sixty (60) days.

VI.
GENERAL PROVISIONS

6.1 Authority. This Agreement is made in part under the authority conferred in Chapter 791, Texas Government Code. The Parties by executing this Agreement represent and warrant that they have the full right, power, and authority to execute this Agreement.

6.2 Severability. If any provision of this Agreement shall be held invalid or unenforceable by any court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof, but rather this entire Agreement will be construed as if not containing the particular invalid or unenforceable provision or provisions, and the rights and obligation of the Parties shall be construed and enforced in accordance therewith. The Parties acknowledge that if any provision of this Agreement is determined to be invalid or unenforceable, it is their desire and intention that such provision be reformed and construed in such a manner that it will, to the maximum extent practicable, to give effect to the intent of this Agreement and be deemed to be validated and enforceable.

DRAFT

Attachment: 2024-153 ATTH 01 TC interlocal (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

6.3 Payment From Current Revenues. Any payments required to be made by a Party under this Agreement will be paid from current revenues or other funds lawfully available to the Party for such purpose.

6.4 Cooperation. The Parties agree to cooperate at all times in good faith to effectuate the purposes and intent of this Agreement.

6.5 Subletting and Assignment. TC may not sublet or assign it rights under this Agreement, or rent, sell, transfer or otherwise allow others to use the Project space or any equipment located therein without the prior written agreement of City, which consent may be withheld by City in its sole discretion.

6.6 Notices. Any official notices or demands under this Agreement shall be in writing and shall be deemed given upon (a) personal delivery to the addressee, (b) five (5) days after deposit into United States mail, postage prepaid, certified mail, return receipt requested, or (c) one business day after delivery to United States Postal Service Express Mail or similar overnight delivery service. Until notified of a different address, as provided herein, all notices shall be addressed:

City of Texarkana, Texas	Texarkana College
City Manager	Attn:
201 Texas Blvd	ADDRESS
Texarkana, Texas 75501	Texarkana, Texas 75501

6.7 Waiver. The waiver by any of the Parties of any breach of any term, covenant or condition herein contained shall not be deemed to be a waiver of such terms, covenant, or condition for any subsequent breach of the same or any other term, covenant or condition herein contained.

6.8 Governing Law; Venue. Any claims arising under or relating to this Agreement shall be governed by the internal substantive laws of the State of Texas or federal courts located in Texas, without regard to principles of conflict of laws. Each party agrees to the exclusive jurisdiction of the state and federal courts in the state of Texas.

6.9 Agreement/Modification. The terms and conditions contained herein supersede all prior oral or written understandings between the Parties and constitute the entire agreement between them concerning the subject matter of this Agreement. This Agreement shall not be modified or amended except in writing signed by authorized representatives of the parties.

6.10 Execution. This Agreement may be executed in any number of counterparts and it will become an enforceable agreement once all Parties have delivered a signed counterpart to the other.

6.11 Effective Date. This Agreement is executed to be effective on the date the last Party signs this Agreement.

DRAFT

Attachment: 2024-153 ATTH 01 TC interlocal (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date written below.

TEXARKANA COLLEGE

_____
Signature

_____
Title

_____
Date

CITY OF TEXARKANA, TEXAS

_____
Dr. David Orr, City Manager

_____
Date

DRAFT

Attachment: 2024-153 ATTH 01 TC interlocal (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

AGREEMENT WITH ARCHITECT

This Agreement With Architect (The "Agreement" is made and entered into this ___ day of _____, 2024 by and between the City of Texarkana, Texas ("City") and Bill Patton with an address of 1610 Valley View Circle, Texarkana, AR 71854 (the "Architect") (collectively referred to herein as the "Parties").

RECITALS

WHEREAS, City, through their City Council, approved a list of projects in the FY 2024 Budget to be funded by the 2023 Bond Fund; and

WHEREAS, one of those projects approved by the City Council was the Assembly Line project which would allow design and construction to the existing Discovery Place Children's Museum located at 219 N. State Line Avenue, Texarkana, Bowie County, Texas for AR-TX REDI to develop a two story office space called "The Assembly Line" (the "Project"); and

WHEREAS, Architect was selected as an approved provider for architectural services; and;

WHEREAS, City and Architect desire to enter into this Agreement regarding the design of the Project;

NOW, THEREFORE, for and in consideration of the terms and conditions contained herein and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties agree as follows:

ARTICLE 1.

GENERAL DESCRIPTION OF SERVICES

1.1 Services. Architect represents that he is thoroughly familiar with and understands the requirements of the Project scope and is experienced in the design of building projects of the type and scope contemplated by the City's Project.

1.2 Project Schedule/Time of the Essence. Architect has provided City with a preliminary overall design which is attached hereto as **Exhibit "A"** . This preliminary design shall serve as the framework for the subsequent development of all detailed construction schedules. The Architect shall at all times carry out its duties and responsibilities as expeditiously as possible and in accordance with the Project schedule, subject to delays in the schedule not the fault of Architect. Time is of the essence in the performance of this Agreement.

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

1.3 Cooperation. The Architect shall endeavor to develop, implement, and maintain, a spirit of cooperation, collegiality, and open communication with City and any contractor working on the Project so that the goals and objectives of each are clearly understood, potential problems are resolved promptly, and, upon completion, the Project is deemed a success by all parties.

1.4 Preparation/Sufficiency of Site. Before commencing the design Architect shall (i) visit and thoroughly inspect the Project Site and any structure(s) or other manmade features to be modified and become familiar with local conditions under which the Project will be constructed and operated; (ii) familiarize itself with the survey, if necessary, including the location of all existing buildings, utilities, conditions, streets, equipment, components and other attributes having or likely to have an impact on the Project; (iii) familiarize itself with the City's layout and design requirements, conceptual design objectives, and budget for the Project; (iv) familiarize itself with pertinent Project dates and programming needs, including the Project schedule; and (v) gather any other information necessary for a thorough understanding of the Project in order to properly design the Project. Claims by Architect resulting from Architect's failure to familiarize itself with the Site or pertinent documents shall be deemed waived.

1.5 Quality of Services. Architect shall be responsible for the quality, completeness, and accuracy of the design documents. Architect shall provide its design services to meet all environmental and regulatory requirements.

1.6 Errors and Omissions. Architect shall, at no additional cost to the City, immediately make additions, changes and corrections to any documents prepared by Architect necessitated by errors and omission in the Architect's performance of its services. In addition, Architect shall not be entitled to any compensation or adjustment in the Guaranteed Maximum Price ("GMP") for additional work required as a result thereof. The foregoing shall not relieve Architect for liability to City for any damages, including costs incurred by City after termination in whole or in part of this Agreement, resulting from any error or omissions by Architect in the course of its duties under this Agreement.

1.7 Legal Standard. The Architect shall furnish design services in accordance with design standards currently practiced by architects on projects similar in size, complexity and cost to the Project.

1.8 Design Standards. Architect shall perform all services in accordance with requirements of governmental agencies having jurisdiction over the Project, the City of Texarkana, Texas' policies and project management guides, and any other applicable guidelines.

1.9 Project Requirements. The Architect shall meet with the City to ascertain the requirements of the Project.

1.10 Program Evaluation. Architect shall provide a preliminary evaluation of the City's Project goals, schedule and construction budget requirements, each in terms of the other.

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

1.11 Recommended Testing and Surveys. After reviewing the Project requirements, Architect shall advise City of the tests and surveys that should be conducted prior to the development of plans and specifications.

1.12 Project Alternatives. Architect shall review with the City alternative approaches to design and construction of the Project if determined necessary by City.

1.13 On-Site Program and Budget Verification. During the design phases, Architect agrees to provide, as part of Basic Services, on-site program and budget verification to determine the design is desirable and acceptable to City and potential end user groups, and within City's budget.

1.14 Conceptual Schematic Design (CSD). Based on the approved Project details, schedule, and construction budget requirements, Architect shall prepare several alternative design solutions. Architect shall present these alternatives to City, making submittals of studies, consisting of sketches and initial concepts in accordance with schedule requirements. After receiving the City's comments, Architect shall prepare for approval by City, Conceptual Schematic Design Studies which shall represent one or more recommended solutions. The submittal shall consist of documents, including sketches, initial concepts, orientation, and relationships to existing and future programmed projects.

1.15 Design Development Phase. Based on the approved Schematic Design Documents and any adjustments authorized by City in the Project, schedule, or construction budget, Architect shall prepare, for approval by the City, Design Development Documents consisting of drawings, three dimensional renderings and other documents to fix and describe the size and character of the Project as to architectural, structural, mechanical, plumbing, fire protection and electrical systems, materials and such other elements as may be appropriate. Architect shall submit the Design Development Documents to the City for review in accordance with schedule requirements.

1.16 Construction Documents Phase. Based on the approved Design Development Documents and any further adjustments in the scope or quality of the Project or in the construction budget authorized by the City, the Architect shall prepare and submit to City Construction Documents consisting of Drawings and Specifications setting forth in detail the requirements for the construction of the Project. Construction Documents shall be provided to Owner at the 60% stage and then 100% in accordance with schedule requirements.

ARTICLE 2.

ON-SITE PROJECT REPRESENTATION SERVICES

2.1 The Architect shall provide a On-Site Project Representative necessary at the Project site to assist in providing the Architect's Construction Phase Services described in this Agreement.

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

2.2 The Architect shall not change the On-Site Project Representative without the City's approval.

2.3 The On-Site Project Representative shall have authority to perform the Architect's Construction Phase Services described in this Agreement.

2.4 The On-Site Project Representative shall attend all meetings called by the City or Contractor, and any other meetings at the Project site as necessary to perform the On-Site Project Representation Services described herein.

2.5 The On-Site Project Representative shall maintain at the Project site access to records necessary to provide the Construction Phase Services described in the Agreement and the On-Site Project Representation Services described herein. The On-Site Project Representative shall make all records available to the City.

2.6 The On-Site Project Representative shall observe tests and inspections required by law or the Contract documents, and the Architect shall report the results to the City.

2.7 At City's request, the On-Site Project Representative shall observe materials and equipment located off site, for the purpose of checking for conformance with the design concept expressed in the contract documents and evaluate such materials and equipment for a certificate of payment.

2.8 The On-Site Project Representative shall periodically review the Contractor's construction schedule, and the Architect shall alert the City to conditions that may affect the Contractor's ability to complete the Work in accordance with the schedule.

2.9 The On-Site Project Representative shall periodically review documents and samples the Contractor is required to maintain at the site; and the Architect shall notify the Owner of any apparent failure by the Contractor to maintain up to date records.

2.10 The On-Site Project Representative shall keep a written log of activities that occur at the Project site for each day that the On-Site Project Representative is present at the site. The daily logs shall capture the information necessary to create monthly progress reports including: the nature and location of Work being performed; weather conditions; meetings attended; conditions that may delay the Project; the status of the construction schedule; tests and inspections performed; and any other information requested by City.

2.11 On a monthly basis or as otherwise agreed to between the Architect and City, the On-Site Project Representative shall submit written progress reports to the City, which include the following:

.1 A summary of Work completed for the period;

.2 A status report regarding the Project schedule;

.3 A copy of the current submittal schedule and a status report regarding submittals, including a summary of those remaining and outstanding;

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

.4 Status reports for request for information, Change Orders, minor changes in the Work, and Construction Change Directives;

.5 A summary of tests and inspections performed for the period;

.6 A status report of nonconforming and rejected Work;

.7 A copy of daily logs for the period;

.8 A summary of Applications for Payment and the Architect's action on each;

.9 A status report of known activities pertaining to governmental or other authorities having jurisdiction over the Project;

.10 A summary of off-site observations, if any, including materials and equipment stored or fabricated off-site;

.11 Representative photographs of the Work; and

.12 Any other information requested by City.

ARTICLE 3.

COMPENSATION.

3.1 City shall compensate Architect for all services based upon a percentage of the total Guaranteed Maximum Price. Architect shall receive 2% of the GMP for the Project, which GMP for the entire Project is Two Million and No/Dollars. Architect's compensation shall not exceed Forty Thousand and No/Dollars ($40,000.00).

3.2 In the event Architect does not fully perform all the terms of this Agreement, or services are terminated due to default, Architect shall only be entitled to its percentage of the total contract amount properly performed up to the date of termination.

3.3 Architect shall be paid based on achievement of each of the agreed upon design milestones. Upon achievement of each such milestone, Architect shall submit an Application for Payment with appropriate back up documentation. Applications for Payment shall not be submitted more than monthly. Upon receipt of an Application for Payment, upon review and approval, City shall make payment within thirty (30) days.

3.4 If City's budget for the Project increases or the Project changes and City requests additional design services in connection therewith, Architect shall be compensated by City for such additional design services pursuant to an agreement to be entered into by City and Architect at the time City requests such additional design services. Except as permitted in the foregoing sentence, the Architect's fees shall not increase as a result of increases in City's budget or changes in the Project.

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

ARTICLE 4.

OWNER'S DUTIES, OBLIGATIONS AND RESPONSIBILITIES

4.1 Project Information. Architect acknowledges that City has provided Architect with information regarding City's requirements for the Project.

4.2 City's Budget. City shall establish and prepare an overall budget for the Project, including amounts allocated for design and construction, and City's other costs and reasonable contingencies related to these costs as appropriate. Architect acknowledges City has informed Architect of the maximum project price.

4.3 City's Representative. City shall designate a representative authorized to act on the City's behalf with respect to the Project.

4.4 Time for Performance. City shall promptly review and approve or take other appropriate action on all design submittals of the Architect.

4.5 Purpose of City's Review. City's review, inspection or approval of any Work, Design Documents, Applications for Payment or other submittals shall be solely for the purpose of determining whether the same are generally consistent with City's Project goals, standards, policies and requirements. No review, inspection, or approval by City of such Work or documents shall relieve Architect of its responsibility for the performance of its obligations under this Agreement. Payment by City pursuant to this Agreement shall not constitute a waiver of any of City's rights under this Agreement.

ARTICLE 5.

MISCELLANEOUS

6.1 Governing Law; Venue. This Agreement shall be governed by and construed in accordance with the laws of the State of Texas without regard to its choice of laws provisions and venue shall lie in the courts in Bowie County, Texas.

6.2 Integration. This Agreement represents the entire and integrated agreement between the City and the Architect, and supersedes all prior negotiations, representations or agreements, either written or oral, for the Project. This Agreement may be amended only by written instruments signed by both the City and the Architect.

6.3 Severability. If any provision of this Agreement, or the application thereof, is determined to be invalid or unenforceable, the remainder of that provision and all other provisions shall remain valid and enforceable.

6.4 Waiver. No provision of this Agreement may be waived except by written agreement of the parties. A waiver of any provision on one occasion shall not be deemed a waiver of that provision on any subsequent occasion, unless specifically stated in writing. A waiver of any provision shall not affect or alter the remaining provisions of this Agreement.

6.5 Strict Compliance. No failure of the City to insist upon strict compliance by the Architect with any provision of this Agreement shall operate to release, discharge, modify, change or affect any of the Architect's obligations.

6.6 Successors and Assigns. City and Architect, respectively, bind themselves, their partners, successors, assigns and legal representatives to the other party to this Agreement and to the partners, successors and assigns of such other party with respect to all covenants of this Agreement. Architect shall not assign (whether partially or wholly) this Agreement whether by operation of law or otherwise, without the written consent of City.

6.7 Third-Party Beneficiaries. This Agreement shall inure solely to the benefit of the parties hereto their successors and assigns, and, except as otherwise specifically provided in this Agreement, nothing contained in this Agreement is intended to or shall create a contractual relationship with, or any rights or cause of action in favor of, any third party against either the City or the Architect.

6.8 Ownership of Records; Public Access to Documents. Any books, documents, records, correspondence or other information kept or obtained by City or furnished by the Architect to City in connection with the services contemplated herein are property of City. Architect acknowledges and agrees that any and all such books, documents, records, correspondence or other information may be public records under Texas statutes.

6.9 No Contingency Fee. Architect represents and warrants that it has not employed or retained any company or person to solicit or secure this Agreement, and that it has not paid or agreed to pay any person, company, corporation individual or firm any fee, commission, percentage, gift, or any other consideration contingent upon or resulting from the award or making of this Agreement.

6.10 Independent Contractor. Architect is an independent contractor to City.

6.11 Exhibits. All exhibits referenced herein are attached hereto and incorporated herein by reference.

6.12 Indemnification; Hold Harmless. To the maximum extent permitted by law, Architect hereby agrees to indemnify and hold City and its officers and employees harmless for, from and against all liabilities, damages, losses and costs, including, but not limited to, reasonable attorneys' fees, to the extent caused by (i) the negligence,

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

recklessness, or intentionally wrongful conduct of the Architect and other persons employed or utilized by the Architect, including its consultants, in the performance of the Agreement; or (ii) Architect's breach of any covenant, term, or provision of this Agreement.

6.13 Breach Remedies. City's selection of one or more remedies for breach of this Agreement shall not limit the City's right to invoke any other remedy available to the City under this Agreement or by law.

6.14 Survival. All provisions of this Agreement which contain continuing obligations shall survive its expiration or termination.

6.15 Sovereign Immunity. Architect acknowledges and agrees that nothing contained herein shall be construed or interpreted as (i) denying to City any remedy or defense available to it under the laws of the State of Texas; or (ii) a waiver of sovereign immunity of City.

6.16 Waiver of Certain Claims, Damages. The Architect shall not be entitled to, and hereby waives any monetary claims for, or damages arising from or related to, lost profits, lost business opportunities, unabsorbed overhead or any indirect or consequential damages.

IN WITNESS WHEREOF, the parties have affixed their signatures, effective on the date first written above.

ARCHITECT:

_____
Bill Patton

CITY OF TEXARKANA, TEXAS

BY: _____
Dr. David Orr, City Manager

ATTESTED TO BY:

_____
Jennifer Evans, City Secretary

Attachment: 2024-153 ATTH 02 Agreement with Architect (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

RESOLUTION NO. 2024-106

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING A MEMORANDUM OF UNDERSTANDING (MOU) WITH TEXARKANA COLLEGE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, Texarkana College (TC) is a community college dedicated to advancing the region through attainable higher education and lifelong learning. With a mission to increase higher education credentials in the region, TC plays a key role in fostering educational excellence, economic development, and workforce readiness; and

WHEREAS, the City of Texarkana, Texas, a local government of the State of Texas, has core mission and vision statements to be a thriving regional center for education, business, and culture, which attracts and serves our residents and visitors; and

WHEREAS, Texarkana College has a rich history of collaboration with the City of Texarkana, dating back to its founding in 1927. The College has expanded its offerings to support a broad range of educational and career development programs, contributing significantly to the cultural, educational, and economic prosperity of the Northeast Texas Region; and

WHEREAS, both the City of Texarkana and Texarkana College recognize that their respective successes are mutually reinforcing and depend on a process that facilitates enhanced communication, continued education, and advancement of joint opportunities; and

WHEREAS, this MOU (**ATTH 01**) provides a framework for strengthening the relationship between the City of Texarkana, Texas, and Texarkana College. Furthermore, the parties recognize the implementation of this MOU will include educational efforts to promote the understanding of the roles of higher education and local government within their respective organizations.

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

SECTION 1: The Memorandum of Understanding with Texarkana College is approved.

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

PASSED AND APPROVED in Regular Council Session on this the **23rd day of September, 2024.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

6:37p.m.

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

Memorandum of Understanding
by and between
TEXARKANA COLLEGE
and
CITY OF TEXARKANA, TEXAS

This Memorandum of Understanding ("MOU") is entered into and effective August 1, 2024 (the "Effective Date"), by and between **Texarkana College** ("TC"), and City of Texarkana, Texas ("City"). Hereinafter Texarkana College and City of Texarkana, Texas are sometimes referred to as "Party" individually and as "Parties" collectively.

WHEREAS, Texarkana College, established in 1927 is a regional college within Northeast Texas dedicated to providing academic and workforce training and vocational leadership to the intellectual, cultural, social, and economic life of the region, and

WHEREAS, the City of Texarkana, Texas, a local government of the state of Texas, has core mission and vision statements to be a thriving regional center for education, business and culture which attracts and serves our residents and visitors, and

WHEREAS, the parties recognize the unique contributions that each entity makes to the cultural, educational and economic prosperity of the Northeast Texas Region, and

WHEREAS, the parties acknowledge that the success in achieving respective goals, responsibilities and interests require an express commitment by both parties to establish a process that facilitates enhanced communication, continued education and advancement of mutually beneficial opportunities, and

WHEREAS, this MOU provides a framework for strengthening the relationship between the City of Texarkana, Texas and Texarkana College. Furthermore, the parties recognize the implementation of this MOU will include efforts to promote the understanding of the college and local government relationship within their respective organizations.

NOW, THEREFORE, the City of Texarkana, Texas and Texarkana College agree to the following:

This MOU consists of two articles. Article 1 is a non-binding portion of this MOU containing the general understandings and intentions of the Parties. Article 2 contains terms to which the Parties agree to be bound. The Parties agree as follows:

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

Article 1

1.1 This Article 1 is not intended to be legally binding on either Party.

1.2 The Parties desire to develop a strong and effective collaboration that enhances workforce productivity, educational and professional development (the "Purpose").

1.3 The Parties agree to enhanced communication and to plan strategic goals that will capitalize on educational and economic development opportunities, environmental and cultural stewardship, deepen community pride and offer hope for future collaborative opportunities.

1.4 Create partnership programs and joint projects including but not limited to economic development projects, educational internships and fellowships, cultural grant opportunities, historical exhibits, and joint proclamations.

1.5 TC intends to provide:

1. **Access to Pinkerton Health & Recreation Complex:** City employees will be provided access to the Pinkerton Health & Recreation Complex at a rate of $15 per person per month with the City being billed monthly for each individual that attended during that month. No setup charges will be charged to City employees. Guests of City employees will be charged $5 each time a guest accompanies a City employee.

2. Opportunities for TC students to conduct internships, fellowships and future employment throughout city departments.

3. Opportunities for TC faculty and staff to participate in boards, commissions and committees to be actively involved in the future growth and development of the community.

4. Economic development and entrepreneurship opportunities through funding the development of The Assembly Line, a regional business incubator located in downtown Texarkana.

5. Continued partnerships with workforce training grant opportunities such as the U.S. EPA Brownfields Program.

1.6 City of Texarkana, Texas intends to provide active promotion of the collaboration to its employees including, but not limited to:

1. Opportunities for TC student internships, fellowships and future employment throughout city departments.

2. Opportunities for TC faculty and staff to participate in boards, commissions and committees to be actively involved in the future growth and development of the community.

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

3. Economic development and entrepreneurship opportunities through funding the development of The Assembly Line, a regional business incubator located in downtown Texarkana.

4. Continued partnerships with workforce training grant opportunities such as the U.S. EPA Brownfields Program.

5. Promotion on the organization's website and email (electronic links, email templates, and/or logos to be provided by TC)

6. Allowing the promotion of on-site visits by a TC representative to host information sessions and discuss the institutional collaboration and related opportunities with employees.

7. Allowing the placement of brochures, flyers, posters, and/or other promotional material in gathering areas (materials to be provided by TC).

Article 2

2.1 This Article 2 is intended to be legally binding on the Parties.

2.2 Each Party acknowledges that neither Party will have any legal rights or obligations as to the understandings and intentions in Article 1, and neither Party should or may take any action or fail to take any action in detrimental reliance on Article 1.

2.3 The Parties anticipate that under this MOU it may be necessary for a Party (the "Disclosing Party") to transfer information of a confidential nature ("Confidential Information") to the other Party (the "Receiving Party"). The Disclosing Party shall clearly identify Confidential Information at the time of disclosure by (i) appropriate stamp or markings on the document exchanged, or (ii) written notice, with attached listings of all material, copies of all documents, and complete summaries of all oral disclosures (under prior assertion of the confidential nature of the same) to which each notice relates, delivered within thirty (30) days of the disclosure to the other Party.

(a) "Confidential Information" does not include information that: (i) is or becomes publicly known or available other than as a result of a breach of this MOU by the Receiving Party; (ii) was already in the possession of the Receiving Party as the result of disclosure by an individual or entity that was not then obligated to keep that information confidential; (iii) the Disclosing Party had disclosed or discloses to an individual or entity without confidentiality restrictions; or (iv) the Receiving Party had developed or develops independently before or after the Disclosing Party discloses equivalent information to the Receiving Party.

(b) The Receiving Party shall use the same reasonable efforts to protect the Disclosing Party's Confidential Information as it uses to protect its own confidential information of a similar nature. The Receiving Party may use Confidential Information only for the Purpose under this MOU and may disclose Confidential Information only to its directors, regents, officers, employees, agents, consultants, advisors, or other representatives ("Representatives") having a need to know the

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

Confidential Information for the Purpose, provided that they are subject to confidentiality obligations not less restrictive than those set forth herein, and that the Receiving Party remains responsible for its Representatives' compliance with such obligations.

(c) If the Receiving Party is legally required to disclose Confidential Information, the Receiving Party shall, to the extent allowed by law, promptly give the Disclosing Party written notice of the requirement so as to provide the Disclosing Party a reasonable opportunity to pursue appropriate process to prevent or limit the disclosure. If the Receiving Party complies with the terms of this Section, disclosure of that portion of the Confidential Information, which the Receiving Party is legally required to disclose, will not constitute a breach of this MOU.

(d) The Receiving Party shall, upon request of the Disclosing Party, promptly return or destroy all materials embodying Confidential Information other than materials in electronic backup systems or otherwise not reasonably capable of being readily located and segregated without undue burden or expense, except that the Receiving Party may securely retain one (1) copy in its files solely for record purposes. The Receiving Party's obligations as to Confidential Information will survive the termination or expiration of this MOU for a period of three (3) years.

2.4 Each Party acknowledges that all rights in any trademarks, service marks, slogans, logos, designs, and other similar means of distinction associated with that Party (its "Marks"), including all goodwill pertaining to the Marks, are the sole property of that Party. Neither Party may use the Marks of the other without the advance written consent of that Party, except that each Party may use the name of the other Party in factual statements that, in context, are not misleading or imply an endorsement by that Party or its employees. The Parties will mutually agree in advance upon any public announcements, or communications to the media regarding this MOU to be provided pursuant to this MOU.

2.5 Each Party shall be responsible for its own costs, risks, and liabilities as a result of its activities under this MOU without expectation of reimbursement from the other Party. There will be no exchange of funds or other resources among the Parties.

2.6 This MOU commences on the Effective Date and continues for five years (the "Term"), unless sooner terminated as provided herein, not to exceed a total Term of five (5) years. Either Party may terminate this MOU effective upon thirty (30) days' written notice to the other Party. Either Party may terminate this MOU effective upon written notice to the other Party if the other Party materially breaches any term of this MOU and fails to cure such breach within ten (10) days after receiving written notice of the breach.

2.7 Each Party shall conduct all activities in connection with this MOU in compliance with all applicable federal, state, and local laws, rules, and regulations.

2.8 Any notice required or permitted under this MOU must be in writing and in English, and is deemed given: (a) three (3) business days after it is deposited and post-marked with the United States Postal Service, postage prepaid, certified mail, return receipt requested, (b) the next business day after it is sent by overnight carrier, (c) on the date sent by email transmission with electronic confirmation of receipt by the party being notified, or (d) on the date of delivery if delivered personally. Parties can change their respective notice address by sending to the other Party a notice of the new address. Notices should be

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

addressed as follows:

(a) Texarkana College:

Texarkana College
Attention: Dr. Jason Smith
2500 N. Robison Rd.
Texarkana, TX 75599
Phone: (903) 823-3017
Email: human.resources@texarkanacollege.edu

(b) City of Texarkana, Texas:

City of Texarkana, Texas
Attention to: David Orr
220 Texas Blvd.
Texarkana, TX 75501
Phone: (903) 798-3900
Email: david.orr@texarkanatexas.gov

2.9 This MOU is not intended to create a partnership or joint venture between the Parties. Neither Party may bind the other or otherwise act in any way as the representative of the other, unless specifically authorized, in advance and in writing, to do so, and then only for the limited purpose stated in such authorization.

2.10 This MOU contains the entire understanding of the Parties as to its subject matter and supersedes all other written and oral agreements between the Parties as to that subject matter.

2.11 This MOU is assignable only with the written consent of both Parties.

2.12 Each provision of this MOU is severable. If any provision is rendered invalid or unenforceable by statute or regulations or declared null and void by any court of competent jurisdiction, the remaining provisions will remain in full force and effect if the essential terms of this MOU remain valid, legal, and enforceable.

2.13 Neither Party is liable or responsible to the other Party for any loss or damage or for any delays or failure to perform under this MOU due to causes beyond its reasonable control, including, but not limited to, acts of God, employee strikes, epidemics, war, riots, flood, fire, sabotage, terrorist acts or any other circumstances of like character (force majeure occurrence).

2.14 Member is an agency of the state of Texas and under the Constitution and the laws of the state of Texas possesses certain rights and privileges, is subject to certain limitations and restrictions, and only has authority as is granted to it under the Constitution and the laws of the state of Texas. Collaborator expressly acknowledges that Member is an agency of the state of Texas and nothing in this MOU will be construed as a waiver or relinquishment by Member of its right to claim such exemptions, remedies, privileges, and immunities as may be provided by the Constitution and the laws of the state of Texas.

2.15 Prior to performing any specific projects or work contemplated by this MOU, the Parties will enter into a separate agreement containing definitive statements of work and associated budgets. Notwithstanding the foregoing, this MOU does not bind the Parties to negotiate or consummate any such later agreement(s).

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

Each Party enters into this MOU as of the Effective Date.

Texarkana College

By: _____
Name: Jason Smith, Ph.D.
Title: President
Date: 8/20/2024

City of Texarkana, Texas

By: _____
Name: David Orr, Ph.D.
Title: City Manager
Date: 8/20/2024

Attachment: 2024-153 ATTH 03 MOU w TC (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

NONE APPLICABLE

Public Information Plan:

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

Other:

Attachment: 2024-153 Goals & Perspectives (4376 : 2024-153 RES Assembly Line TC interlocal & architect design contract)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 10/28/2024 11:54 AM

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

Subject: Resolution No. 2024-117 setting the 2025 City Council regular meeting schedule and city holidays.

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Each year the City Council sets the annual schedule for regular city council meetings (2nd and 4th Mondays of each month, with the exception of December which has only one regular meeting on the 2nd Monday) and affirms the holiday closing schedule (13 paid holidays).

This schedule also reflects the following adjustments to the regular council meeting schedule:

- Adoption of Resolution No. 2018-037 by the Council on April 9, 2018, that adjusted the regular council meetings in the months of June and July to one regular meeting in each of these respective months to occur on the second Monday of the month, which accommodated summertime activities enjoyed by citizens, council members, and city staff.

- Adoption of Resolution No. 2021-047 by the Council on June 14, 2021, that adjusted the regular council meeting in the month November to one regular meeting to occur on the second Monday of the month which accommodated the Thanksgiving Holiday and associated activities.

- Adoption of Resolution No. 2021-090 by the Council on November 8, 2021, that adjusted the regular council meeting in the month of May to one regular meeting in that month to avoid the customary conflict with the Memorial Day Holiday and the adding of Juneteenth (June 19) as a city holiday.

The proposed calendar schedule for 2025 has one adjustment: holding once monthly the regular council meeting on the second (2nd) Monday of each month.

Potential Options:

- Adopt the attached calendar as presented.
- Revise the attached calendar and adopt as revised.

Fiscal Implications:

None

Staff Recommendation:

Staff recommends adopting the calendar as presented.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-117 RES Setting 2025 Meeting & Holiday Sched (DOC)
b. 2024-117 ATTH 01 (ONE) meeting & holiday sched (PDF)
c. 2024-117 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	10/28/2024 11:55 AM
City Manager	David Orr	City Manager Review	Completed	10/28/2024 12:14 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024 –117

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, SETTING THE 2025 CITY COUNCIL REGULAR MEETING SCHEDULE AND CITY HOLIDAYS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in accordance with Article II, Section 8 of the City Charter, the City Council is required to meet at least monthly in regular session at City Hall on a date as determined by the City Council; and

WHEREAS, currently, the City Council generally meets in regular session, twice monthly during seven months and once monthly during five months throughout the year, to consider policy items for conducting the city's business, this resolution proposes meeting once monthly in regular session, on the second (2nd) Monday of the month, to continue provding transparency in local government; and

WHEREAS, to provide for public access to local government, the City Council includes an opportunity for citizens to address the City Council in a public forum setting during each regular meeting of the City Council; and

WHEREAS, City staff recommends adoption of the attached 2025 schedule of City Council Meetings and City Holidays (**ATTH 01**), with the scheduling of City holidays occurring on Mondays and Fridays closely aligning with federal and local city governments observance days.

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

SECTION 1: The City Council adopts the attached 2025 Schedule of City Council Meetings and City Holidays (**ATTH 01**).

SECTION 2: The Mayor shall have authority to adjust this schedule, including but not limited to the rescheduling or canceling of meetings.

SECTION 3: 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: 2024-117 RES Setting 2025 Meeting & Holiday Sched (4360 : 2024-117 RES meeting & holiday schedule)

2025 COUNCIL MEETING & HOLIDAY SCHEDULE

CITY MEETINGS in COUNCIL CHAMBERS 6:00 PM

CITY HOLIDAYS and CITY HALL CLOSED

January

S	M	TU	W	TH	F	S
29	30	31	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

February

S	M	TU	W	TH	F	S
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	1
2	3	4	5	6	7	8

March

S	M	TU	W	TH	F	S
23	24	25	26	27	28	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	31	1	2	3	4	5

April

S	M	TU	W	TH	F	S
30	31	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	1	2	3
4	5	6	7	8	9	10

May

S	M	TU	W	TH	F	S
27	28	29	30	1	2	3
4	5	6	7	8	9	10
11	12	13	14	15	16	17
18	19	20	21	22	23	24
25	26	27	28	29	30	31
1	2	3	4	5	6	7

June

S	M	TU	W	TH	F	S
1	2	3	4	5	6	7
8	9	10	11	12	13	14
15	16	17	18	19	20	21
22	23	24	25	26	27	28
29	30	1	2	3	4	5
6	7	8	9	10	11	12

July

S	M	TU	W	TH	F	S
29	30	1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30	31	1	2
3	4	5	6	7	8	9

August

S	M	TU	W	TH	F	S
27	28	29	30	31	1	2
3	4	5	6	7	8	9
10	11	12	13	14	15	16
17	18	19	20	21	22	23
24	25	26	27	28	29	30
31	1	2	3	4	5	6

September

S	M	TU	W	TH	F	S
31	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	1	2	3	4
5	6	7	8	9	10	11

October

S	M	TU	W	TH	F	S
28	29	30	1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28	29	30	31	1
2	3	4	5	6	7	8

November

S	M	TU	W	TH	F	S
26	27	28	29	30	31	1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
16	17	18	19	20	21	22
23	24	25	26	27	28	29
30	1	2	3	4	5	6

December

S	M	TU	W	TH	F	S
30	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31	1	2	3
4	5	6	7	8	9	10

Attachment: 2024-117 ATTH 01 (ONE) meeting & holiday sched (4360 : 2024-117 RES meeting & holiday

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: 2024-117 Goals & Perspectives (4360 : 2024-117 RES meeting & holiday schedule)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/7/2024 2:49 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-145 granting a Specific Use Permit for one additional use of an LED/Digital display on an existing off-premise advertising billboard on an approximate 4.5-acre tract of land (being Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305, located at 7770 Hampton Road. Tyler Parsons, Representing FMG North Texas, owners.		

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

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 Tyler Parsons, Representing FMG North Texas, owners for a Specific Use Permit to allow one additional of a LED/Digital display on an existing off premise advertising billboard on an approximate 4.5-acre tract of land (being Tracts 84A, 84C, and 85A), M.H Janes HRS, A-305, located at 7770 Hampton Road. The property is zoned Commercial.

The Future Land Use Map has designated this property as “Regional Commercial”.

The adjacent zoning is Single Family-2 to the north, east and west, I-30 to the south. The adjacent land usage is a vacant property north and west, auto body shop to the east, and I-30 south.

Staff recommend 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 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:

November 4, 2024

Attachments

a. 2024-145 ORD granting SUP for Off-Premise Billboard 7770 Hampton Rd (DOCX)
b. 2024-145 EXH 'A' (Legal Description) (PDF)
c. 2024-145 ATTH 01 (Maps) (PDF)
d. 2024-145 ATTH 02 (Site plan) (PDF)
e. 2024-145 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel 11/06/2024 3:13 PM	Department Head Review	
Building Code Administration	11/06/2024 3:13 PM	Mashell Daniel	Reviewer	Completed
Public Works Department	11/06/2024 3:15 PM	Dusty Henslee	Reviewer	Completed
City Manager	David Orr	Reviewer	Completed	11/06/2024 5:52 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

S-796

ORDINANCE NO. 2024-145

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-796 FOR ONE ADDITIONAL USE OF AN LED/DIGITAL DISPLAY ON AN EXISTING OFF-PREMISE OUTDOOR ADVERTISING SIGN (BILLBOARD) ON A PORTION OF AN APPROXIMATE 4.5-ACRE TRACT OF LAND (BEING TRACTS 84A, 84C, AND 85A) M. H. JANES HRS, A-305, LOCATED AT 7770 HAMPTON 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 of an LED/Digital display on an existing Off-Premise Outdoor Advertising Sign (Billboard) **on a portion of an approximate 4.5-acre tract of land being (Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit 'A'), located at 7770 Hampton 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 of an LED/Digital display on an existing 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-796 to allow the one additional use of an LED/Digital display on an existing Off-Premise Outdoor Advertising Sign (Billboard) on a portion of an approximate 4.5-acre tract**

Attachment: 2024-145 ORD granting SUP for Off-Premise Billboard 7770 Hampton Rd (4372 : 2024-145 ORD SUP for Billboard at 7770 Hampton

of land being (Tracts 84A, 84C, and 85A), M. H. Janes HRS, A-305 (Exhibit 'A'), located at 7770 Hampton Road, in the City of Texarkana, Bowie County, Texas.

SECTION 2: 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 **9th day of December, 2024.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-145 ORD granting SUP for Off-Premise Billboard 7770 Hampton Rd (4372 : 2024-145 ORD SUP for Billboard at 7770 Hampton

EXHIBIT A
TO SPECIAL WARRANTY DEED

[Property Legal Description]

LAM1350:

All that certain tract or parcel of land being a part of the M. H. JANES HEADRIGHT SURVEY, Abstract No. 305, Bowie County, Texas, and being a part of that certain 1.638 acre tract of land conveyed to Danny Proctor by General Warranty Deed recorded in Volume 4895, Page 290 of the Real Property Records of Bowie County, Texas; also being a part of that certain 13.235 acre tract of land as conveyed to Danny L. Proctor by General Warranty Deed recorded in Volume 4956, Page 89 of the Real Property Records of Bowie County, Texas; and also being a part of that certain 10.000 acre tract of land as conveyed to Danny L. Proctor by General Warranty Deed recorded in Volume 5001, Page 326 of the Real Property Records of Bowie County, Texas, and the subject tract of land being more particularly described by metes and bounds as follows:

COMMENCING at a 1/2" iron pin found for corner on the North right-of-way line of Hampton Road, said Point of Commencing being the Southeast corner of said 13.235 acre Proctor tract of land;

THENCE N 87 deg. 27' 15" W., 43.01 feet with the North right-of-way line of Hampton Road, same being the South line of said 13.235 acre tract of land, to an angle point in said line;

THENCE N 84 deg. 30' 45" W., 333.78 feet with the South line of said 13.235 acre tract and on with the South line of said 1.638 acre tract, same being the North right-of-way line of Hampton Road, to a 1/2" iron pin set for corner on the South line of said 1.638 acre tract and being the Point of Beginning for the herein described tract of land;

THENCE N 84 deg. 30' 45" W., 160.32 feet with the South line of said 1.638 acre tract and on with the South line of said 10.000 acre tract, same being the North right-of-way line of Hampton Road, to a 1/2" iron pin set for corner;

THENCE N 09 deg. 07' 36" E., 413.46 feet across said 10.000 acre tract to a 1/2" iron pin set for corner;

THENCE S 80 deg. 52' 24" E., 160.00 feet across said 10.000 acre tract and said 13.235 acre tract to a 1/2" iron pin set for corner;

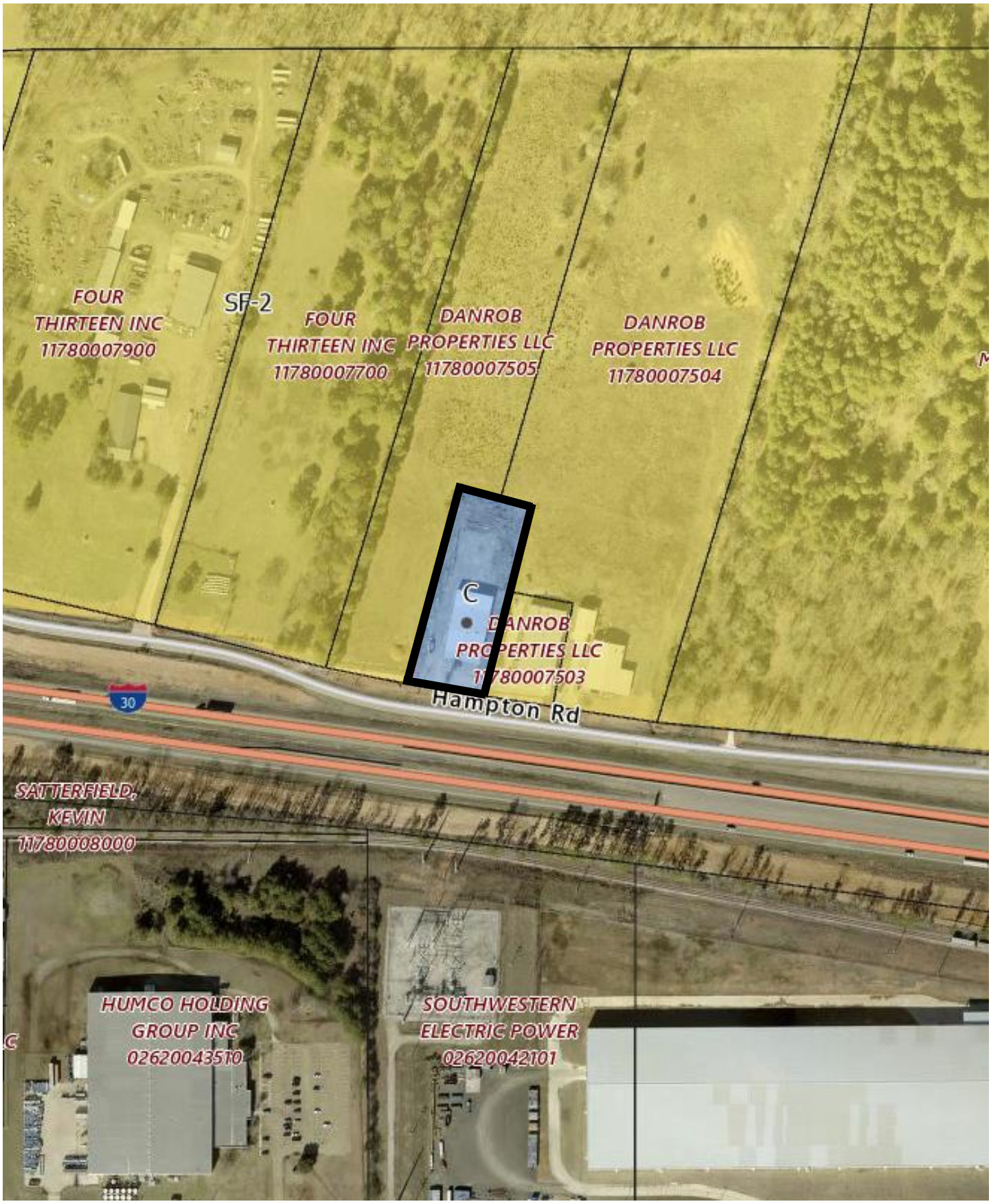
THENCE S 09 deg. 07' 36" W., 403.29 feet across said 13.235 acre tract and said 1.638 acre tract to the Point of Beginning and containing 1.500 acre of land, more or less.

Unofficial Document

Attachment: 2024-145 EXH 'A' (Legal Description) (4372 : 2024-145 ORD SUP for Billboard at 7770 Hampton Rd.)

2024-145 ATTH01
S-796

7770 Hampton Road



Attachment: 2024-145 ATTH 01 (Maps) (4372 : 2024-145 ORD SUP for Billboard at 7770 Hampton Rd.)

2024-145 ATTH01
S-796

7770 Hampton Road



Attachment: 2024-145 ATTH 01 (Maps) (4372 : 2024-145 ORD SUP for Billboard at 7770 Hampton Rd.)


TxDOT Commercial Signs, Junkyards, and Regulated Highways
TxDOT.gov
Enter place or Record ID
TY ROAD 2213
ARNOLD LN
Red Lick
Billboard
2120'
FM 2148
KELLY LN
1556'
IH 30
Billboard
Billboard
S-796

SITE PLAN

ArcGIS Web Map



9/25/2024, 2:13:25 PM

1:1,456

0 0.01 0.02 0.04 mi

0 0.01 0.03 0.06 km

Esri Community Maps Contributors, City of Texarkana, TWU, Arkansas GIS Office, Texas Parks & Wildlife, © OpenStreetMap, Microsoft, Esri, TomTom,

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: 2024-145 Goals & Perspectives (4372 : 2024-145 ORD SUP for Billboard at 7770 Hampton Rd.)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 11/6/2024 3:18 PM

Lead Department: Planning & Zoning Commission **Action Officer:** Laura Puckett, Zoning Administrator

Subject: Ordinance No. 2024-146 granting a Specific Use Permit for one additional use of permanent cosmetics on Lots 14-16, Block 3, Parish Place Addition, located at 824 Richmond Road. Shankar Poudel, owner, and Sarswoti Yadav, agent.

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

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 Shankar Poudel, owner and Sarswoti Yadav, agent for a Specific Use Permit to allow one additional use of permanent cosmetics on Lots 14-16, Block 3, Parish Place Addition, located at 824 Richmond Road. The property is zoned Neighborhood Service.

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

The adjacent zoning is Neighborhood Service to the south and west, and Single Family-2 to the north and east. The adjacent land usage is a washateria to the south, apartments to the west and residences to the north and east.

A Specific Use Permit is required to allow permanent cosmetics in the General Retail zoning district.

Staff recommends for approval of this request with the following stipulations:

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the city prior to the opening of the business).
2. If this use ever ceases at this location, the City may revoke the Specific Use Permit that allows permanent cosmetics.
3. That the sale of tobacco products or drug paraphernalia from the space used for permanent cosmetics is prohibited.
4. That any remodeling of the current building must meet all city codes and requires licensed contractors.

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 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:

November 4, 2024

Attachments

a. 2024-146 ORD granting SUP for permanent cosmetics 824 Richmond Rd (DOCX)
b. 2024-146 ATTH 01 (Maps) (PDF)
c. 2024-146 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
	11/06/2024 3:22 PM			
Public Works Department		Dusty Henslee	Reviewer	Completed
	11/06/2024 3:22 PM			
City Manager	David Orr	Reviewer	Completed	11/06/2024 5:53 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

ORDINANCE NO. 2024-146 S-797

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-797 TO ALLOW ONE ADDITIONAL USE OF PERMANENT COSMETICS IN A TENANT SPACE ON LOTS 14-16, BLOCK 3, PARISH PLACE ADDITION, LOCATED AT 824 RICHMOND ROAD, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use of permanent cosmetics on **Lots 14-16, Block 3, Parish Place Addition, located in a tenant space at 824 Richmond 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 one additional use of permanent cosmetics** 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-797 to allow one additional use of permanent cosmetics on Lots 14-16, Block 3, Parish Place Addition, located in a tenant space at 824 Richmond Road**, in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-146 ORD granting SUP for permanent cosmetics 824 Richmond Rd (4373 : 2024-146 ORD SUP for permanent cosmetics 824

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

1. That the owner/or any employee performing the application of tattooing procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the city prior to the opening of the business).
2. If this use ever ceases at this location, the City may revoke the Specific Use Permit that allows permanent cosmetics.
3. That the sale of tobacco products or drug paraphernalia from the space used for permanent cosmetics is prohibited.
4. That any remodeling of the current building must meet all city codes and require licensed contractors.

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 **9th day of December, 2024.**

ATTEST:

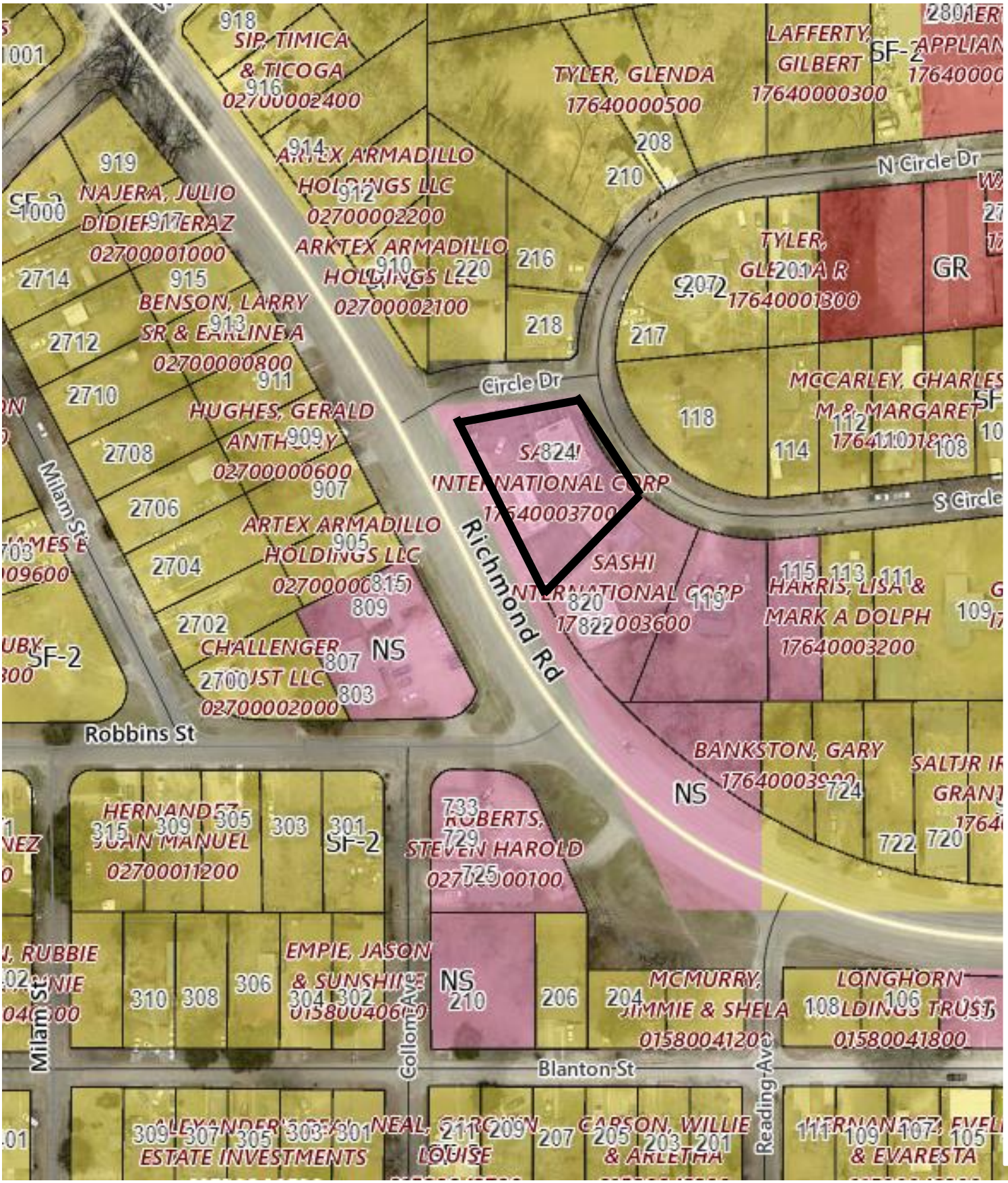
_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-146 ORD granting SUP for permanent cosmetics 824 Richmond Rd (4373 : 2024-146 ORD SUP for permanent cosmetics 824

2024-146 ATTH 01
S-797

824 Richmond Road



Attachment: 2024-146 ATTH 01 (Maps) (4373 : 2024-146 ORD SUP for permanent cosmetics 824 Richmond Rd.)

2024-146 ATTH 01
S-797

824 Richmond Road



Attachment: 2024-146 ATTH 01 (Maps) (4373 : 2024-146 ORD SUP for permanent cosmetics 824 Richmond Rd.)

City of Texarkana, Texas

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

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

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

Attachment: 2024-146 Goals & Perspectives (4373 : 2024-146 ORD SUP for permanent cosmetics 824 Richmond Rd.)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/7/2024 2:56 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-147 rezoning on an approximate 30.61-acre-tract of land (being Tracts 144 & 146) Willis Oldham HRS, A-458, located at 500 St. Michael Drive from Agriculture/Industrial-1 to Agriculture/General Retail. Blaz Korosec, owner and Jaimie Stone, agent.		

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

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 Blaz Korosec, owner, and Jaimie Stone, agent to rezone an approximate 30.61-arce tract of land (being Tracts 144 and 146), Willis Oldham HRS, A-458, located at 500 St. Michael Drive from Agriculture/Industrial-1 to Agriculture/general Retail. The property is currently KOA Campground. The intent is to conform to the zoning pursuant to the use.

The Future Land Use Map has designated this property as “Regional Commercial”.

The adjacent zoning is Agriculture/Commercial to the west, Agriculture to the north, Commercial to the east and I-30 south. The adjacent land use is vacant land to the west, north and east and I-30 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 recommend 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:

November 4, 2024

Attachments

a. 2024-147 ORD Rezoning 500 St. Michael Drive (DOCX)
b. 2024-147 EXH 'A' (Legal Description) (PDF)
c. 2024-147 ATTH 01 (Maps) (PDF)
d. 2024-147 ATTH 02 (map for general retail zoning) (PDF)
e. 2024-147 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration		Mashell Daniel	Reviewer	Completed
11/06/2024 3:18 PM				
Public Works Department		Dusty Henslee	Reviewer	Completed
11/06/2024 3:19 PM				
City Manager	David Orr	Reviewer	Completed	11/06/2024 5:53 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

Z-24-12

ORDINANCE NO. 2024-147

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 30.61-ACRE TRACT OF LAND BEING (TRACTS 144 & 146), WILLIS OLDHAM HRS, A-458, LOCATED AT 500 SAINT MICHAEL DRIVE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS, FROM AGRICULTURE/INDUSTRIAL-1 TO AGRICULTURE/GENERAL RETAIL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone on a portion on an **approximate 30.61-acre tract of land being (Tracts 144 & 146), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 500 Saint Michael Drive,** in the City of Texarkana, Bowie County, Texas, from **Agriculture/Industrial-1 to Agriculture/General Retail**; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, **voted five (5) to zero (0) to recommend for approval of the application for rezoning from Agriculture/Industrial-1 to Agriculture/General Retail on a portion of an approximate 30.61-acre tract of land being (Tracts 144 & 146), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 500 Saint Michael Drive** 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 **Agriculture/Industrial-1 to Agriculture/General Retail**; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby finds that rezoning the property from **Agriculture/Industrial-1 to Agriculture/General Retail** is in the best interest of the public health, safety, morals and general welfare of the City.

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

Attachment: 2024-147 ORD Rezoning 500 St. Michael Drive (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

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 30.61-acre tract of land being (Tracts 144 & 146), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 500 Saint Michael Drive** in the City of Texarkana, Bowie County, Texas, from **Agriculture/Industrial-1 to Agriculture/General Retail.**

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **9th of December, 2024.**

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-147 ORD Rezoning 500 St. Michael Drive (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

2024-147 EXH 'A'

Z-24-12

Exhibit "A"

Legal Description of the Property:

Tract 1:

BEING a 28.29 acre tract or parcel of land situated in the Willis Oldham Survey) Abstract Number 458, in the City of Texarkana, Bowls County, Texas and being a portion of a called 30.828 acre tract of land described In deed to Helan Jane Simmons, recorded In Volume 619, Page 355 of the Deed Records of Bowie County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING al a 3/4" Iron rod found at an ell corner of said 30.628 acre tract and being the Southwest corner of a called 6.044 acre tract of land described In deed to Texarkana Hospitality, LLC., recorded in Volume 8387, Page 125 of the Deed Records of Bowie County, Texas;

THENCE North 87° 38' 34" East, with the South line of said 6.044 acre tract, a distance of 226.58 feet to a capped 1/2" Iron rod stamped "EAGLE SURVEYING" set at the Northwest corner of a called 1.404 acre tract of land described as "Tract No. 2" In deed to David Peavy, recorded In Volume 5160, Page 95 of the Deed Record of Bowie County, Texas;

THENCE South 02° 22' 42" East with the West line of said "Tract No. 2", a distance of 219.85 feel to a 1/2" Iron rod found at Southwest corner of said "Tract No. 2" end being the Northwest corner of a called 4.072 acre tract of land described In deed to Irving Budget Inn LLC., recorded in Document Number 2017-11801 of the Deed Records of Bowie County, Texas;

THENCE South 02° 31' 39" East, with the West line of said 4.072 acre tract a distance of 216.54 feet to a 3/8" Iron rod found at Northerly Northeast corner of a called 2.229 acre tract of land described In deed to James J. Naples, recorded In Document Number 2017-9452 of the Deed Records of Bowie County, Texas;

THENCE South 87° 46' 30" West with the North line of said 2.229 acre tract a distance of 393.35 feet to an x-cut found at the Northwest corner of said 2.229 acre tract;

THENCE South 02° 28' 19" East, with the West line of said 2.229 acre tract, a distance of 212.71 feet to a capped 1/2" Iron rod stamped "EAGLE SURVEYING" set at the Southwest corner of said 2.229 acre tract and being the Northwest corner of a called 2.589 acre tract of land described in deed to R.E.C. Enterprises, LLC., recorded In Document Number 2014-12297 of the Deed Records of Bowie County, Texas and being In the North line of a called 4.981 acre tract of land described in deed to Luxury Lodges of Texas, Inc., recorded In Volume 690, Page 152 of the Deed Records of Bowie County, Texas;

THENCE South 87° 35' 41" West, with the North line of said 4.981 acre tract, a distance of 518.06 feet to a ½" Iron rod found at the Northwest corner of said 4.981 acre tract;

Attachment: 2024-147 EXH 'A' (Legal Description) (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

THENCE South 04° 29' 00" East, with the West line of said 4.981 acre tract, a distance of 22.35 feet to a ½" iron pipe found at the Northeast corner of a called 1.64 acre tract of land described in deed to Wilma Jean Yarbrough, recorded in Volume 3654, Page 160 of the Deed Records of Bowie County, Texas;

THENCE South 88° 44' 21" West, with the North line of said 1.64 acre tract, a distance of 368.02 feet to a capped ½" iron rod stamped "EAGLE SURVEYING" set at the Southwest corner of said 30.628 acre tract and the Northwest corner of said 1.64 acre tract and being in the East Right of Way Line of the Kansas City Southern Railroad;

THENCE North 13° 05' 54" East, With the West line of said 30.628 acre tract and the East Right of Way line of said Railroad, a distance of 1416.38 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northwest corner of said 30.628 acre tract and being the Southwest corner of a called 35.02 acre tract of land described in deed to St James Day School, recorded in Volume 537, Page 320 of the Deed Records of Bowie County, Texas;

THENCE North 87° 37' 45" East, with the North line of said 30.628 acre tract and the common South line of said 35.02 acre tract, a distance of 673.39 feet to a 3" steel fence post found at the Northeast corner of said 30.626 acre tract and being the Northwest corner of Lot 1 of Greene Subdivision an addition to the City of Texarkana, Bowie County, Texas, recorded in Volume 5572, Page 234 of the Plat Records of Bowie County, Texas;

THENCE South 02° 26' 26" East, with the West line of Lot 1, a distance of 363.04 feet to a ¼" iron rod found at the Southwest corner of said Lot 1 and being the Northwest corner of said 6.044 acre tract;

THENCE South 02° 24' 45" East with the West line of said 6.044 acre tract, a distance of 338.35 feet to the POINT OF BEGINNING and containing 28.29 acres or 1,232,216 square feet of land more or less.

Tract 2:

Being a 2.32 acre tract or parcel of land situated in the Willis Oldham Survey, Abstract # 458, in the City Of Texarkana, Bowie County, Texas and being the remainder of a tract (herein after referred as the remainder tract) of land described in deed to Luxury Lodges of Texas, Inc, recorded in Volume 690, Page 152 of the Deed Records of Bowie County, Texas being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found in the South line of said remainder tract and at the Southwest corner of a called 2.589 acre tract of land described in a deed to REC Enterprises, LLC, recorded in Document # 2014-12297 of the Deed Records of Bowie County, Texas and being in the North right of way line of Interstate Highway # 30;

Thence South 87° 20' 28" West with the South line of said remainder tract and the North right of way line of said Interstate Highway # 30, a distance of 507.33 feet to a capped 1/2" iron rod stamped "Eagle Surveying" set at the Southwest corner of said remainder tract and being the

Attachment: 2024-147 EXH 'A' (Legal Description) (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

Southeast corner of a called 1.64 acre tract of land described in deed to Wilma Jean Yarbrough, recorded in Volume 3654, Page 160 of the Deed Record of Bowie County, Texas;

Thence North 05° 42' 53" West, with the West line of said remainder tract and the East line of said 1.64 acre tract, a distance of 175.72 feet to a 1" iron pipe found at an angle point in the West line of said remainder tract, the Northeast corner of said 1.64 acre tract and being in the South line of a called 30.628 acre tract of land described in deed to Helen Jane Simmons, recorded in Volume 619, Page 355, Deed Records of Bowie County, Texas;

Thence North 04° 29' 00" West with the West line of said remainder tract and the South line of said 30.628 acre tract, a distance of 22.35 feet to a 1" iron rod found at the Northwest corner of said remainder tract;

Thence North 87° 35' 41" East with the North line of said remainder tract and the common South line of said 30.628 acre tract a distance of 518.06 feet to a capped 1/2" iron rod stamped "Eagle Surveying" set in the North line of said remainder tract and the Northwest corner of said 2.589 acre tract and being the Southwest corner of a called 2.229 acre tract of land described in deed to James J. Naples, recorded in Document # 2017-9452 of the Deed Records of Bowie County, Texas;

Thence South 02° 28' 19" East with the West line of said 2.589 acre tract a distance of 196.40 feet to the Point of Beginning and containing 2.32 acres or 101,089 square feet of land more or less.

Attachment: 2024-147 EXH 'A' (Legal Description) (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

2024-147 ATTH 01
Z-24-12

500 St. Michael Drive



Attachment: 2024-147 ATTH 01 (Maps) (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

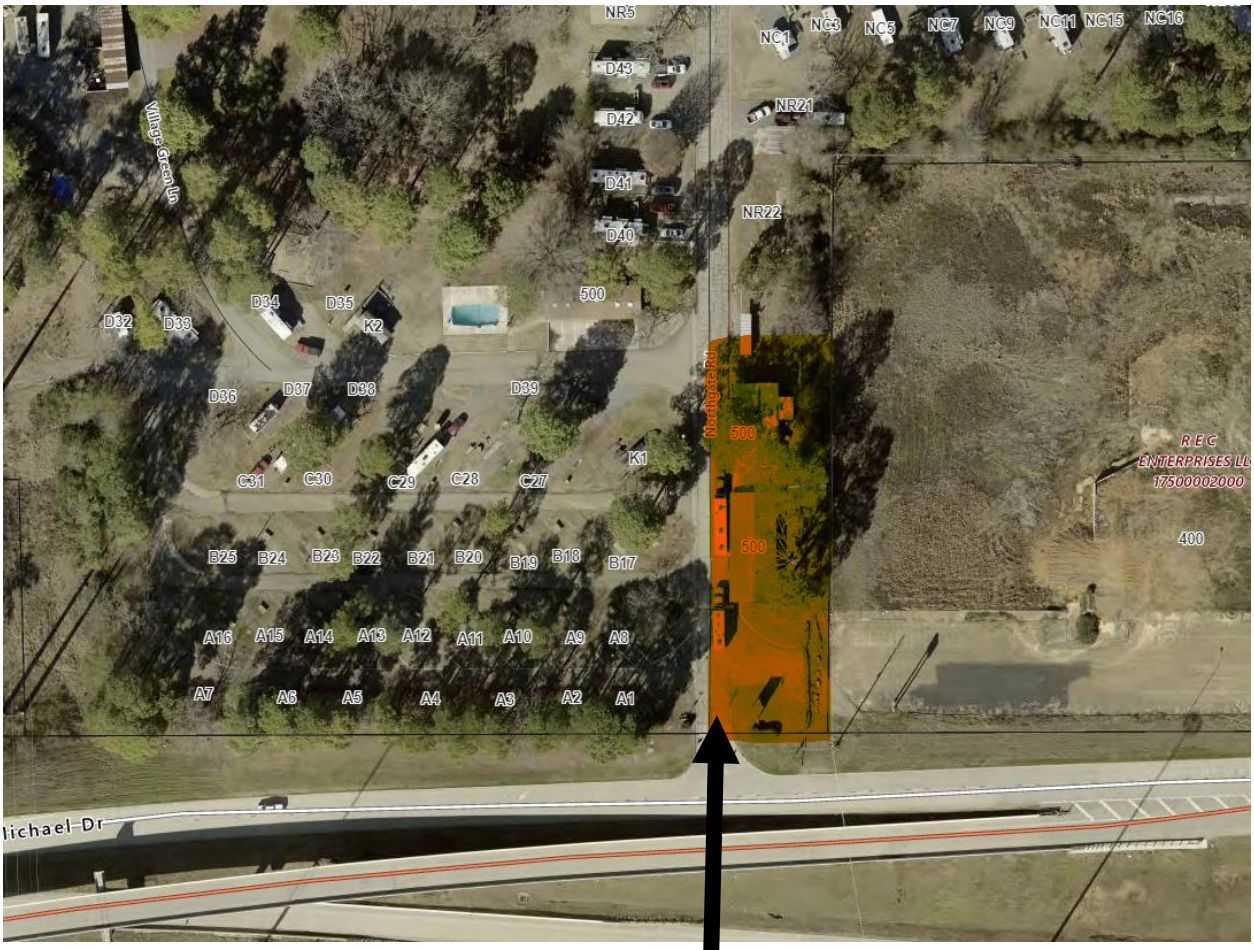
2024-147 ATTH 01
Z-24-12

500 St. Michael Drive



Attachment: 2024-147 ATTH 01 (Maps) (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

500 St. Michael Drive



The portion shaded will be General Retail

Attachment: 2024-147 ATTH 02 (map for general retail zoning) (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

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: 2024-147 Goals & Perspectives (4374 : 2024-147 ORD rezoning A/I-1 to A/GR 500 St Michael Dr)

City of Texarkana, Texas

Version: A

Briefing Sheet

Update Date: 11/6/2024 3:22 PM

Lead Department:	Planning & Zoning Commission	**Action Officer:**	Laura Puckett, Zoning Administrator
Subject:	Ordinance No. 2024-148 granting a Specific Use Permit to allow the one additional use of a camp trailer park and HUD code manufactured home park on an approximate 30.61-acre tract of land (being Tracts 144 & 146) Willis Oldham HRS, A-458, located at 500 St. Michael Drive. Blaz Korosec, owner and Jaimie Stone, agent.		

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

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 Blaz Korosec, owner, and Jaimie Stone, agent, for a Specific Use Permit to allow the use of Camp trailer park and HUD code manufactured home park on an approximate 30.61-acre tract of land (being Tracts 144 and 146) Willis Oldham HRS, A-458, located at 500 St. Michael Drive. The property is zoned Agriculture/Industrial-1.

The Future Land Use Map has designated this property as “Regional Commercial”.

The adjacent zoning is Agriculture/Commercial to the west, Agriculture to the north, Commercial to the east and I-30 south. The adjacent land use is vacant land to the west, north and east and I-30 south.

Staff recommends for approval of this request with the following stipulations:

1. That the single wide HUD code manufactured homes be tied down/skirted/underpinned.
2. That the HUD code manufactured homes be used for dwelling purposes only, human occupancy only.
3. 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.
4. That a privacy fence be placed on the northern and eastern border of the park.

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 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:

November 4, 2024

Attachments

a. 2024-148 ORD SUP trailer camp -HUD code mnfctrd home park 500 St. Michael Dr (DOCX)
b. 2024-148 EXH 'A' (Legal Description) (PDF)
c. 2024-148 ATTH 01 (Maps) (PDF)
d. 2024-148 Goals & Perspectives (DOCX)

Staff Coordination

Building Code Administration	Mashell Daniel	Reviewer	Completed	11/06/2024 3:23 PM
Public Works Department	Dusty Henslee	Reviewer	Completed	11/06/2024 3:24 PM
City Manager	David Orr	Reviewer	Completed	11/06/2024 5:53 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

S-798

ORDINANCE NO. 2024-148

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-798 TO ALLOW ONE ADDITIONAL USE OF A CAMP TRAILER PARK AND HUD CODE MANUFACTURED HOME PARK ON AN APPROXIMATE 30.61-ACRE TRACT OF LAND BEING (TRACTS 144 & 146), WILLIS OLDHAM HRS, A-458, LOCATED AT 500 SAINT MICHAEL DRIVE, IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed with the City of Texarkana, Texas, requesting an amendment to the Zoning Ordinance to grant a **Specific Use Permit** to allow one additional use of a camp trailer park and HUD code manufactured home park on **an approximate 30.61-acre tract of land being (Tracts 144 & 146), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 500 Saint Michael Drive**, 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-798 for the location of a double wide HUD code manufactured home on an approximate 30.61-acre tract of land being (Tracts 144 & 146), Willis Oldham HRS, A-458 (Exhibit 'A'), located at 500 Saint Michael Drive,** in the City of Texarkana, Bowie County, Texas.

Attachment: 2024-148 ORD SUP trailer camp -HUD code mnfctrd home park 500 St. Michael Dr (4375 : 2024-148 ORD SUP for trailer camp

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

1. That the single-wide HUD code manufactured homes be tied down/skirted/underpinned.
2. That the HUD code manufactured homes be used for dwelling purposes only, human occupancy only.
3. 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.
4. That a privacy fence be placed on the northern and eastern border of the park.

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 **9th day of December, 2024.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-148 ORD SUP trailer camp -HUD code mnfctrd home park 500 St. Michael Dr (4375 : 2024-148 ORD SUP for trailer camp

Exhibit "A"

Legal Description of the Property:

Tract I:

BEING a 28.29 acre tract or parcel of land situated in the Willis Oldham Survey) Abstract Number 458, in the City of Texarkana, Bowls County, Texas end being a portion of a called 30.828 acre tract of land described In deed to Helen Jane Simmons, recorded In Volume 619, Page 355 of the Deed Records of Bowie County, Texas and being more particularly described by metes and bounds as follows;

BEGINNING al a 3/4" Iron rod found at an ell corner of said 30.628 acre tract and being the Southwest corner of a called 6.044 acre tract of land described In deed to Texarkana Hospitality. LLC., recorded in Volume 8387, Page 125 of the Deed Records of Bowie County, Texas;

THENCE North 87° 38' 34" East, with the South line of said 6.044 acre tract, a distance of 226.58 feet to a capped 1/2" Iron rod stamped "EAGLE SURVEYING" set at the Northwest corner of a called 1.404 acre tract of land described as "Tract No. 2" In deed to David Peavy, recorded In Volume 5160, Page 95 of the Deed Record of Bowie County, Texas;

THENCE South 02° 22' 42" East with the West line of said "Tract No. 2", a distance of 219.85 feel to a 1/2" Iron rod found at Southwest corner of said "Tract No. 2" end being the Northwest corner of a called 4.072 acre tract of land described In deed to Irving Budget Inn LLC., recorded in Document Number 2017-11801 of the Deed Records of Bowie County, Texas;

THENCE South 02° 31' 39" East, with the West line of said 4.072 acre tract a distance of 216.54 feet to a 3/8" Iron rod found at Northerly Northeast corner of a called 2.229 acre tract of land described In deed to James J. Naples, recorded In Document Number 2017-9452 of the Deed Records of Bowie County, Texas;

THENCE South 87° 46' 30" West with the North line of said 2.229 acre tract a distance of 393.35 feet to an x-cut found at the Northwest corner of said 2.229 acre tract;

THENCE South 02° 28' 19" East, with the West line of said 2.229 acre tract, a distance of 212.71 feet to a capped 1/2" Iron rod stamped "EAGLE SURVEYING" set at the Southwest corner of said 2.229 acre tract and being the Northwest corner of a called 2.589 acre tract of land described in deed to R.E.C. Enterprises, LLC., recorded In Document Number 2014-12297 of the Deed Records of Bowie County, Texas and being In the North line of a called 4.981 acre tract of land described in deed to Luxury Lodges of Texas, Inc., recorded In Volume 690, Page 152 of the Deed Records of Bowie County, Texas;

THENCE South 87° 35' 41" West, With the North line of said 4.981 acre tract, a distance of 518.06 feet to a ½" Iron rod found at the Northwest corner of said 4.981 acre tract;

Attachment: 2024-148 EXH 'A' (Legal Description) (4375 : 2024-148 ORD SUP for trailer camp ground and HUD Code park 500 St. Michael Dr)

THENCE South 04° 29' 00" East, with the West line of said 4.981 acre tract, a distance of 22.35 feet to a ½" iron pipe found at the Northeast corner of a called 1.64 acre tract of land described in deed to Wilma Jean Yarbrough, recorded in Volume 3654, Page 160 of the Deed Records of Bowie County, Texas;

THENCE South 88° 44' 21" West, with the North line of said 1.64 acre tract, a distance of 368.92 feet to a capped ½" iron rod stamped "EAGLE SURVEYING" set at the Southwest corner of said 30.628 acre tract and the Northwest corner of said 1.64 acre tract and being in the East Right of Way Line of the Kansas City Southern Railroad;

THENCE North 13° 05' 54" East, With the West line of said 30.628 acre tract and the East Right of Way line of said Railroad, a distance of 1416.38 feet to a capped 1/2" iron rod stamped "EAGLE SURVEYING" set at the Northwest corner of said 30.628 acre tract and being the Southwest corner of a called 35.02 acre tract of land described in deed to St James Day School, recorded in Volume 537, Page 320 of the Deed Records of Bowie County, Texas;

THENCE North 87° 37' 45" East, with the North line of said 30.628 acre tract and the common South line of said 35.02 acre tract, a distance of 673.39 feet to a 3" steel fence post found at the Northeast corner of said 30.626 acre tract and being the Northwest corner of Lot 1 of Greene Subdivision an addition to the City of Texarkana, Bowie County, Texas, recorded to Volume 5572, Page 234 of the Plat Records of Bowie County, Texas;

THENCE South 02° 26' 26" East, with the West line of Lot 1, a distance of 363.04 feet to a ¾" iron rod found at the Southwest corner of said Lot 1 and being the Northwest corner of said 6.044 acre tract;

THENCE South 02° 24' 45" East with the West line of said 6.044 acre tract, a distance of 338.35 feet to the POINT OF BEGINNING and containing 28.29 acres or 1,232,216 square feet of land more or less.

Tract 2:

Being a 2.32 acre tract or parcel of land situated in the Willis Oldham Survey, Abstract # 458, in the City Of Texarkana, Bowie County, Texas and being the remainder of a tract (herein after referred as the remainder tract) of land described in deed to Luxury Lodges of Texas, Inc. recorded in Volume 690, Page 152 of the Deed Records of Bowie County, Texas being more particularly described by metes and bounds as follows:

Beginning at a 1/2" iron rod found in the South line of said remainder tract and at the Southwest corner of a called 2.589 acre tract of land described in a deed to REC Enterprises, LLC, recorded in Document # 2014-12297 of the Deed Records of Bowie County, Texas and being in the North right of way line of Interstate Highway # 30;

Thence South 87° 26' 28" West with the South line of said remainder tract and the North right of way line of said Interstate Highway # 30, a distance of 507.33 feet to a capped 1/2" iron rod stamped "Eagle Surveying" set at the Southwest corner of said remainder tract and being the

Attachment: 2024-148 EXH 'A' (Legal Description) (4375 : 2024-148 ORD SUP for trailer camp ground and HUD Code park 500 St. Michael Dr)

Southeast corner of a called 1.64 acre tract of land described in deed to Wilma Jean Yarbrough, recorded in Volume 3654, Page 160 of the Deed Record of Bowie County, Texas;

Thence North 05° 42' 53" West, with the West line of said remainder tract and the East line of said 1.64 acre tract, a distance of 175.72 feet to a 1" iron pipe found at an angle point in the West line of said remainder tract, the Northeast corner of said 1.64 acre tract and being in the South line of a called 30.628 acre tract of land described in deed to Helen Jane Simmons, recorded in Volume 619, Page 355, Deed Records of Bowie County, Texas;

Thence North 04° 29' 00" West with the West line of said remainder tract and the South line of said 30.628 acre tract, a distance of 22.35 feet to a 1" iron rod found at the Northwest corner of said remainder tract;

Thence North 87° 35' 41" East with the North line of said remainder tract and the common South line of said 30.628 acre tract a distance of 518.06 feet to a capped 1/2" iron rod stamped "Eagle Surveying" set in the North line of said remainder tract and the Northwest corner of said 2.589 acre tract and being the Southwest corner of a called 2.229 acre tract of land described in deed to James J. Naples, recorded in Document # 2017-9452 of the Deed Records of Bowie County, Texas;

Thence South 02° 28' 19" East with the West line of said 2.589 acre tract a distance of 196.40 feet to the Point of Beginning and containing 2.32 acres or 101,089 square feet of land more or less.

Attachment: 2024-148 EXH 'A' (Legal Description) (4375 : 2024-148 ORD SUP for trailer camp ground and HUD Code park 500 St. Michael Dr)

2024-148 ATTH 01
S-798

500 St. Michael Drive



Attachment: 2024-148 ATTH 01 (Maps) (4375 : 2024-148 ORD SUP for trailer camp ground and HUD Code park 500 St. Michael Dr)

2024-148 ATTH 01
S-798

500 St. Michael Drive



Attachment: 2024-148 ATTH 01 (Maps) (4375 : 2024-148 ORD SUP for trailer camp ground and HUD Code park 500 St. Michael Dr)

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: 2024-148 Goals & Perspectives (4375 : 2024-148 ORD SUP for trailer camp ground and HUD Code park 500 St. Michael Dr)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/7/2024 3:27 PM

Lead Department:	Planning and Community Development	**Action Officer:**	Megan Price, CDBG Administrator
Subject:	Resolution No. 2024-150 approving the PY23/FY24 Community Development Block Grant (CDBG) Annual Comprehensive Assessment Performance Evaluation Report.		

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The U.S. Department of Housing and Urban Development - Community Planning Department requires each Community Development Block Grant (CDBG) Entitlement Community to complete an annual Comprehensive Assessment Performance Evaluation Report (CAPER) no later than 90 days after the close of the program year (Program Year-End Date: September 30, 2024).

The City of Texarkana, Texas herby gives notice that the DRAFT of the Community Development Block Grant 2023 Program Year Consolidated Annual Performance Evaluation Report (CAPER) will be available for public review and comment at the dates and times listed below. Spanish translation is available upon request.

The Department of Housing and Urban Development requires all recipients of Community Development Block Grant funds to submit an annual report. All interested persons or groups are encouraged to review the DRAFT CAPER and formally present their comments for inclusion in this report.

The DRAFT report can be reviewed during the comment period of November 25 - December 9, 2024 at the following location during regular business hours at:

Texarkana, Texas City Hall
Department of Planning and Community Development
220 Texas Boulevard
Texarkana, Texas

The DRAFT CAPER is also available on the Texarkana, Texas website at www.texarkanatexas.gov <http://www.texarkanatexas.gov>

The Public Hearing for the CAPER will occur at the regularly scheduled City Council Meeting on December 9, 2024. The 15-day comment period will end on December 9, 2024.

Citizens are asked to present their comments at this Public Hearing for inclusion in the report or to submit written comments for inclusion in the report to the Department of Planning and Community Development, City of Texarkana, Texas 220 Texas Boulevard, Texarkana, Texas 75504. Comments may be mailed or delivered to this office by 5:00 p.m. December 9, 2024.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval of this resolution

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

a. 2024-150 ATTH 01 PY2023 FY2024 Caper (PDF)
b. 2024-150 ATTH 02 Caper PY2023 Presentation (PDF)
c. 2024-150 Goals & Perspectives (DOCX)
d. 2024-150 RES Approving the annual CDBG CAPER (jcl rev) (DOCX)

Staff Coordination

Planning and Community Development		Vashil Fernandez	Department Head Review	
	Pending	11/06/2024 11:40 AM		
City Manager	David Orr	City Manager Review	Rejected	11/06/2024 1:08 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

City of Texarkana, Texas
CAPER

Consolidated Annual Performance Evaluation Report

Community Development Block Grant Program
October 1, 2023 through September 30, 2024
Program Year 2023

OMB Control No: 2506-0117 (exp. 09/30/2021)

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CR-05 - Goals and Outcomes

Progress the jurisdiction has made in carrying out its strategic plan and its action plan. 91.520(a)
This could be an overview that includes major initiatives and highlights that were proposed and executed throughout the program year.

During CDBG Program Year 2023 (October 1, 2023 – September 30, 2024= PY23), the City of Texarkana had a total of $720,970 in CDBG resources to address various community needs. These funds included carryover resources in the amount of $345,261 from prior allocations, $13,658 in Program Income and $362,051 for the Program Year 2023 allocation. The City expended $145,292.82 leaving an unexpended balance at the beginning of the 2024 program year of $330,978.

Comparison of the proposed versus actual outcomes for each outcome measure submitted with the consolidated plan and explain, if applicable, why progress was not made toward meeting goals and objectives. 91.520(g)
Categories, priority levels, funding sources and amounts, outcomes/objectives, goal outcome indicators, units of measure, targets, actual outcomes/outputs, and percentage completed for each of the grantee's program year goals.

Goal	Category	Source / Amount	Indicator	Unit of Measure	Expected – Strategic Plan	Actual – Strategic Plan	Percent Complete	Expected – Program Year	Actual – Program Year	Percent Complete
Housing Affordability - Code Enforcement	Affordable Housing	CDBG: $	Housing Code Enforcement/Foreclosed Property Care	Household Housing Unit	25	23	92.00%	25	20	80.00%
Housing Affordability - Homebuyer Assistance	Affordable Housing	CDBG: $	Direct Financial Assistance to Homebuyers	Households Assisted	1	0	0.00%	2	0	0.00%

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Housing Affordability - Homeowner Housing Rehab	Affordable Housing	CDBG: $	Homeowner Housing Rehabilitated	Household Housing Unit	3	3	100.00%	2	0	0.00%
Increase Capacity of Public Service - Homelessness	Homeless	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	0	50		0	0	
Increase Capacity of Public Service - Homelessness	Homeless	CDBG: $	Homeless Person Overnight Shelter	Persons Assisted	0	0		0	0	
Increase Capacity of Public Service - Homelessness	Homeless	CDBG: $	Other	Other	1	1	100.00%	1	1	100.00%
Planning and Administration	Planning and administration	CDBG: $	Other	Other	1	1	100.00%	1	1	100.00%
Public Facility - Neighborhood Revitalization	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	50	50	100.00%	50	50	100.00%
Public Infrastructure Improvements - Neighborhood	Non-Housing Community Development	CDBG: $	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	50	50	100.00%	50	150	300.00%

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Public Service - General Services Programs	Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	46	98	213.04%	36	98	272.22%
Public Service - General Services Programs	Non-Housing Community Development	CDBG: $	Homeless Person Overnight Shelter	Persons Assisted	0	0		0	0	
Public Service - Youth Services	Non-Housing Community Development	CDBG: $	Public service activities other than Low/Moderate Income Housing Benefit	Persons Assisted	25	25	100.00%	25	25	100.00%

Table 1 - Accomplishments – Program Year & Strategic Plan to Date

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Assess how the jurisdiction's use of funds, particularly CDBG, addresses the priorities and specific objectives identified in the plan, giving special attention to the highest priority activities identified.

The City carried out the following activities during this reporting period:

Public Service- HMIS Coord Entry $1,800

Administration - $84,321: Administration of CDBG program to provide services to LMI &/or homeless individuals/families

Code Compliance - $14,989: Code Enforcement Officer

Public Facility Improvements - $68,750: Upgraded HVAC Units and Windows at Health Department

Public Facility Improvements- $94,826: Upgraded HVAC system at the Southwest Center

Public Service - Community Gardens $7,231: Community Gardens installed/improved for LMI neighborhoods in Beverly and Rosehill.

Public Service - MT Litter Program $15,964: Litter program for downtown area

Public Service - Haven Homes Men Shelter $10,400: Supplies for Haven Homes Men Shelter LMI

Public Service - Pol Care $5,884: Supplies for Youth Services LMI

Public Service - The Scholars $9,949: Supplies for Youth Services LMI

Public Facility Improvements - Randy Sams Outreach Shelter $24,662: Upgraded Lift Station at Homeless Facility in LMI Area

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CR-10 - Racial and Ethnic composition of families assisted

Describe the families assisted (including the racial and ethnic status of families assisted). 91.520(a)

	CDBG
White	170
Black or African American	138
Asian	0
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	**308**
Hispanic	8
Not Hispanic	300

Table 2 – Table of assistance to racial and ethnic populations by source of funds

Narrative

Downtown Texarkana is located in Census Tract #48037010500. This tract has a poverty rate of 49.8%. Of the 3232 residents that call the Downtown area home, 1,009 are white, 2,050 are Black or African American. Population continues to decline in the area as fewer and fewer make their homes here. In this area of just over 200 acres, there are over 200 confirmed or suspected Brownfield properties ranging from suspected lead and asbestos contamination to petroleum and MTBE's. Nearly half of the buildings in the area are no longer open or functioning.

The Beverly area (Census Tract #48037010600) population has decreased from 2,612 in 1990 to 2,293 in 2010, with the number of households for the same period also declining from 921 to 774. Total number of housing units decreased from 1,103 to 918 households. The number of vacant housing units decreased from 182 to 144. During this same time period, renter occupied housing units rose from 441 to 506 while owner occupied housing units dramatically decreased 44.17% from 480 to 268. In 2012, average median household income for Texarkana, Texas was $37,526, but only $17,262 in Beverly, a variance of 46%. Per capita income was also lower by 45% as compared to the city at $23,297 per person in the city and only $10,477 in Beverly. Median home values in the city were reported at $136,770 and only $37,863 in Beverly.

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CR-15 - Resources and Investments 91.520(a)

Identify the resources made available

Source of Funds	Source	Resources Made Available	Amount Expended During Program Year
CDBG	public - federal	414,551	298,843

Table 3 - Resources Made Available

Narrative

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Beverly Community Revitalization	37	19	
City-Wide	4	2	For Housing Rehab and & Homeowner Assistance
Downtown Area	39	63	
Rose Hill Redevelopment Area			

Table 4 – Identify the geographic distribution and location of investments

Narrative

Beverly Boundaries are New Boston Rd (Hwy 82), Robinson Rd, College Dr & Richmond Rd to Summerhill Rd- qual census tract 106. It is bordered by commercially zoned streets with interior comprised of older housing stock & many vacant, boarded buildings & has minority, elderly, & poverty concentrations. Staff worked closely with community leaders & it became clear that residents needed neighborhood cleanups. The city committed staff time to help while the Neighborhood Assoc has taken on the responsibility of the actual cleanups. The Downtown Area (Tract 105) is bound by the Kansas City Southern Railroad (Front St) & 7th St (MLK Blvd.), Stateline Ave, & Lake Dr. Citizens asked staff to focus on downtown revitalization for the past ten years. Consultations with numerous agencies, public meetings/hearings, citizen surveys, & votes of elected City Council Members establish a strong consensus for moving forward to arrest the decline of this historic center of the town & revitalize the area's potential for economic growth & provide affordable housing close to area services. These regions were chosen because they have great potential & need. They are bordered by major transportation routes, prime real estate for commercial development. New multifamily & new single-family housing will provide safe, secure, quality, affordable housing for families. The economic development potential can bring jobs to sustain these LMI areas.

In PY2021, expenditures included:

Downtown area: Litter program, coffee shop, sidewalks/trees.

Other LMI Areas: Down payment assistance to 1 LMI household. Public services are implemented with Texarkana Homeless Coalition to provide a one-stop shop for homeless people to receive needed services. Community garden work completed in Rosehill, Beverly, and New Town neighborhoods.

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Leveraging

Explain how federal funds leveraged additional resources (private, state and local funds), including a description of how matching requirements were satisfied, as well as how any publicly owned land or property located within the jurisdiction that were used to address the needs identified in the plan.

The City recognizes the importance of leveraging resources. It is estimated that these community development projects will bring $1.75 in private resources spent in the local economy for each grant dollar invested. Moreover, most projects require substantial private investments at a 9 to 1 ratio, especially the Revolving Loan Fund program for Downtown Business economic development. Matching requirements for other grant programs are met by in-kind donations of labor and/or materials rather than by the use of CDBG funds. Publicly owned land or property located within the jurisdiction includes housing lots owned by the city, city parks, and scattered properties located downtown. This property may be used to promote economic development, provide support for homeless programs, and/or affordable housing in Texarkana, Texas. Publicly owned land may also be used to support public health activities, infrastructure, and public services, promoting livability and sustainability within the jurisdiction. The City expects to use CDBG funding as a leveraging tool to support community and economic development within the jurisdiction. Other grant programs that magnify the impact the City's commitment of CDBG resources and provide significant leverage to CDBG investments in the Downtown and Beverly Target Areas include the:

- $ 440,000 EPA Brownfields Multi-Purpose Grant
- $ 900,000 EPA Brownfields Revolving Loan Fund
- $ 200,000 EPA Brownfields Petroleum Assessment Grant
- $ 200,000 EPA Brownfields Hazardous Materials Assessment Grant
- $ 100,000 NEA Grant for Downtown redevelopment

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CR-20 - Affordable Housing 91.520(b)

Evaluation of the jurisdiction's progress in providing affordable housing, including the number and types of families served, the number of extremely low-income, low-income, moderate-income, and middle-income persons served.

	One-Year Goal	Actual
Number of Homeless households to be provided affordable housing units	0	0
Number of Non-Homeless households to be provided affordable housing units	3	0
Number of Special-Needs households to be provided affordable housing units	0	0
Total	**3**	**0**

Table 5 – Number of Households

	One-Year Goal	Actual
Number of households supported through Rental Assistance	0	0
Number of households supported through The Production of New Units	0	0
Number of households supported through Rehab of Existing Units	2	0
Number of households supported through Acquisition of Existing Units	1	0
Total	**3**	**0**

Table 6 – Number of Households Supported

Discuss the difference between goals and outcomes and problems encountered in meeting these goals.

The City's 5 Year Consolidated Plan for meeting Housing goals primarily consisted of projects and activities relying on Non-CDBG funding. Significant changes in funding streams the City relied upon for meeting these goals, including both CDBG and Non-CDBG funding, necessitated changes in plans for the 2019 Action Plan and will impact future Action Plans.

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In the past, the City has included outcomes associated with projects funded with Non-CDBG funding sources like TDHCA in the 5 Year Plan & 1 Year Action Plans. For example, the City included four Housing Rehabilitation projects in the Con Plan funded through TDHCA. Those funds are now not available. Without a replacement funding source, those programs have been removed from the City's expected outcomes. However, even though these no longer exist as projects in HUD's (Housing and Urban Development) database system due to the way IDIS archives projects associated with these plans, the expected outcomes still appear in this report. The more significant issue is the decrease in funding in CDBG and Non-CDBG funding programs. This directly impacts real outcomes in Texarkana communities. The City does provide capacity building support for Homeless Coalition members, including Randy Sams Homeless Shelter, ArkTex Council of Governments and Mission Texarkana. The outcomes for these activities are reported as organizations assisted.

Discuss how these outcomes will impact future annual action plans.

Future action plans will incorporate more activities funded by the CDBG program leading to improvements in meeting the goals & outcomes specified in the 5 Year Consolidated Plan. The City has submitted a new Consolidated Plan to allow for future annual action plans to specify the use of CDBG funds to address priority needs areas, especially those relating to housing, homelessness, & homelessness prevention activities**.**

Include the number of extremely low-income, low-income, and moderate-income persons served by each activity where information on income by family size is required to determine the eligibility of the activity.

Number of Households Served	CDBG Actual	HOME Actual
Extremely Low-income	0	0
Low-income	0	0
Moderate-income	0	0
Total	**0**	**0**

Table 7 – Number of Households Served

Narrative Information

The city operates a Homebuyers Assistance Program to increase affordable housing in LMI neighborhoods. Additionally, the city is actively involved with mortgage lenders as a part of the Community Advisory Committee to increase access to affordable housing products & loan services in Texarkana. The city made available a First Time Home Buyer Down Payment Assistance Grants Program in Program Year 2022 (October 1, 2022 – September 30, 2023) that require eligibility determination and is currently available in PY2023 and future program years.

The city is a grantee for ESG & CoC funds to assist extremely low-income individuals & families. Homeless PIT numbers have decreased 17% or to 120 individuals during the last homeless count period.

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The city has several infrastructure projects including over 15,994 LF of new sidewalks & ramps to increase access/safety/mobility for persons with disabilities.

The city is an active partner & providing a 2.3-million-dollar loan package for the Hotel Grim Lofts that will provide 93 additional housing units with 20 affordable units for low to moderate income individuals & families.

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CR-25 - Homeless and Other Special Needs 91.220(d, e); 91.320(d, e); 91.520(c)

Evaluate the jurisdiction's progress in meeting its specific objectives for reducing and ending homelessness through:

Reaching out to homeless persons (especially unsheltered persons) and assessing their individual needs

The priorities for Texarkana in addressing the needs of these population groups include:

- To assist public and nonprofit agencies in providing housing & supportive services to the elderly & frail elderly.
- To assist public & nonprofit agencies in providing housing & supportive services to homeless persons & those "at-risk" of homelessness.
- To assist the Texarkana Homeless Coalition & those agencies that are part of the coalition, serving special needs populations.

The city of Texarkana is a long-time advocate for ending homelessness. As such, the city is an active participant in the Texarkana Homeless Coalition. Staff lend their expertise & the city contributes countless hours to assisting the Coalition in its endeavors to reduce duplication of services, benefit from efficient models of service delivery, & create economies of scale. Additionally, the city has partnered with homeless services providers to apply for Continuum of Care & Emergency Solutions Grant funds & works closely with the Texas Homeless Network to ensure Texarkana will one day end homelessness. CDBG funding was used to meet outcomes associated with the Continuum of Care Program. Specifically, the city focused on building capacity in non-profits associated with the Homeless Coalition, its partnership with the Texas Homeless Network & Texas Balance of State Continuum of Care. Future Action Plans will also incorporate the use of CDBG funding to meet goals & objectives related to ending homelessness.

Addressing the emergency shelter and transitional housing needs of homeless persons

Emergency Housing, Transitional Housing & Rapid Re-Housing:

RSOS for the Homeless (emergency shelter for 86 unaccompanied adults) provides services under ESG & CoC grants. The Salvation Army, Texarkana, Arkansas (9 family rooms for up to 36 people & 25 beds for individual men). ArkTex Council of Governments (ATCOG) provides services under the ESG grant. Mission Texarkana provides services under the CoC grant.

RSOS provides the only available beds for people who are chronically homeless in Texarkana, Texas. The Salvation Army Homeless Shelters for Families, & Unaccompanied Men are located in Texarkana, Arkansas. Their facility is listed here because they are the only local provider of shelter for homeless families in the region. Crossing state lines for shelter is problematic for many homeless persons because

assistance is usually tied to state of residence. Mission Texarkana (formerly Texarkana Friendship Center) provides services to the needy & homeless in downtown Texarkana. They are a non-profit care provider rendering life sustaining assistance to the indigent & job training/placement for able bodied clients without regard to religious preference, political affiliation, sex, race, handicap, or other classification. They feed an average of 300 people a day as well & provide groceries for over 20 families daily. Additionally, MT provides Rapid Rehousing to more than forty formerly homeless families through Continuum of Care grant as a partner to the City. Special Health Services of Texas provides some support for HIV/AIDS patients in the region. Community Health Core plans to provide supportive housing & permanent supportive housing to homeless veterans & their families as well as supportive housing for MHMR clientele. Additionally, the city has partnered with homeless services providers for Emergency Solutions Grant funds & works closely with the THN to ensure Texarkana will one day end homelessness.

CDBG funding was used to meet outcomes associated with the Program Year 2023 Action Plan. Specifically, the City focused on providing support through Public Services to non-profits associated with the Homeless Coalition, its partnership with the Texas Homeless Network and Texas Balance of State Continuum of Care. The City worked closely with Randy Sams Outreach Shelter and Mission Texarkana by administering the Continuum of Care Grant. The City made payments directly to the non-profit providers of Rapid Rehousing and Case Management services.

Helping low-income individuals and families avoid becoming homeless, especially extremely low-income individuals and families and those who are: likely to become homeless after being discharged from publicly funded institutions and systems of care (such as health care facilities, mental health facilities, foster care and other youth facilities, and corrections programs and institutions); and, receiving assistance from public or private agencies that address housing, health, social services, employment, education, or youth needs

The elderly, frail elderly, persons with disabilities, persons with alcohol or other drug addictions, persons with HIV/AIDS & their families, public housing residents, & victims of domestic violence present a range of complex problems that put them at greater risk of severe income limitations & homelessness. These populations have a much more difficult time finding, securing, & maintaining adequate housing & necessary social services. The city serves as the fiscal agent for a CoC – Rapid Re-Housing grant administered through RSOS & MT. These agencies provided rapid housing &/or case management under the CoC grant. The program moved from a Transitional Housing model to a Rapid Rehousing model as of March 1, 2015. In both cases, the program meets the needs of these residents by providing case management, counseling, life skills training, & assistance for job seekers. The program assists these persons & families learn self-sufficiency. These formerly homeless persons transition gradually to paying their own rent. They are considered permanently housed at the point that they are paying their own way. CDBG funding was used to meet outcomes associated with the Program Year 2023 Action Plan. Specifically, the City focused on assisting three (6) non-profits under Public Services. The City worked closely with RSOS, Texarkana Homeless Coalition Vista program, Pol Care, The Scholars, Haven Homes Men's Shelter and Amachi Vision Corps to provide services such as life skills, job training and youth

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programs that are designed to improve the lives of homeless persons & provide help in gaining self-sufficiency.

Helping homeless persons (especially chronically homeless individuals and families, families with children, veterans and their families, and unaccompanied youth) make the transition to permanent housing and independent living, including shortening the period of time that individuals and families experience homelessness, facilitating access for homeless individuals and families to affordable housing units, and preventing individuals and families who were recently homeless from becoming homeless again

The primary goal for serving special needs populations is to assist public & nonprofit agencies in expanding & enhancing their provision of housing & services to the elderly, disabled & dually/multiply diagnosed, persons with HIV/AIDS, victims of domestic violence, & persons with addictions. The city recognizes services required by special-needs populations often overlap with the housing needs & supportive services for the homeless as identified & addressed throughout the Consolidated Plan. CDBG funding was used to meet outcomes associated with the Program Year 2023 Action Plan. Specifically, the city focused on assisting three (5) non-profits under Public Services: RSOS, THC Vista program, Pol Care, The Scholars, Haven Homes Men Center & Amachi Vision Corps to provide services such as life skills, job training & youth programs that are designed to improve the lives of homeless persons & provide help in gaining self-sufficiency. The City made payments directly to the non-profit providers of Public Services. Future Action Plans will also incorporate the use of CDBG funding to meet goals & objectives related to ending homelessness.

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CR-30 - Public Housing 91.220(h); 91.320(j)

Actions taken to address the needs of public housing

Texarkana & the Housing Authority of Texarkana (HATT) have made significant, meaningful strides to ensure that extremely low, low-, and moderate-income citizens have access to safe, affordable housing. While these gains are meaningful, the city's goals have not been fully realized.

Public Housing currently has less than a 2% vacancy rate & maintains a Section 8 waiting list in excess of 800 families at any given time. Clearly, there is more work to be done to provide affordable housing in Texarkana. The city continues to assist the PHA in the acquisition of lots, demolition & clearance. Subsidized housing on the existing PHA site & the surrounding community is a part of the replacement housing. The Rosehill area continues to be a priority for the City, though the emphasis has shifted to the Beverly Area where the homes are primarily owner occupied or rentals & not public housing units.

Program Administration funds include time spent working with HATT to ensure quality public housing exists in Texarkana.

Actions taken to encourage public housing residents to become more involved in management and participate in homeownership

HATT's community centers, an active communications program, & frequent, positive resident engagement encourages residents to seek out & use services offered & participate in the management of public housing in Texarkana. HATT transitioned to a referral-based system ensuring that public housing residents have access to services provided by federal, state, local, &/or non-profit agencies, including educational resources like GED preparation & computer skills training through the Literacy Council, vocational & job training programs offered through Workforce Solutions, Texarkana Community College, & Texas A&M Texarkana, financial management skills training, childcare, & other relevant support services. These programs help to connect residents to information that can help them to obtain better paying jobs & greater financial literacy. By buying down some of the mortgages of homes built with Hope VI funds, & providing information on home purchasing options to residents, HATT can improve home ownership rates in some of the poorest neighborhoods of the city. Staff continue to work closely with HATT to improve resident engagement & homeownership. Additionally, the city continues to educate lenders & HATT personnel on the availability of First Time Home Buyer Down Payment Assistance through the CDBG program. CDBG funding was used to meet outcomes associated with the Program Year 2023 Action Plan in Public Housing as Administrative planning funds. Future Action Plans may incorporate the use of CDBG funding to meet goals and objectives related to the support of Public Housing.

Actions taken to provide assistance to troubled PHAs

HATT is an exemplary public housing authority & is not designated as troubled.

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CR-35 - Other Actions 91.220(j)-(k); 91.320(i)-(j)

Actions taken to remove or ameliorate the negative effects of public policies that serve as barriers to affordable housing such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees and charges, growth limitations, and policies affecting the return on residential investment. 91.220 (j); 91.320 (i)

To maintain the City's commitment to prevent barriers to affordable housing the City will continue to:

- Conduct public outreach regarding availability of housing & housing assistance including ensuring that programs are culturally competent and translation of housing application materials into Spanish & maintains bi-lingual staff to assist applicants & clients who are not English-proficient.
- Maintain flexibility in zoning & building requirements when appropriate to allow for infill housing development.
- Maintain an Affirmative Marketing Plan to directly market newly developed City-assisted housing units to minority groups least likely to apply to homeownership programs.
- Meet with local lenders & home builders to encourage the use of non-traditional client loan qualifying & loan products to better serve the needs of homebuyer households with challenges that preclude conventional qualification.
- Support local Continuum of Care efforts for homeless populations & provide ongoing support & technical assistance to the Texarkana Homeless Coalition.
- Work with local agencies that provide financial case management & credit counseling.
- Review and, when applicable, revise the Fair Housing ordinance which ensures that fair housing options are available to its citizens.
- Monitor city-sponsored projects for equal access & compliance of the Fair Housing Act.
- Monitor code compliance with HQS and Fair Housing standards.
- Hold periodic Public Hearings providing information & requesting public comment on affordable and fair housing issues.
- Work with local housing service providers to conduct homebuyer & homeowner education.

Actions taken to address obstacles to meeting underserved needs. 91.220(k); 91.320(j)

The city will work with its community partners to assist LMI residents in meeting underserved needs consisting of employment services, childcare, health services, substance abuse counseling and treatment, education programs, services for senior citizens, services for people experiencing homelessness, and fair housing training.

Actions taken to reduce lead-based paint hazards. 91.220(k); 91.320(j)

The city will continue to implement countermeasures to minimize exposure of lead-based paint hazards found in existing housing built prior to 1978 through its city administered housing program. The city will

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provide all rehab clients, homebuyer clients, HOME program clients and potential clients with the "Lead-Based Paint" pamphlet that describes hazards of lead-based paint. Pursuant to 24 CFR Part 35, all rental and homeowner dwelling units that wish to receive federal assistance and were built prior to 1978 are tested for lead-based paint. The city distributes lead-based paint information at several events throughout the year, i.e., Rosehill Neighborhood Celebration, neighborhood association meetings, farmers market events, etc. The information is also provided in the downpayment & closing cost program packets.

Actions taken to reduce the number of poverty-level families. 91.220(k); 91.320(j)

There are a variety of actions the city undertakes throughout the year in an effort to reduce the number of poverty-level families and increase self-sufficiency. The programs funded through CDBG to address this goal includes youth programs, senior assistance programs, and emergency services (i.e., rent, mortgage, and utility assistance programs). The city's anti-poverty strategy focuses on helping all low-income households improve their economic status and remain about poverty levels.

Actions taken to develop institutional structure. 91.220(k); 91.320(j)

City staff work throughout the year to increase institutional structure, both within the city and throughout our partner agencies. This is accomplished through providing technical assistance on federal grant management requirements, such as growing their knowledge of Davis-Bacon requirements, financial management and other grant management procedures. Staff maintain contact with partner agencies throughout the year, offering referrals for funding and training opportunities where appropriate. During the year, the Planning & Community Development Department will assist nonprofit/social service providers, Village Communities of Texarkana, Texas, and various other community-based organizations to provide training and technical assistance to subrecipients.

Actions taken to enhance coordination between public and private housing and social service agencies. 91.220(k); 91.320(j)

The city is heavily invested in collaborations throughout the community and has successfully paired with multiple service providers to achieve its goals of providing affordable, safe and decent housing. This collaboration has allowed the city, public agencies and service providers of Texarkana Homeless Coalition to better serve the needs of underserved residents. The city will also continue to further its initiative to leverage funding to increase opportunities for low- and moderate- income residents to receive necessary services and have access to affordable housing options.

Identify actions taken to overcome the effects of any impediments identified in the jurisdictions analysis of impediments to fair housing choice. 91.520(a)

As part of the City's plan to utilize Community Development Block Grant and other funds, the City is committed to addressing issues of fair housing choice. A detailed list of the actions taken during the

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past five years is provided above and in the body of the plan. The list below, based on the findings of the Analysis of Fair Housing, Texarkana, Texas commits to the following actions, many of which are a continuation of existing actions:

Impediment A: The primary area of minority and low-income concentration is located in the core of the city with fewer amenities than the newer areas of town.

Action Step A1: The City will continue to focus virtually all of its non-public service CDBG funds to enhance the area's infrastructure in order to improve the commercial and mixed-use viability of the area. This will bring more amenities to the area in the form of improved recreational opportunities, improved employment opportunities, better mobility, less flooding, and improved retail access.

Impediment B: Incomes are lower and unemployment higher for minority residents.

Action Step B1: The City will continue to work on expanding job opportunities through the recruitment of corporations, the provision of incentives for local corporations seeking to expand, and other private sector activities aimed at reducing unemployment and expanding the base of higher income jobs.

Action Step B2: Emphasize recruitment for jobs that best mirror the job skills and education levels of those populations most in need of jobs, i.e. high school education, GED's and in some instances, community college or technical training.

Action Step B3: Increase the GED, high school graduation, technical training, and college matriculation rates among residents by collaborating with the TISD, Texarkana Community College, and Texas A&M to assess how the City can provide assistance and support to improving graduate rates in the high school and improve the rates of students entering college and completing successfully.

Impediment C: Lack of access to healthy, affordable food choices within the high minority and high low-income area inside the loop.

Action Step C1: Continue to evaluate funding sources and continue to apply for USDA Food Desert and other related grant funding.

Action Step C2: Continue progress in addressing "Food Desert" areas. Suggested solutions include increasing the number of supermarkets, farmers' markets, and community gardens.

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CR-40 - Monitoring 91.220 and 91.230

Describe the standards and procedures used to monitor activities carried out in furtherance of the plan and used to ensure long-term compliance with requirements of the programs involved, including minority business outreach and the comprehensive planning requirements

Texarkana continuously monitors programs & activities to ensure compliance with City/State/Federal regulations & policies. Monitoring focuses on the following areas:

Financial: PCD & Finance staff work closely to ensure that funds drawn down are used for authorized activities on approved projects. Activities agreements, expense documentation, & approvals must be in place for funds to be expended. The City ensures a system of checks & balances & that staff requesting payments of funds are not authorized to approve them. The City is also subject to an annual single audit, conducted by an independent accounting firm.

Environmental: All projects & individual activities are subject to a review of environmental impacts prior to funding approval. Remediation of impacts is implemented where required & projects unable to meet environmental requirements are abandoned or alternative locations or solutions are sought.

Programmatic: Results &/or impacts are expected of all projects. Staff are charged with monitoring progress toward program goals on a regular basis. Accomplishments & outcome data are entered into IDIS by staff. The ability to reimburse funds is tied directly to reporting accomplishments.

Sub-Recipient Monitoring: The City currently has no sub-recipients for the CDBG program.

Labor Standards: The City of Texarkana monitors labor standards for all CDBG funded projects. Labor requirements are included in all bid documents & discussed again during the required pre-construction conference. Contractor payments are not processed until all required forms are submitted & verified to be accurate and correct.

Minority Business Outreach: Purchasing standards are closely monitored to maximize the number of minority & women owned businesses utilized. The City uses the State of Texas Purchasing System when local minority & women owned businesses are not available.

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

Citizen Participation Plan 91.105(d); 91.115(d)

Describe the efforts to provide citizens with reasonable notice and an opportunity to comment on performance reports.

The City gave notice that the Draft of the PY2023 Caper would be available for public review & comment at:

Texarkana, Texas City Hall
Department Planning & Community Development
220 Texas Boulevard
Texarkana, Texas 75501

The comment period for this review will begin on November 25 and will run through December 9, 2024, during regular business hours. The Draft Caper was also available on the Texarkana, Texas website (www.ci.texarkana.tx.us) for the duration of the comment period. Public meetings were conducted in accordance with the Texas Open Meetings Law (V.T.C.A. Government Code 551) & in accordance with the Americans with Disabilities Act 42 USC 12101 (1991). The facility is wheelchair accessible & handicap parking is available. Requests for sign interpretive services are available upon request, which must be received at least 48 hours prior to the meeting. Spanish translation was available. Citizen comments are included as an attachment to this document.

Comments received during the comment period & the Public Hearing December 12th City Council Meeting will be attached, as will the minutes for that meeting.

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

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CR-45 - CDBG 91.520(c)

Specify the nature of, and reasons for, any changes in the jurisdiction's program objectives and indications of how the jurisdiction would change its programs as a result of its experiences.

The most significant changes that have occurred in Texarkana's program objectives have been the exclusion of Non-CDBG Funded projects & activities from the Five-Year Consolidated Plan & Annual Action Plan. Moving from city led to volunteer-driven neighborhood association clean-up projects staff at the city have been able to forge stronger relationships that will prove invaluable as the City continues to work at transforming Beverly from a Target Area to a desirable neighborhood. The short-term impact of excluding Non-CDBG funds on the CAPER is the creation of perception that the program is not meeting its targets & goals. In the past, the City has included outcomes associated with projects funded with Non-CDBG funding sources like TDHCA to meet Housing goal indicators. For example, the City included four Housing Rehabilitation projects in the Consolidated Plan funded through TDHCA & administered through City staff. Those funds are now not available & the City has been directed to remove those programs from the City's expected outcomes. However, even though these no longer exist as projects in HUD's database system (called IDIS – the Integrated Disbursement & Information System) due to the way IDIS archives projects associated with these plans, the expected outcomes still appear in this report. Another important change to the City's planning is that the City was able to partner with the TxDot to provide needed ADA improvements to sidewalks & curbs for its downtown infrastructure projects, allowing the City to leverage these CDBG dollars.

Does this Jurisdiction have any open Brownfields Economic Development Initiative (BEDI) grants?

No

[BEDI grantees] Describe accomplishments and program outcomes during the last year.

CR-58 – Section 3

Identify the number of individuals assisted and the types of assistance provided

Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
Total Number of Activities	0	0	0	0	0
Total Labor Hours	0				
Total Section 3 Worker Hours	0				
Total Targeted Section 3 Worker Hours	0				

Table 8 – Total Labor Hours

Qualitative Efforts - Number of Activities by Program	CDBG	HOME	ESG	HOPWA	HTF
Outreach efforts to generate job applicants who are Public Housing Targeted Workers					
Outreach efforts to generate job applicants who are Other Funding Targeted Workers.					
Direct, on-the job training (including apprenticeships).					
Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	1				
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes,preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.	1				
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
Provided or connected residents with training on computer use or online technologies.					
Promoting the use of a business registry designed to create opportunities for disadvantaged and small businesses.					
Outreach, engagement, or referrals with the state one-stop system, as designed in Section 121(e)(2) of the Workforce Innovation and Opportunity Act.					

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

Other.					

Table 9 – Qualitative Efforts - Number of Activities by Program

Narrative

The City provides public service dollars to Randy Sams Outreach & Mission Texarkana who provide job/assistance skills training to help persons who are homeless or in danger of homelessness.

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No comments were received during the comment period & no comments were made at the Public Hearing December 12th City Council Meeting. Attached are the minutes for that meeting.

CR-45 - CDBG 91.520(c)

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CR-58 – Section 3

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Total Labor Hours	CDBG	HOME	ESG	HOPWA	HTF
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Total Labor Hours					
Total Section 3 Worker Hours					
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Indirect training such as arranging for, contracting for, or paying tuition for, off-site training.	1				
Technical assistance to help Section 3 workers compete for jobs (e.g., resume assistance, coaching).					
Outreach efforts to identify and secure bids from Section 3 business concerns.					
Technical assistance to help Section 3 business concerns understand and bid on contracts.					
Division of contracts into smaller jobs to facilitate participation by Section 3 business concerns.					
Provided or connected residents with assistance in seeking employment including: drafting resumes,preparing for interviews, finding job opportunities, connecting residents to job placement services.					
Held one or more job fairs.					
Provided or connected residents with supportive services that can provide direct services or referrals.	1				
Provided or connected residents with supportive services that provide one or more of the following: work readiness health screenings, interview clothing, uniforms, test fees, transportation.					
Assisted residents with finding child care.					
Assisted residents to apply for, or attend community college or a four year educational institution.					
Assisted residents to apply for, or attend vocational/technical training.					
Assisted residents to obtain financial literacy training and/or coaching.					
Bonding assistance, guaranties, or other efforts to support viable bids from Section 3 business concerns.					
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Attachment

PR-26 Texarkana PY2023

Office of Community Planning and Development
U.S. Department of Housing and Urban Development
Integrated Disbursement and Information System
PR26 - CDBG Financial Summary Report
Program Year 2023
TEXARKANA , TX

DATE: 10-28-24
TIME: 14:27
PAGE: 1

PART I: SUMMARY OF CDBG RESOURCES	
01 UNEXPENDED CDBG FUNDS AT END OF PREVIOUS PROGRAM YEAR	0.00
02 ENTITLEMENT GRANT	362,051.00
03 SURPLUS URBAN RENEWAL	0.00
04 SECTION 108 GUARANTEED LOAN FUNDS	0.00
05 CURRENT YEAR PROGRAM INCOME	13,657.36
05a CURRENT YEAR SECTION 108 PROGRAM INCOME (FOR SI TYPE)	0.00
06 FUNDS RETURNED TO THE LINE-OF-CREDIT	0.00
06a FUNDS RETURNED TO THE LOCAL CDBG ACCOUNT	0.00
07 ADJUSTMENT TO COMPUTE TOTAL AVAILABLE	0.00
08 TOTAL AVAILABLE (SUM, LINES 01-07)	375,708.36
PART II: SUMMARY OF CDBG EXPENDITURES	
09 DISBURSEMENTS OTHER THAN SECTION 108 REPAYMENTS AND PLANNING/ADMINISTRATION	277,015.11
10 ADJUSTMENT TO COMPUTE TOTAL AMOUNT SUBJECT TO LOW/MOD BENEFIT	0.00
11 AMOUNT SUBJECT TO LOW/MOD BENEFIT (LINE 09 + LINE 10)	277,015.11
12 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	68,563.07
13 DISBURSED IN IDIS FOR SECTION 108 REPAYMENTS	0.00
14 ADJUSTMENT TO COMPUTE TOTAL EXPENDITURES	0.00
15 TOTAL EXPENDITURES (SUM, LINES 11-14)	345,578.18
16 UNEXPENDED BALANCE (LINE 08 - LINE 15)	30,130.18
PART III: LOWMOD BENEFIT THIS REPORTING PERIOD	
17 EXPENDED FOR LOW/MOD HOUSING IN SPECIAL AREAS	0.00
18 EXPENDED FOR LOW/MOD MULTI-UNIT HOUSING	0.00
19 DISBURSED FOR OTHER LOW/MOD ACTIVITIES	277,015.11
20 ADJUSTMENT TO COMPUTE TOTAL LOW/MOD CREDIT	0.00
21 TOTAL LOW/MOD CREDIT (SUM, LINES 17-20)	277,015.11
22 PERCENT LOW/MOD CREDIT (LINE 21/LINE 11)	100.00%
LOW/MOD BENEFIT FOR MULTI-YEAR CERTIFICATIONS	
23 PROGRAM YEARS(PY) COVERED IN CERTIFICATION	PY: PY: PY:
24 CUMULATIVE NET EXPENDITURES SUBJECT TO LOW/MOD BENEFIT CALCULATION	0.00
25 CUMULATIVE EXPENDITURES BENEFITING LOW/MOD PERSONS	0.00
26 PERCENT BENEFIT TO LOW/MOD PERSONS (LINE 25/LINE 24)	0.00%
PART IV: PUBLIC SERVICE (PS) CAP CALCULATIONS	
27 DISBURSED IN IDIS FOR PUBLIC SERVICES	13,743.30
28 PS UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
29 PS UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
30 ADJUSTMENT TO COMPUTE TOTAL PS OBLIGATIONS	0.00
31 TOTAL PS OBLIGATIONS (LINE 27 + LINE 28 - LINE 29 + LINE 30)	13,743.30
32 ENTITLEMENT GRANT	362,051.00
33 PRIOR YEAR PROGRAM INCOME	29,379.39
34 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PS CAP	0.00
35 TOTAL SUBJECT TO PS CAP (SUM, LINES 32-34)	391,430.39
36 PERCENT FUNDS OBLIGATED FOR PS ACTIVITIES (LINE 31/LINE 35)	3.51%
PART V: PLANNING AND ADMINISTRATION (PA) CAP	
37 DISBURSED IN IDIS FOR PLANNING/ADMINISTRATION	68,563.07
38 PA UNLIQUIDATED OBLIGATIONS AT END OF CURRENT PROGRAM YEAR	0.00
39 PA UNLIQUIDATED OBLIGATIONS AT END OF PREVIOUS PROGRAM YEAR	0.00
40 ADJUSTMENT TO COMPUTE TOTAL PA OBLIGATIONS	0.00
41 TOTAL PA OBLIGATIONS (LINE 37 + LINE 38 - LINE 39 +LINE 40)	68,563.07
42 ENTITLEMENT GRANT	362,051.00
43 CURRENT YEAR PROGRAM INCOME	13,657.36
44 ADJUSTMENT TO COMPUTE TOTAL SUBJECT TO PA CAP	0.00
45 TOTAL SUBJECT TO PA CAP (SUM, LINES 42-44)	375,708.36
46 PERCENT FUNDS OBLIGATED FOR PA ACTIVITIES (LINE 41/LINE 45)	18.25%

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

LINE 17 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 17

No data returned for this view. This might be because the applied filter excludes all data.

LINE 18 DETAIL: ACTIVITIES TO CONSIDER IN DETERMINING THE AMOUNT TO ENTER ON LINE 18

No data returned for this view. This might be because the applied filter excludes all data.

LINE 19 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 19

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2022	6	280	6898170	Community Gardens - New Town & Rosehill	03E	LMA	$5,682.00
2023	10	293	6923517	Community Gardens - Beverly & Rose Hill	03E	LMA	$2,780.79
2023	10	293	6923603	Community Gardens - Beverly & Rose Hill	03E	LMA	$3,300.00
					03E	**Matrix Code**	**$11,762.79**
2022	6	285	6898162	Bell Park Walking Trail	03F	LMA	$4,052.00
2022	6	285	6898166	Bell Park Walking Trail	03F	LMA	$9,334.00
2022	6	285	6898174	Bell Park Walking Trail	03F	LMA	$21,669.49
2022	6	285	6902925	Bell Park Walking Trail	03F	LMA	$708.00
2023	12	295	6923520	Southwest Center HVAC System	03F	LMA	$94,825.60
					03F	**Matrix Code**	**$130,589.09**
2022	5	289	6923520	Rose Hill Sidewalks	03L	LMA	$29,800.00
					03L	**Matrix Code**	**$29,800.00**
2022	5	288	6923603	Bus Stop Covers	03Z	LMA	$80,852.20
					03Z	**Matrix Code**	**$80,852.20**
2023	3	291	6898174	PS-Mission Txk Litter Program	05H	LMC	$11,943.30
					05H	**Matrix Code**	**$11,943.30**
2023	2	287	6898170	PS-HMIS Coord Entry	05Z	LMC	$1,800.00
					05Z	**Matrix Code**	**$1,800.00**
2023	9	282	6898174	Code Compliance	15	LMA	$2,523.51
2023	9	282	6902925	Code Compliance	15	LMA	$1,936.06
2023	9	282	6923517	Code Compliance	15	LMA	$1,936.06
2023	9	282	6923520	Code Compliance	15	LMA	$1,936.05
2023	9	282	6923603	Code Compliance	15	LMA	$1,936.05
					15	**Matrix Code**	**$10,267.73**
Total							**$277,015.11**

LINE 27 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 27

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity to prevent, prepare for, and respond to Coronavirus	Activity Name	Grant Number	Fund Type	Matrix Code	National Objective	Drawn Amount
2023	3	291	6898174	No	PS-Mission Txk Litter Program	B22MC481000	EN	05H	LMC	$11,943.30
								05H	**Matrix Code**	**$11,943.30**
2023	2	287	6898170	No	PS-HMIS Coord Entry	B22MC481000	EN	05Z	LMC	$1,800.00
								05Z	**Matrix Code**	**$1,800.00**
				No	**Activity to prevent, prepare for, and respond to Coronavirus**					**$13,743.30**
Total										**$13,743.30**

LINE 37 DETAIL: ACTIVITIES INCLUDED IN THE COMPUTATION OF LINE 37

Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2023	11	283	6898159	Administration	21A		$6,103.27
2023	11	283	6898162	Administration	21A		$5,192.82
2023	11	283	6898164	Administration	21A		$4,993.45
2023	11	283	6898166	Administration	21A		$5,383.87

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Plan Year	IDIS Project	IDIS Activity	Voucher Number	Activity Name	Matrix Code	National Objective	Drawn Amount
2023	11	283	6898170	Administration	21A		$2,224.83
2023	11	283	6898174	Administration	21A		$4,517.13
2023	11	283	6902925	Administration	21A		$4,949.46
2023	11	283	6923517	Administration	21A		$6,389.97
2023	11	283	6923520	Administration	21A		$24,111.74
2023	11	283	6923603	Administration	21A		$4,696.53
					21A	Matrix Code	$68,563.07
Total							$68,563.07

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

Financial Summary
Grantee Performance Report
Community Development Block Grant Program

U.S. Department of Housing and Urban Development
Office of Community Planning and Development

OMB Approval No. 2506-0077 (

2024-150 ATTH 01

Public reporting burden for this collection of information is estimated to average 12 hours per response, including the time for reviewing instructions, searching existi data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estima or any other aspect of this collection of information, including suggestions for reducing this burden, to the Reports Management Officer, Paperwork Reduction Proje (2506-0077), Office of Information Technology, U.S. Department of Housing and Urban Development, Washington, D.C. 20410-3600. This agency may not condu or sponsor, and a person is not required to respond to, a collection of information unless that collecton displays a valid OMB control number.

Do not send this form to the above address.

1. Name of Grantee	2. Grant Number	3. Reporting Period
City of Texarkana, Texas	B-23-MC-48-1000	From 10/1/2023 To 09/30/2024

Part I: Summary of CDBG Resources			
1. Unexpended CDBG funds at end of previous reporting period (Balance from prior program years)			$ 267,770.08
2. Entitlement Grant from form HUD-7082			$ 362,051.00
3. Surplus Urban Renewal Funds			$ 0.00
4. Section 108 Guaranteed Loan Funds (Principal Amount)			$
5. Program Income received by:	Grantee (Column A)	Subrecipient (Column B)	
a. Revolving Funds	$	$	
b. Other (Identify below. If more space is needed use an attachment)			
	$ 13,165.59	$	
	$	$	
c. Total Program Income (Sum of columns a and b)			$ 13,165.59
6. Prior Period Adjustments (if column is a negative amount, enclose in brackets)			$
7. Total CDBG Funds available for use during this reporting period (sum of lines 1 through 6)			$ 642,986.67
Part II: Summary of CDBG Expenditures			
8. Total expenditures reported on Activity Summary, forms HUD-4949.2 & 4949.2A			$ 298,842.85
9. Total expended for Planning & Administration, form HUD-4949.2		$ 84,320.98	
10. Amount subject to Low/Mod Benefit Calculation (line 8 minus line 9)		$ 214,521.87	
11. CDBG funds used for Section 108 principal & interest payments			$
12. Total expenditures (line 8 plus line 11)			$ **298,842.85**
13. Unexpended balance (line 7 minus line 12))			$ **344,143.82**
Part III: Low/Mod Benefit This Reporting Period			
14. Total Low/Mod credit for multi-unit housing expenditures from form HUD-4949.2A			$
15. Total from all other activities qualifying as low/mod expenditures from forms HUD-4949.2 and 4949.2A			$ **214,521.87**
16. Total (line 14 plus line 15)			$ **214,521.87**
17. Percent benefit to low/mod persons (line 16 divided by line 10 this reporting period)			**100.00** %

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

Part IV: Low/Mod Benefit for Multi-Year Certifications (Complete only if certification period includes prior years)		
Program years (PY) covered in certification	PY _____ PY _____ PY _____	
18. Cumulative net expenditures subject to program benefit calculation		$
19. Cumulative expenditures benefiting low/mod persons		$
20. Percent benefit to low/mod persons (line 19 divided by line 18)		%
Part V: For Public Service (PS) Activities Only: Public Service Cap Calculation		
21. Total PS expenditures from column h, form HUD-4949.2A		$ 58,585.10
22. Total PS unliquidated obligations from column r, form HUD-4949.2A		$
23. Sum of line 21 and line 22		$ 58,585.10
24. Total PS unliquidated obligations reported at the end of the previous reporting period		$
25. Net obligations for public services (line 23 minus line 24)		$ 58,585.10
26. Amount of Program Income received in the **preceding** program year		$ 29,379.39
27. Entitlement Grant Amount (from line 2)		$ 362,051.00
28. Sum of line 26 and line 27		$ 391,430.39
29. Percent funds obligated for Public Service Activities (line 25 divided by line 28)		0.15 %
Part VI: Planning and Program Administration Cap Calculation		
30. Amount subject to planning and administrative cap (grant amount from line 2 plus line 5c)		$ 375,216.59
31. Amount expended for Planning & Administration(from line 9 above)		$ 84,320.98
32. Percent funds expended (line 31divided by line 30)		0.22 %

Instructions

Name of Grantee: Enter the grantee's name as shown on the approved Grant Agreement (form HUD-7082) for the most recently complete program year.

Grant Number: Enter the grant number assigned by HUD to the Community Development Block Grant for the most recently completed progra year.

Period Covered: Enter the beginning date and ending date for the most recently completed program year.

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

PY2023 Texarkana Caper Cover Page



City of Texarkana, Texas
CAPER

Consolidated Annual Performance Evaluation Report

Community Development Block Grant Program
October 1, 2023 through September 30, 2024
Program Year 2023

OMB Control No: 2506-0117 (exp. 09/30/2021)

OMB Control No: 2506-0117 (exp. 09/30/2021)

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

PY2023 Texarkana Notice of Public Comment

Notice of Public Comment

The City of Texarkana, Texas hereby gives notice that the DRAFT of the Community Development Block Grant 2023 Program Year *Consolidated Annual Performance Evaluation Report (CAPER)* will be available for public review/comment. The Department of HUD requires all recipients of CDBG funds to submit an annual report. All interested persons or groups are encouraged to review the DRAFT CAPER & formally present their comments for inclusion in this report.

The CAPER DRAFT can be reviewed during the 15 Day Public Comment Period at the following location during regular business hours between November 29 to December 9, 2024:

Texarkana, Texas City Hall
220 Texas Boulevard
Texarkana, Texas 75501

The DRAFT CAPER is also available on the Texarkana, Texas website (www.texarkanatexas.gov).

The City will hold a Public Hearing for the CAPER will occur on December 9, 2024. Citizens are asked to present their comments at this Public Hearing or to submit written comments to the City by 5:00 p.m. December 9, 2024.

These meetings are conducted in accordance with the Texas Open Meetings Law (V.T.C.A. Government Code 551) & in accordance with the Americans with Disabilities Act 42 USC 12101 (1991). The facility is wheelchair accessible & handicap parking is available. Requests for sign interpretive services are available upon request, which must be received at least 48 hours prior to the meeting.

Attachment: 2024-150 ATTH 01 PY2023 FY2024 Caper (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation

CITY OF TEXARKANA TEXAS

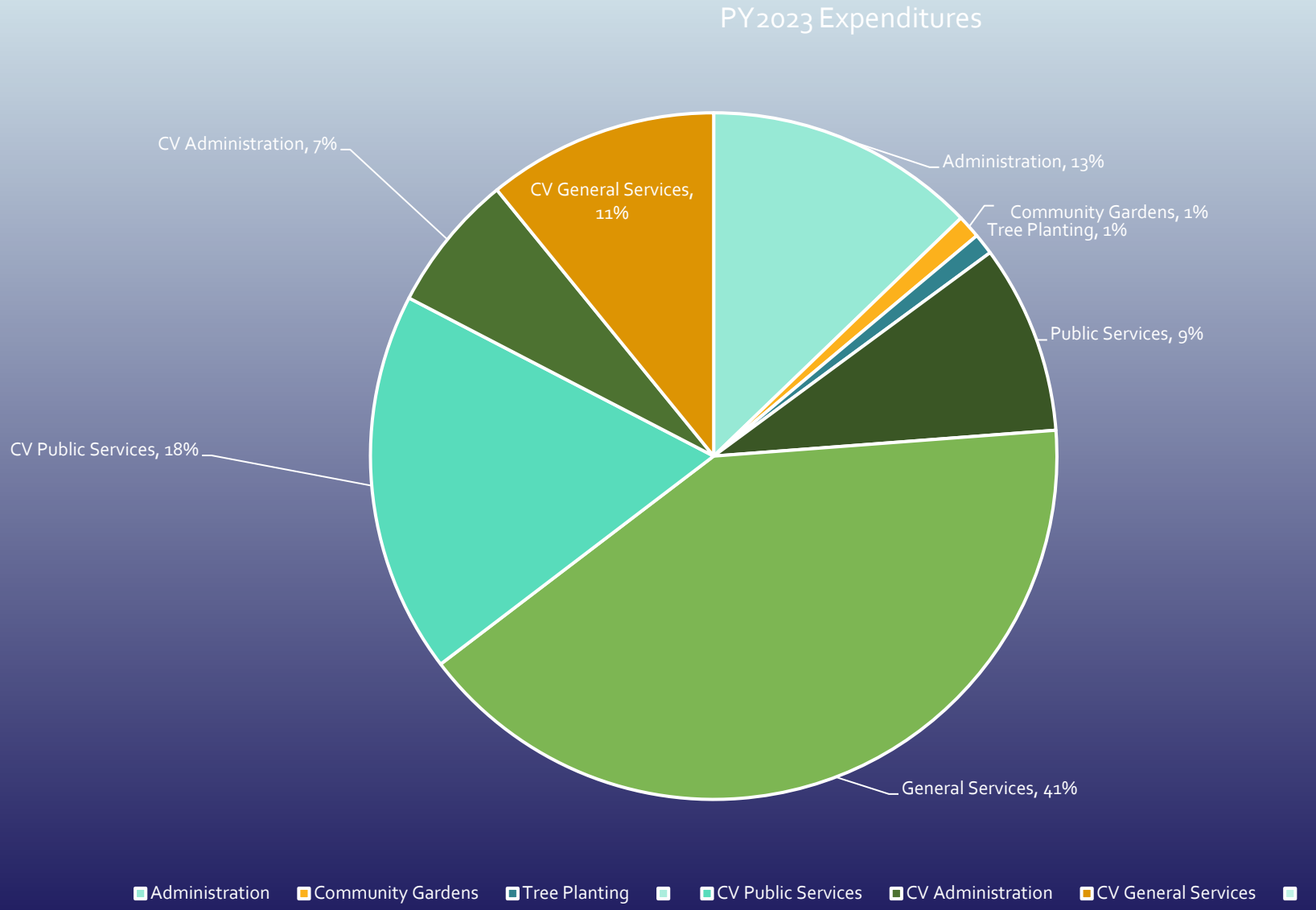
CDBG CAPER Report

Attachment: 2024-150 ATTH 02 Caper PY2023 Presentation (4369 : 2024-150 RES PY2023

CDBG CAPER Report

- The annual report includes expenditures and accomplishments fo the 2023 Community Development Block Grant (CDBG) Action Plan (October 1, 2023 -- September 30, 2024)
- Public Comment Period (November 25th – December 9th, 2024)
- Public Hearing on Monday, December 9th

Attachment: 2024-150 ATTH 02 Caper PY2023 Presentation (4369 : 2024-150 RES PY2023



Attachment: 2024-150 ATTH 02 Caper PY2023 Presentation (4369 : 2024-150 RES PY2023

HUD requires Entitlement Communities receiving CDBG funds to spend at least seventy percent of program expenditures on activities that benefit low- and moderate-income persons. One hundred percent of Texarkana's program expenditures benefitted low- and moderate-income persons.

Eight percent of total expenditures went toward administration of the program.

	Project/Activity	Status	Percent	Funded	Drawn Current Year		Drawn Prior Year	Total Drawn
CV:	PS-Mission Txk	Complete	12%	62,564.89	35,710.78		26,854.11	62,564.89
	PS-Randy Sams	Complete	16%	80,000.00	50,000.00		30,000.00	80,000.00
	PS-Salvation Army	Complete	6%	32,362.68	32,362.68		-	32,362.68
	PS-Txk Homeless Coalition	On Going	1%	7,006.55	298.59		3,911.07	4,209.66
	PS-Txk Covid-19 EOC/Health Dept	Complete	13%	65,000.00	65,000.00			65,000.00
	Ash+Lime - Covid Rebound Strategy	On Going	5%	25,000.00	23,835.00			23,835.00
	Adminstration	Complete	20%	102,432.80	42,844.58		59,588.22	102,432.80
	MT - Coffee Shop @ Grim - Job Training	Complete	8%	38,971.19	38,971.19			38,971.19
	Curb Ramp/Sidewalk Improvements Downtown	Complete	19%	98,825.89	8,825.89		90,000.00	98,825.89
CDBG:	Down Payment Assistance	Completed	2%	10,000.00	-			
	Public Service - Code Compliance	Completed	5%	25,000.00	14,988.62			
	Public Service - Vista	Completed	0%	1,800.00	1,800.00			
	Public Service - MT Litter	Completed	3%	16,000.00	15,963.30			
	Public Service - Pol Care	Completed	2%	6,000.00	5,884.22			
	Public Service - Randy Sams Outreach Shelter	Completed	2%	10,000.00	10,000.00			
	Public Service - The Scholars	Completed	2%	10,000.00	9,948.96			
	Bus Stop Covers	Completed	16%	80,000.00	80,000.00			
	Community Gardens	Completed	3%	14,318.00	7,230.79			
	Housing Reconstruction	Completed	20%	100,000.00	-			
	Parks - Kidtopia Park	Completed	6%	30,000.00	27,255.00			
	Parks - Bell Park walking trail	Completed	20%	100,000.00	89,363.89			
	Sidewalks-Rose Hill & E. Midway	Completed	14%	72,500.00	72,300.00			
	Administration	Completed	15%	75,000.00	84,320.98			
	TOTAL			1,062,782.00			210,353.40	508,202.11

Attachment: 2024-150 ATTH 02 Caper PY2023 Presentation (4369 : 2024-150 RES PY2023

Citizens are asked to present their comments at this Public Hearing for inclusion in the report or to submit written comments for inclusion in the report to the Department of Planning and Community Development, City of Texarkana, Texas 220 Texas Boulevard, P.O. Box 1967, Texarkana, Texas 75504. Comments may be mailed or delivered to this office before 5:00 p.m. December 9, 2024

Attachment: 2024-150 ATTH 02 Caper PY2023 Presentation (4369 : 2024-150 RES PY2023

City of Texarkana, Texas

√Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

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: 2024-150 Goals & Perspectives (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual Performance Evaluation Report)

Attachment: 2024-150 RES Approving the annual CDBG CAPER (jcl rev) [Revision 1] (4369 : 2024-150 RES PY2023 CDBG Consolidated Annual

RESOLUTION NO. 2024 – 150

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT ANNUAL PERFORMANCE EVALUATION REPORT AND AUTHORIZING THE CITY MANAGER TO SUBMIT SAID REPORT TO THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the U. S. Department of Housing and Urban Development has provided the City of Texarkana, Texas, with Community Development Block Grant (CDBG) funds; and

WHEREAS, the City of Texarkana, Texas, hereby gives notice that the DRAFT of the Community Development Block Grant 2023 Program Year (Fiscal Year 2024) Consolidated Annual Performance Evaluation Report (CAPER) will be available for public review and comment; and

WHEREAS, the Department of Housing and Urban Development requires all recipients of CDBG funds to submit an annual report, and all interested persons or groups are encouraged to review the DRAFT CAPER and formally present their comments for inclusion in this report; and

WHEREAS, the City Council held a public hearing on the DRAFT CAPER during its regular meeting on December 9, 2024, for all interested persons or groups to formally present their comments for inclusion in this report; and

WHEREAS, the City Council has determined it to be appropriate to approve the Community Development Block Grant 2023 Program Year CAPER.

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

SECTION 1: The Community Development Block Grant 2023 Program Year Consolidated Annual Performance Evaluation Report (CAPER) is hereby approved.

SECTION 2: The City Manager is hereby authorized to submit said Community Development Block Grant 2023 Program Year Consolidated Annual Performance Evaluation Report (CAPER) to the U.S. Department of Housing and Urban Development and provide such additional information as may be required.

SECTION 3: 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

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/6/2024 1:35 PM

Lead Department: TWU Administration **Action Officer:** Jeffery Lewis,

Subject: Ordinance No. 2024-152 amending Chapter 42 of the City Code of Ordinances to require looping of water mains and proscribing dead-end water mains.

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

Item Schedule

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

Updates/History of Briefing:

Not applicable.

Executive Summary and Background Information:

The State of Texas requires the flushing of all dead-end water mains at monthly intervals. See 30 Tex. Admin. Code § 290.46(l).

The City Council has budgeted and authorized various projects for looping of dead-end water mains in the City. See, e.g., Res. No. 2020-017 (Feb. 10, 2020), Res. No. 2022-056 (June 13, 2022).

Looping dead-end water mains improves water quality in two ways: one, looping eliminates the risk of stagnation due to low water use at the end of the main; and two, looping enhances service reliability by doubling water feeds to areas that previously had only one feed (in the event of a water main break, looping provides for a secondary feed). Looping dead-end water mains also obviates the cost, labor, and equipment associated with the State-required monthly flushing process.

City staff and water utilities staff propose codification of water main looping requirements in the City Code and proscribing dead-end water mains. The proposed amendments include incentivizing new development or redevelopment by providing for conditional partial assistance in implementing the looping requirements; that is, new developments or redevelopments which provide a public benefit may qualify for partial assistance to extend water or sewer mains to the property or looping to an existing water main, subject to criteria developed by the city manager and director and availability of budgeted funds for such assistance [see ATTH 01].

Potential Options:

Approve or decline to approve proposed ordinance amendments.

Fiscal Implications:

Budgeting amounts for conditional incentives.

Staff Recommendation:

City staff and water utilities staff recommend approval.

Advisory Board/Committee Review:

None.

Board/Committee Recommendation:

Not applicable.

Advisory Board/Committee Meeting Date and Minutes:

Not applicable.

Attachments

a. 2024-152 ORD Ch 42 amd water main looping (DOCX)
b. 2024-152 ATTH 01 detail amend 42-238 (DOCX)
c. 2024-152 Goals & Perspectives (DOCX)

Staff Coordination

City Attorney	Jeffery C. Lewis	Review	Completed	11/06/2024 1:36 PM
TWU Administration	Kenny Icenhower	Review	Completed	11/06/2024 1:46 PM
Water Utilities	Gary Smith	Department Head Review	Completed	11/06/2024 2:41 PM
City Manager	Jennifer Evans	Review	Skipped	11/07/2024 8:50 AM
City Manager	David Orr	City Manager Review	Completed	11/07/2024 3:00 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

ORDINANCE NO. 2024-152

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING CHAPTER 42 ("WATER AND SEWERS") OF THE CODE OF ORDINANCES TO REQUIRE LOOPING OF WATER MAINS AND PROSCRIBING DEAD-END WATER MAINS; CONTAINING REPEALER, SEVERABILITY, AND SUPERSEDING CLAUSES; CONTAINING LEGISLATIVE FINDINGS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the State of Texas requires the flushing of all dead-end water mains at monthly intervals — *see* 30 Tex. Admin. Code § 290.46(l); and

WHEREAS, the City Council has budgeted and authorized various projects for looping of dead-end water mains in the City — *see, e.g.*, Res. No. 2020-017 (Feb. 10, 2020), Res. No. 2022-056 (June 13, 2022); and

WHEREAS, looping dead-end water mains improves water quality in two ways: 1) looping eliminates the risk of stagnation due to low water use at the end of the main; and 2) looping enhances service reliability by doubling water feeds to areas that previously had only one feed (in the event of a water main break, looping provides for a secondary feed); and

WHEREAS, looping dead-end water mains also obviates the cost, labor, and equipment associated with the State-required monthly flushing process; and

WHEREAS, City and water utilities staff propose codification of water main looping requirements in the City's Code of Ordinances and proscribing dead-end water mains, together with providing for conditional partial assistance for new developments or redevelopments in implementing the looping requirements; and

WHEREAS, the City Council finds and determines that to better maintain water quality and service reliability, all water mains must be looped, no dead-end water mains shall be allowed, and the proposed codification of looping requirements in the City Code of Ordinances together with conditional incentivizing of new development or redevelopment should be adopted.

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

SECTION 1: Chapter 42, "Water and Sewers", Article IV, "Extension of Water and/or Sewer Mains", Division 4, "Water and/or Sewer Services for Developers", of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended to add the following new Section 42-240 as follows:

Sec. 42-240. – Looping requirements and implementation.

(a) Statement of public policy and purpose. To better maintain water quality and service reliability, all water mains must be looped, and no dead-end water mains shall be allowed.

Attachment: 2024-152 ORD Ch 42 amd water main looping (4371 : 2024-152 ORD Amend Code Ch. 42 Water Main Looping)

(b) Extension to an existing main. If the developer extends an existing dead-end main to or within a proposed development, the water main must be extended across the proposed development and looped to an existing main.

(c) Subdivisions and other developments.

1) All subdivisions and other developments must connect to the existing water system at a minimum of two locations, as determined and approved by the director, without creating a dead-end.

2) Subject to subsection (d), below, looping requirements for subdivisions and other developments shall not be waived if an extension to an existing main requires construction of an off-site extension (that is, an extension on property different from the subdivision or development property); and the owner or developer shall pay the total cost of any such off-site extension.

(d) Automatic flush valves. If the director, in his sole discretion, determines that a water main extension for looping is not feasible, an automatic flush valve shall be installed at the termination of the dead-end line.

1) Automatic flush valves shall be designed to discharge through a pipe into a nearby drainage system, if available. If a drainage system is not available, the valve shall be designed to discharge through holes in the valve cover at ground level and the valve shall be installed with a concrete pad around it to minimize erosion.

2) Automatic flush valves shall be as specified by the water utilities department. The dead-end line shall have a gate valve installed on the line and a minimum of one eighteen-foot (18') joint of pipe past the valve. The end of the line shall be plugged and blocked with concrete to prevent line and valve blow-off.

3) The owner or developer shall pay the total cost of the automatic flush valve and installation.

(e) Incentivizing New Development or Redevelopment. New developments or redevelopments which provide a public benefit may qualify for partial assistance to extend water mains to the property or looping to an existing water main (see sec. 42-238).

SECTION 2: Section 42-238(c) of the Code of Ordinances of the City of Texarkana, Texas, is hereby amended in its entirety as follows:

(c) New developments or redevelopments which provide a public benefit may qualify for partial assistance to extend water or sewer mains to the property or looping to an existing water main, subject to criteria developed by the city manager and director and availability of budgeted funds for such assistance. A request for partial assistance must be made by the developer to the director promptly following the review of the preliminary data submitted to the water utilities department.

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

SECTION 4: In the event a section, clause, sentence, or part of this Ordinance shall be deemed or adjudged by a court of competent jurisdiction to be invalid, then such invalidity shall not affect,

Attachment: 2024-152 ORD Ch 42 amd water main looping (4371 : 2024-152 ORD Amend Code Ch. 42 Water Main Looping)

impair or invalidate the remainder of this Ordinance.

SECTION 5: In the event of any conflict between this Ordinance and any other ordinances or parts of ordinances, this Ordinance shall supersede and control.

SECTION 6: 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 7: 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 **9th day of December, 2024**.

ATTEST:

_____	_____
JENNIFER EVANS, CITY SECRETARY	BOB BRUGGEMAN, MAYOR

Attachment: 2024-152 ORD Ch 42 amd water main looping (4371 : 2024-152 ORD Amend Code Ch. 42 Water Main Looping)

Sec. 42-238. Engineering to be furnished by developer.

(a) The developer shall engage the engineer or engineering firm of the developer's choice, and said engineer shall be duly licensed to perform engineering work in the state. The developer's engineer shall prepare and submit to the city water utilities department the following data for preliminary approval:

(1) One copy of a general area map, plat or sketch, showing general location of area to be served in relation to existing roads, streets and known points and further showing the approximate location of all existing water and wastewater facilities within the general area.

(2) Three copies of a recorded plat or map of the subdivision or area to be served, showing all dedicated streets, easements and rights-of-way within and immediately adjoining the area to be served. Said plat or map shall show contour elevations of the area, based on U.S.C. and G.S. datum, in sufficient detail for preliminary study. Said plat or map shall further show the proposed layout of the water and/or sewer improvements to serve the subdivision or area and shall show adequate details for preliminary study, including proposed main size and grade, where required, proposed location of fittings and appurtenances, including fire hydrants, and location or approximate distance and route to any existing water and/or sewer improvements in the general area.

(3) Three copies of a preliminary cost estimate for the total proposed improvements, including engineering.

(4) Three copies of a letter, signed by the developer, requesting preliminary approval and indicating the developers desire to enter into contract for furnishing said improvements.

(b) The water utilities department shall review the preliminary data submitted, confer with the developer and the developers engineer as required and recommend such changes as are required to meet federal, state and local authority standards.

(c) ~~The developer shall deposit with the water utilities department any funds required by contractual arrangements. Said funds shall be deposited in a construction account.~~ New developments or redevelopments which provide a public benefit may qualify for partial assistance to extend water or sewer mains to the property or looping to an existing water main, subject to criteria developed by the city manager and director and availability of budgeted funds for such assistance. A request for partial assistance must be made by the developer to the director promptly following the review of the preliminary data submitted to the water utilities department.

(d) The developer's engineer shall prepare detailed construction plans and specifications for each segment of the proposed improvements and submit three sets of same for review by the water utilities department prior to construction. No construction shall begin prior to the water utilities department's approval, in writing, of construction plans and specifications.

(e) Upon approval of construction plans and specifications, the developer's engineer shall provide all field work supervision and inspection necessary to ensure that construction complies with approved plans and specifications. The water utilities department shall have the right to perform its own inspection as required to ensure that proper construction techniques are being followed without relieving the developer's engineer of any responsibility.

(f) Proper sterilization techniques shall be followed in construction of water lines and, upon completion of construction, a water utilities representative shall be present during the opening of any valves to fill newly constructed lines from any existing mains and a representative of the water utilities department must be present to supervise the filling, flushing and testing of all newly constructed water mains. Upon completion of flushing and testing, a representative of the water utilities department shall collect samples from the newly constructed lines for bacteriological tests. The valves connecting the newly constructed lines to the existing lines shall remain closed, except for supervised filling, flushing, and testing, until such time as the

Attachment: 2024-152 ATTH 01 detail amend 42-238 (4371 : 2024-152 ORD Amend Code Ch. 42 Water Main Looping)

improvements, as constructed, have been certified by the water utilities department as being acceptable for operation and public use.

(g) Immediately following completion of construction and testing of the improvements, the developer's engineer shall prepare and submit one set of certified reproducible as-built detail plans of the completed project together with two copies of certified final cost estimates, including engineering, for the project and a letter from the developer requesting final approval and acceptance of the improvements for maintenance and operation by the water utilities department. A representative of the water utilities department shall accompany the developer, engineer and contractor during final inspection of the improvements.

(h) The developer and the developers engineer will be notified of final acceptance of the improvements by the water utilities department by letter as soon as practicable following receipt of all required, acceptable data. At this time, the newly constructed improvements shall start the one-year maintenance period whereby the developer and the contractor shall indemnify the city against any repairs which may become necessary to any part of the work performed in the construction of the extensions arising from defective workmanship or materials used therein, for a period of one year from the date of final acceptance of work. An acceptable maintenance bond shall be provided to the city water utilities department to guarantee that all required repairs or work will be properly and expeditiously corrected after notification by the city water utilities that corrective measures are required.

(Code 1961, § 29-55; Ord. No. 214-80, § 2, 7-14-1980)

Attachment: 2024-152 ATTH 01 detail amend 42-238 (4371 : 2024-152 ORD Amend Code Ch. 42 Water Main Looping)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

Staff time required if item is approved:	No Additional

Other Potential Impacts:

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: public hearing

Attachment: 2024-152 Goals & Perspectives (4371 : 2024-152 ORD Amend Code Ch. 42 Water Main Looping)

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/6/2024 3:51 PM

Lead Department: City Manager **Action Officer:** David Orr, City Manager

Subject: Resolution No. 2024-154 adopting 2025 legislative priorities for the City of Texarkana.

Briefing: 11/12/2024 **Public Hearing:** 12/9/2024 **Council Vote:** 12/9/2024

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

During the 89th Session, it is anticipated the Texas State Legislature will decide many significant issues that will impact residents, non-profit organizations and businesses of Texarkana. The Northeast Texas Regional Alliance Legislative Trip is scheduled in 2025 in Austin where the local region's priorities will be discussed with elected members of the Texas State Legislature.

The attached legislative priorities of the City of Texarkana are proposed for adoption for the 89th session of the Texas State Legislature.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None

Staff Recommendation:

Staff recommends approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

City of Texarkana, Texas

Attachments

a. 2024-154 RES Adopting Legislative Priorities (DOCX)
b. 2024-154 ATTH 01 Texarkana Legislative Priorities 2025 (DOCX)
c. 2024-154 Goals & Perspectives (DOCX)

Staff Coordination

City Manager	David Orr	Department Head Review	Completed	11/06/2024 3:51 PM
City Manager	David Orr	City Manager Review	Completed	11/06/2024 3:51 PM
City Council	Jennifer Evans	Meeting	Pending	11/12/2024 6:00 PM

Meeting History

RESOLUTION NO. 2024 - 154

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADOPTING THE CITY OF TEXARKANA'S LEGISLATIVE PRIORITIES FOR THE 89TH SESSION OF THE TEXAS LEGISLATURE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Texarkana, Texas, desires to adopt legislative priorities of the City of Texarkana for the 89th session of the Texas State Legislature; and

WHEREAS, the Northeast Texas Regional Alliance Legislative Trip is scheduled in 2025 to Austin where the local region's priorities will be discussed with elected members of the Texas State Legislature; and

WHEREAS, during the 89th Session, it is anticipated the Texas State Legislature will decide many significant issues that will impact residents, non-profit organizations, and businesses of Texarkana.

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

SECTION 1: The City Council of the City of Texarkana, Texas, hereby approves and adopts the City's Legislative Priorities for the 89th Session of the Texas State Legislature (**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 **9th day of December, 2024.**

ATTEST:

_____ _____

JENNIFER EVANS, CITY SECRETARY BOB BRUGGEMAN, MAYOR

Attachment: 2024-154 RES Adopting Legislative Priorities (4377 : 2024-154 RES Adopting Legislative Priorities)

CITY OF
TEXARKANA
220 TEXAS BOULEVARD TEXARKANA TEXAS 75501 TEXAS

Legislative Priorities

- Texas Health & Human Services funding for future behavioral health center located in Texarkana as a continuation of the state's priority focus on the expansion of mental health services across the state.
- Home-Rule Authority: Continue to support the Texas Municipal League's legislative efforts to uphold cities' home-rule authority. Oppose any new legislation that could limit or diminish this authority.
- Revenue Structure: Support legislation that maintains the current revenue structure for Texarkana and other home rule municipalities, opposing measures that could reduce local revenue autonomy.

Economic Development & Tourism

- Economic Development Programs: Support maintaining all economic development programs available under Texas law, especially those that directly benefit local growth.
- Hotel Occupancy Tax (HOT) Amendments: Support amendments allowing all Texas cities to spend HOT revenue on existing sports facilities and fields to boost local tourism.
- Advocate for a rebate portion of state HOT revenues to cities for developing, maintaining, and operating convention centers and other performance venues.
- Support Workforce Training Initiatives: Advocate for state funding and incentives supporting workforce training programs in partnership with Texarkana College, TAMU-T and businesses to enhance Texarkana's labor force.

Transportation

- TxDOT Funding: Support increased Texas Department of Transportation (TxDOT) funding for small urban transportation district operations and capital improvements.
- Support increased Texas Department of Transportation (TxDOT) funding for new projects and ongoing maintenance, prioritizing I-30 widening, State Line Avenue, and other Texarkana MPO transportation projects.
- Local Airport Funding: Seek legislative support for greater city flexibility to fund local airport projects, supporting regional mobility and economic growth.

Water

- Local Water Rights: Advocate for local control of water rights within individual districts and municipalities, preserving local decision-making over water resources.
- Streamlined Permitting: Support legislation to streamline the permitting process for water projects at both the state and federal levels to facilitate infrastructure improvements efficiently.

Open Government & Elections

Attachment: 2024-154 ATTH 01 Texarkana Legislative Priorities 2025 (4377 : 2024-154 RES Adopting Legislative Priorities)

- Uniform Election Dates: Continue to support maintaining the May and November Uniform Election dates to ensure consistency and predictability in local elections.
- Election Infrastructure Funding: Advocate for increased state funding for local election infrastructure and security.

Attachment: 2024-154 ATTH 01 Texarkana Legislative Priorities 2025 (4377 : 2024-154 RES Adopting Legislative Priorities)

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: 2024-154 Goals & Perspectives (4377 : 2024-154 RES Adopting Legislative Priorities)

City of Texarkana, Texas

Version:

Briefing Sheet

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)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24

Daphnea Ryan briefed this agenda item.

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.

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

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.

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

(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.

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

(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.~~

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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

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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)

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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

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.

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(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.

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(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)

City of Texarkana, Texas

Version:

Briefing Sheet

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)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Mashell Daniel briefed this agenda item.

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.**

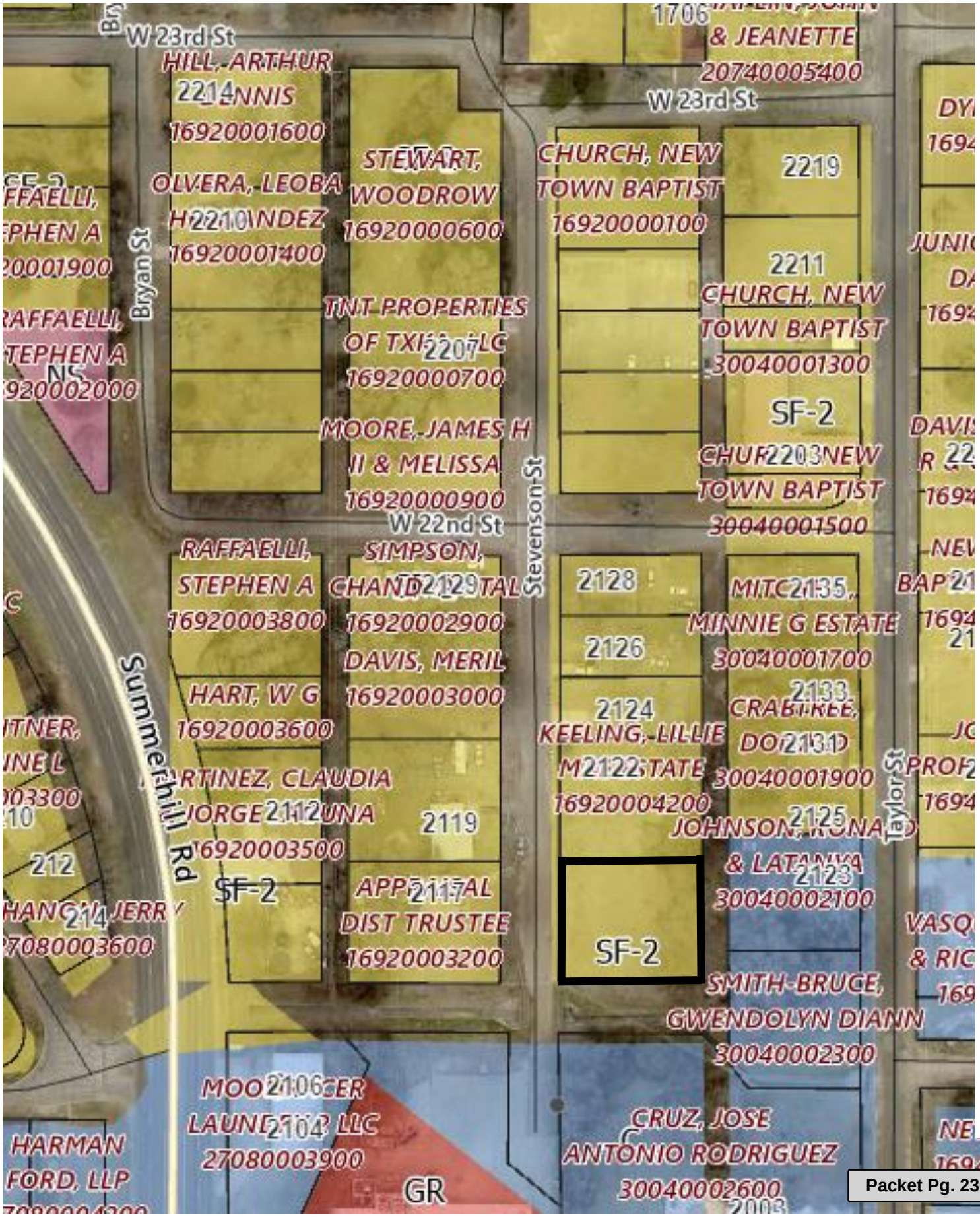
ATTEST:

_____	_____
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)

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)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel 10/23/2024 9:04 AM	Department Head Review	
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

10/28/24 City Council MOVED FORWARD Next: 11/12/24

Mashell Daniel briefed this agenda item.

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:

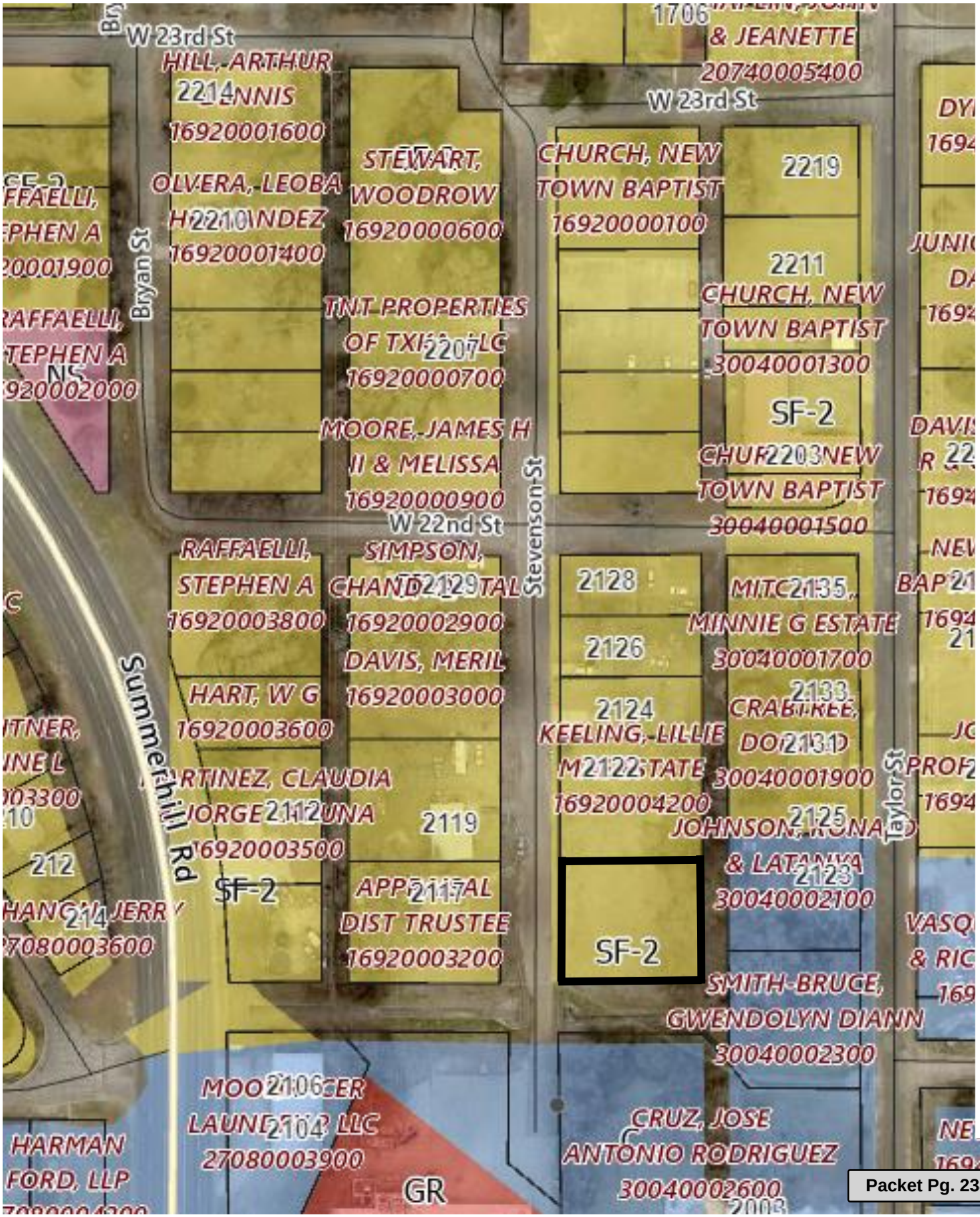
_____ _____

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



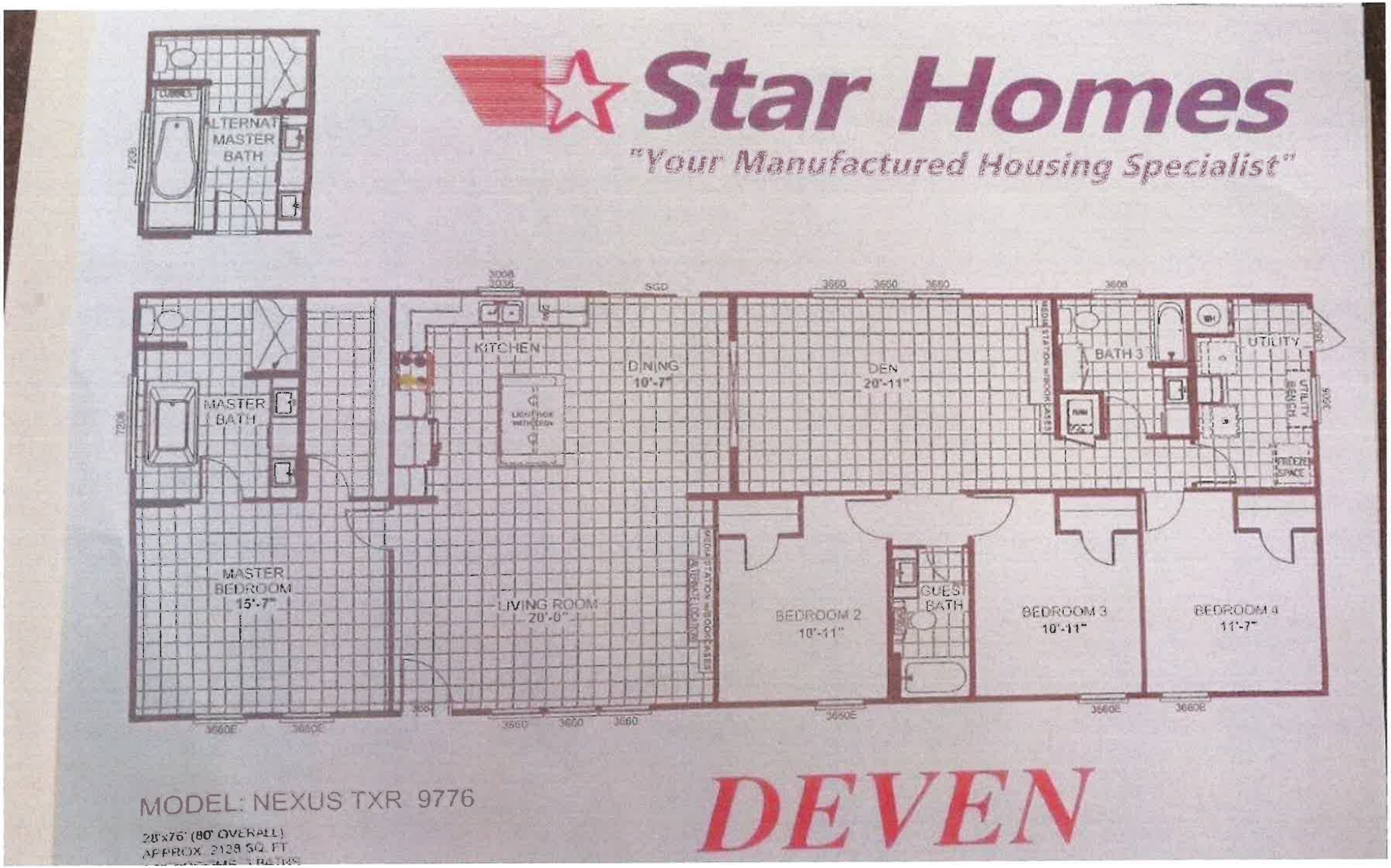
Attachment: 2024-134 ATTH 01 (Maps) (4349 : 2024-134 ORD SUP HUD code mnfctrd home 2118 Stevenson)

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)

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)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Mashell Daniel briefed this agenda item.

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.



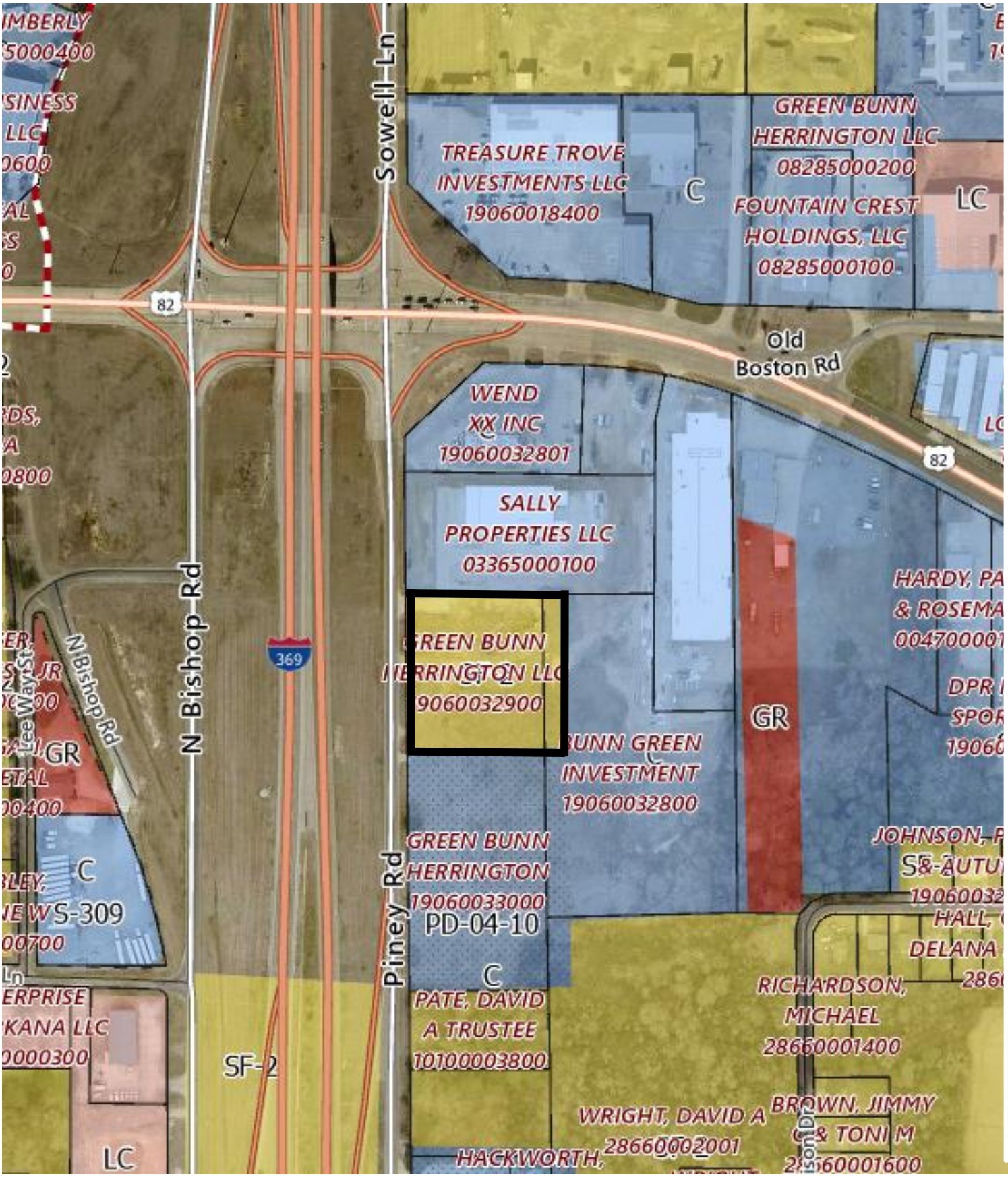
Wallace D. Roy

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)

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)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel 10/23/2024 9:05 AM	Department Head Review	
Public Works Department	10/23/2024 9:18 AM	Dusty Henslee	Reviewer	Completed
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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Mashell Daniel briefed this agenda item.

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.**

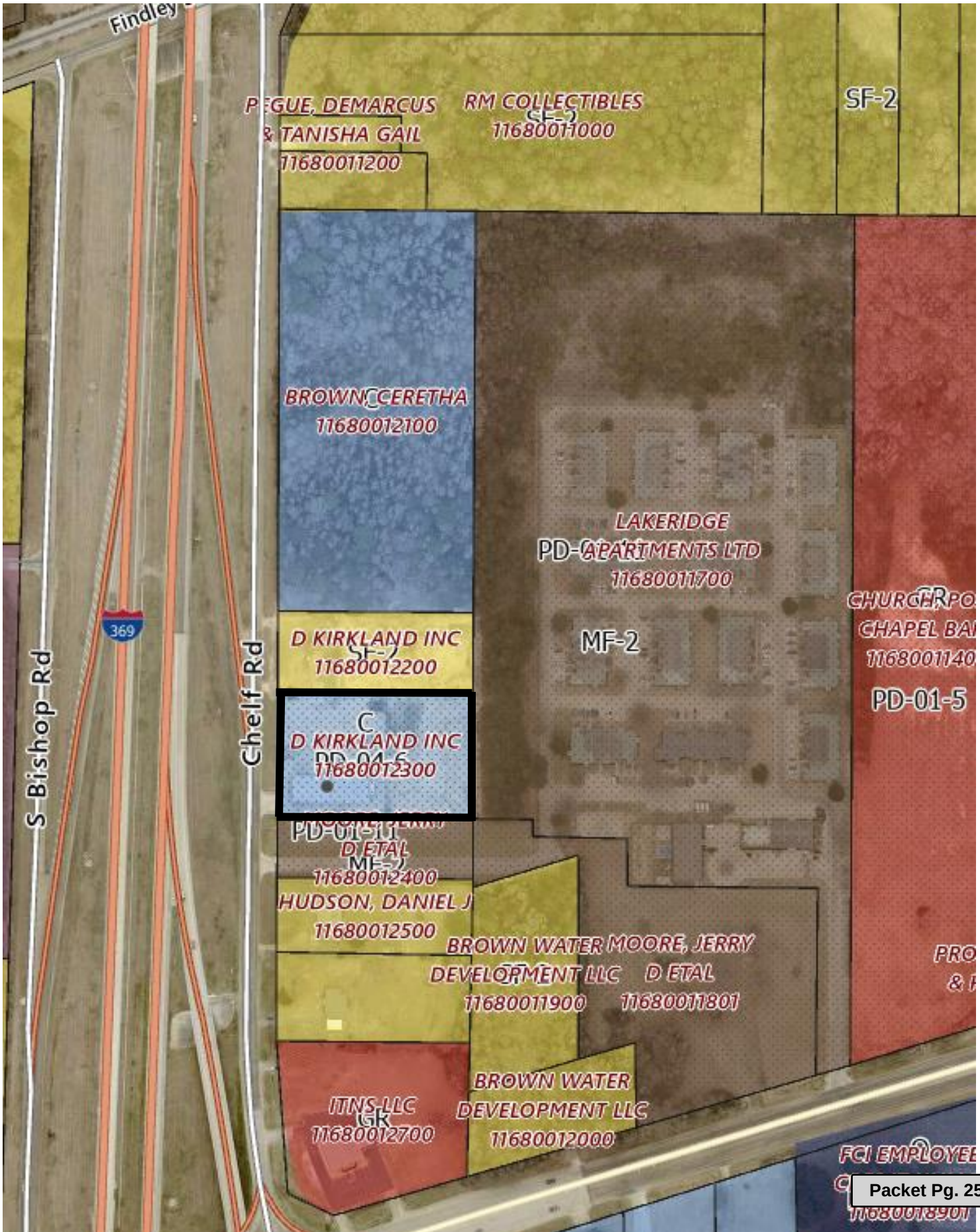
ATTEST:

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)

2024-136 ATTH 01
S-794

2003 Chelf Road



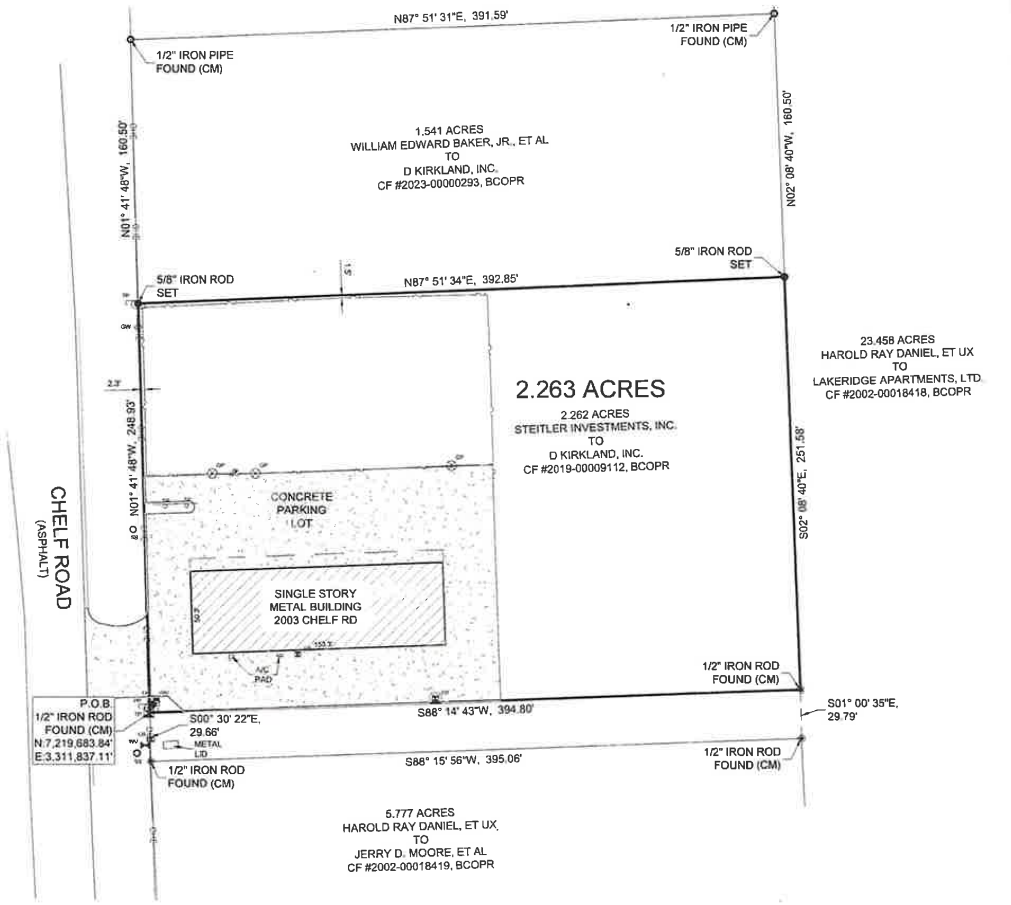
Attachment: 2024-136 ATTH 01 (Maps) (4351 : 2024-136 ORD SUP Billboard 2003 Chelf Rd)

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
SSMH	SANITARY SEWER MANHOLE
SP	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)

City of Texarkana, Texas

Version:

Briefing Sheet

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)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Mashell Daniel briefed this agenda item.

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.

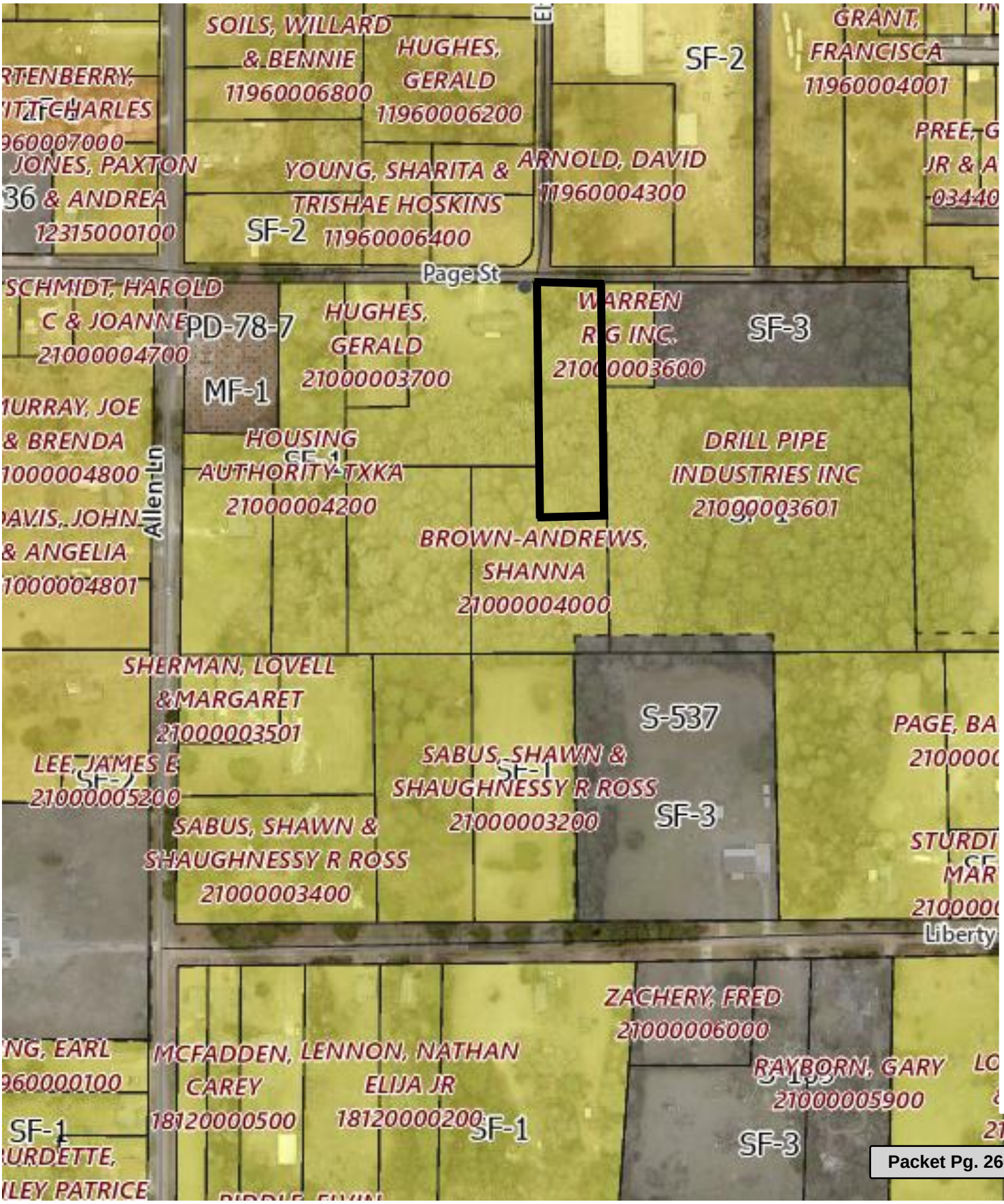
2024-00002136 DEED
03/07/2024 03:45:52 PM Total Fees: $33.00

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)

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)

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)

Staff Coordination

Building Code Administration	Completed	Mashell Daniel	Department Head Review	10/23/2024 9:05 AM
Public Works Department	10/23/2024 9:19 AM	Dusty Henslee	Reviewer	Completed
City Manager	David Orr	Reviewer	Completed	10/23/2024 1:47 PM

City of Texarkana, Texas

City Council 6:00 PM	Jennifer Evans	Meeting	Completed	10/28/2024

Meeting History

10/28/24 City Council MOVED FORWARD Next: 11/12/24

Mashell Daniel briefed this agenda item.

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

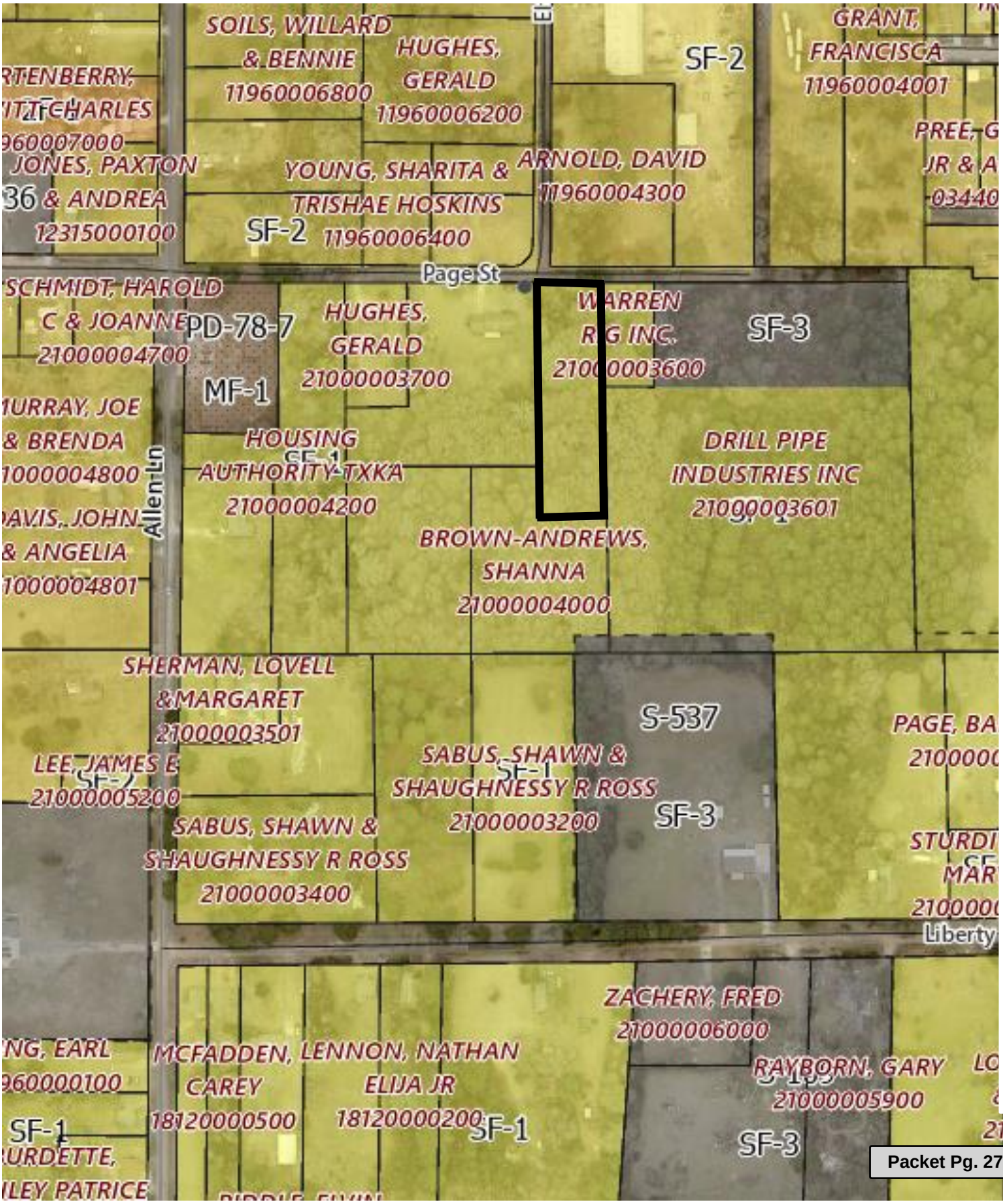
Tina Petty,County Clerk
Bowie County, Texas

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)

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)

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)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Mashell Daniel briefed this agenda item.

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.**

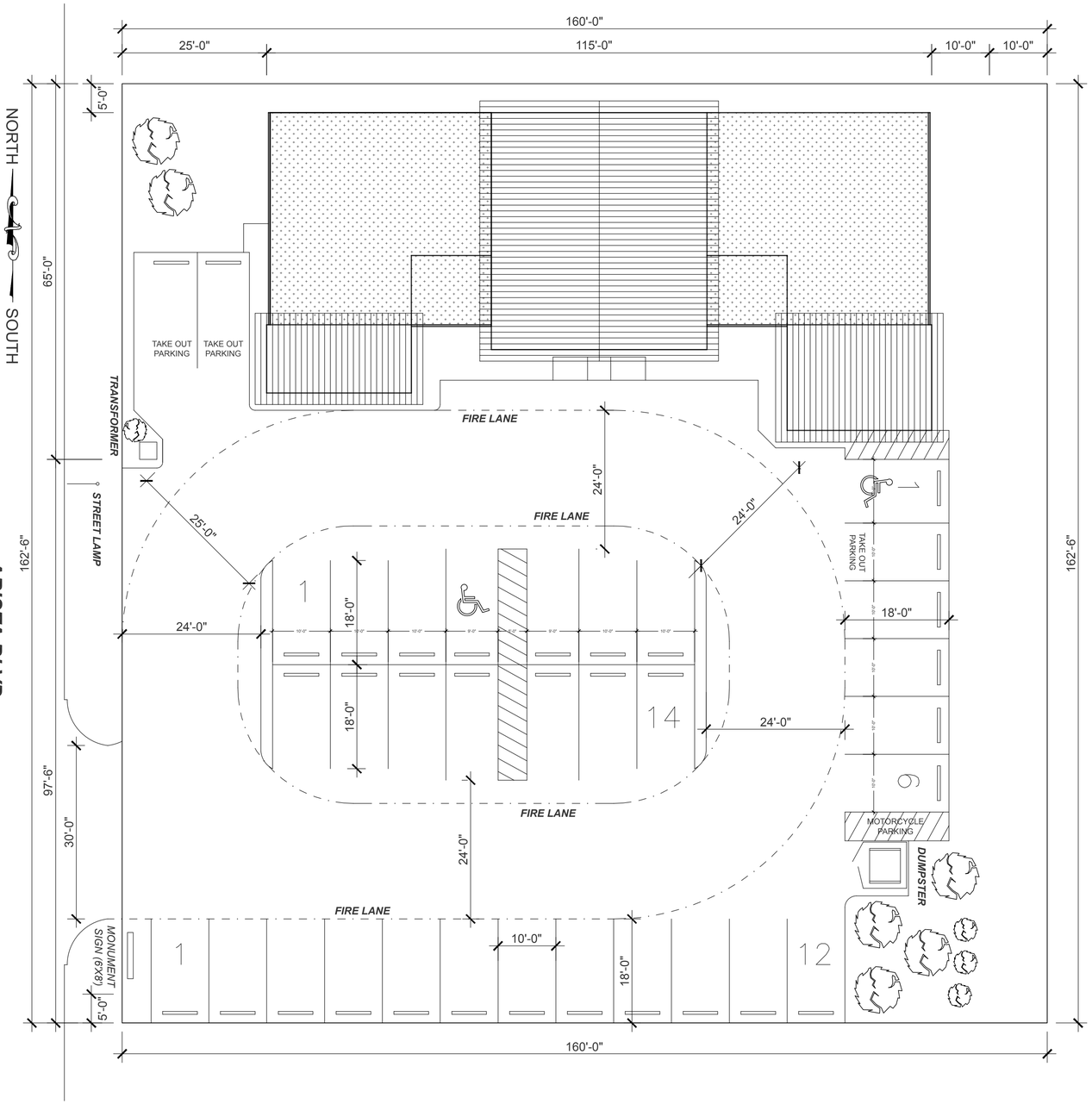
ATTEST:

_____ _____

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: 10/17/24 - REVISED
Drawn by: AG
Project No.
Sheet No.: A1

Sheet Title: SITE PLAN

PROPOSED ARISTA DEVELOPMENT
TEXARKANA, TEXAS

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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)

City of Texarkana, Texas

Version:

Briefing Sheet

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)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Vashil Fernandez briefed this agenda item.

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

Attachment: 2024-141 RES Recognizing Liberty-Eylau as an Official Neighborhood Association (4356 : 2024-141 RES Recognizing Liberty Eylau

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

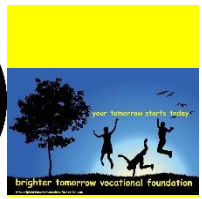
Melvin Hill
HISTORIAN/NEIGHBORHOOD ADVOCATE

David Webster
HISTORIAN/NEIGHBORHOOD ADVOCATE

Denny Harris
HISTORIAN/NEIGHBORHOOD ADVOCATE

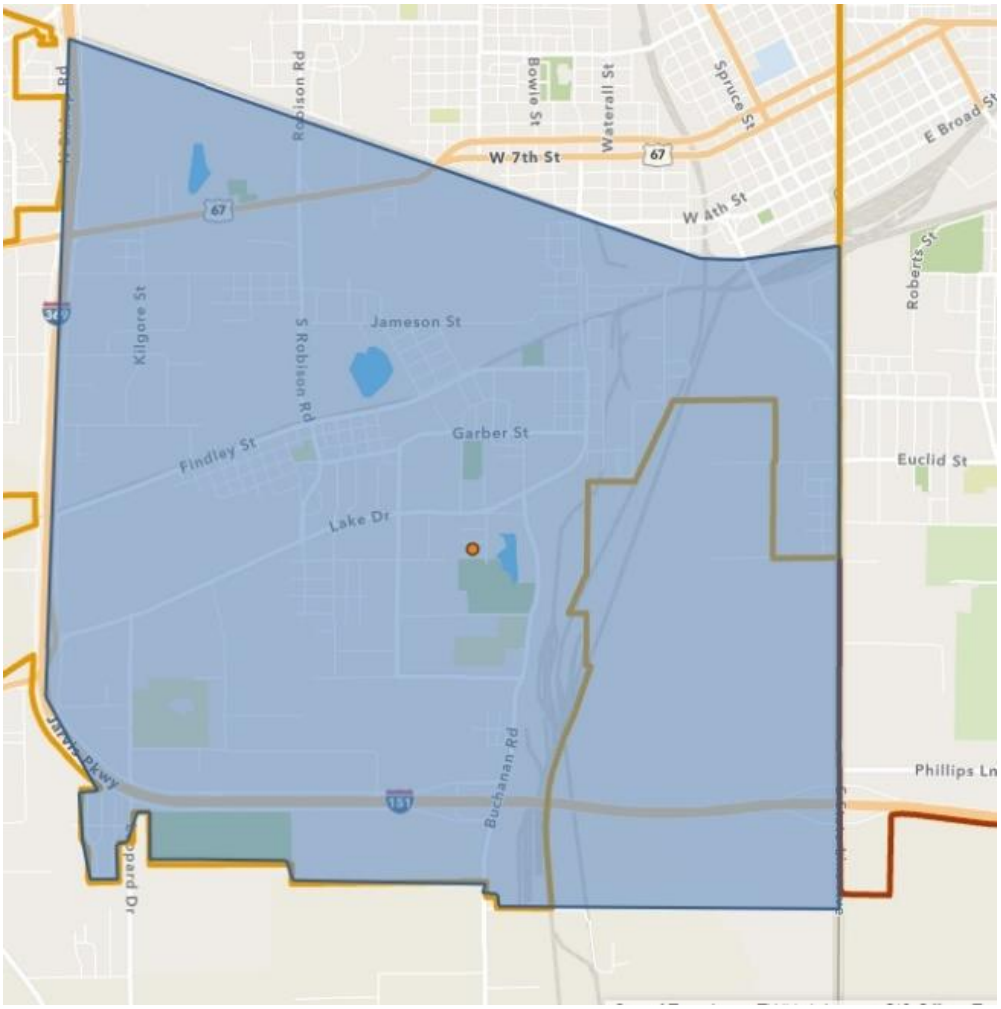
" If you live your life only concerned about your self benefits, then when your life on Earth expires; you've created nothing worth dying for, so your life on Earth was in vain."

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

City of Texarkana, Texas

Version:

Briefing Sheet

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 RES Approving the use of HOME Program Funds as Match (DOCX)
b. 2024-142 ATTH 01 5 Selected Homes (DOCX)
c. 2024-142 Goals & Perspectives (DOCX)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
Vashil Fernandez briefed this agenda item.

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

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)

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)

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

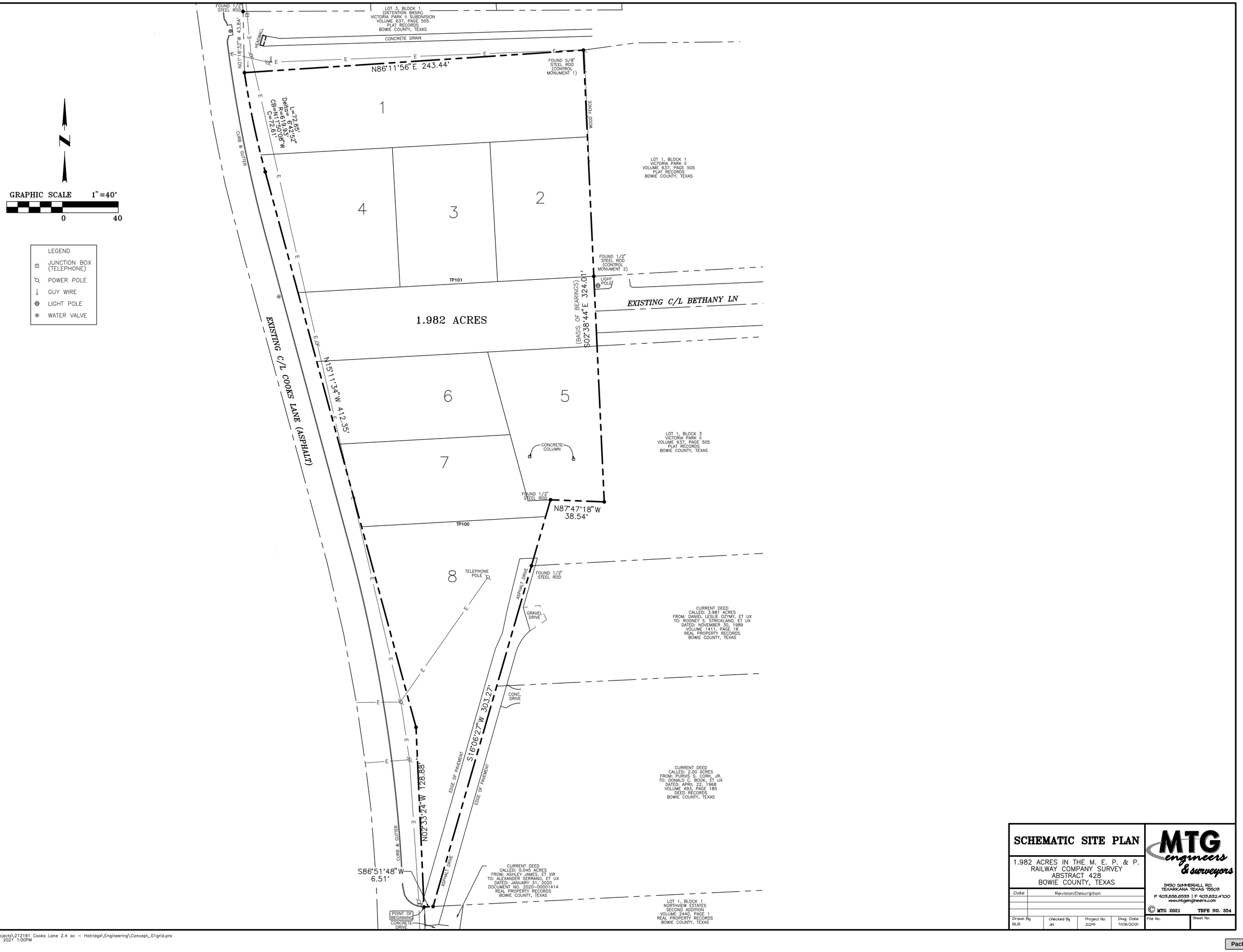
a. 2024-143 EXH A-8 lot plan (PDF)
b. 2024-143 RES Reimbursement and Development Agreement (jcl rev) (DOCX)
c. 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (DOCX)
d. 2024-143 Goals & Perspectives (DOCX)

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

10/28/24 City Council MOVED FORWARD Next: 11/12/24
City Manager Orr briefed this agenda item.



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
5930 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)

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").

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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.

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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.

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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

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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

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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

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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.

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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

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EXHIBIT "A"
PROJECT PLANS AND SPECIFICATIONS

Attachment: 2024-143 ATTH 02 Reimbursement Agreement 2B Builders with DBH Comments (002)jtrvsdv2clean (4358 : 2024-143 RES

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)