



CITY OF TEXARKANA

CITY COUNCIL

MINUTES • DECEMBER 14, 2020

Virtual

Regular Meeting

6:00 PM

220 TEXAS BLVD
TEXARKANA, TX 75501

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

This council meeting was held entirely via the Zoom video conferencing platform. Council members participated from their separate respective locations.

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

Staff Present: City Manager Shirley Jaster, Jennifer Evans, Robby Robertson, Dusty Henslee, Lisa Thompson, Eric Schlotter, Garrett Baker, and David Orr.

Legal Counsel: Jeff Lewis.

II. INVOCATION BY MAYOR BOB BRUGGEMAN

III. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Monday, January 11, 2021 at 6:00 p.m.

Monday, January 25, 2021 at 6:00 p.m.

Parks & Recreation Events:

Annual Christmas Basket delivery will take place on December 16th. KUDOS were given to Pam White, of Texarkana Water Utilities, and supporting staff, for arranging this successful event each year.

Additional Parks & Recreation information can be found on the city's website at <<http://www.ci.texarkan.tx.us>> or by contacting staff at (903) 798-3978.

Mayor Bruggeman thanked Harvest Food Bank for hosting a friendly competition event between the twin cities of stuffing food boxes for distribution to families in the community. He also thanked Council Members, Matlock, Alcorn, and Davis for participating, along with city staff David Orr and Lisa Thompson.

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

There were no appointments or reappointments made to any board, commission or committee by the council.

VI. ITEMS FOR CONSIDERATION

Consent Items

(6:08 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

1. Consider approval of the minutes of the Regular Meeting of the City Council held on November 23, 2020 at 6:00 PM.
2. Resolution No. 2020-141 accepting a 50-year easement renewal from Grantor, United States of America/Secretary of the Army, for the Wright Patman Lake water intake system and related infrastructure in Cass County.

Public Hearing:

Council Vote: December 14, 2020

Action Items

3. Ordinance No. 2020-142 adhering to the procedural requirements of Texas law in authorizing and consenting to continuing the Declaration of Local Disaster proclaimed for the City of Texarkana, Texas, by Mayor Bob Bruggeman on December 8, 2020, as a precaution until terminated by order of the City Council.

Public Hearing:

Council Vote: December 14, 2020

Mayor Bruggeman briefed this agenda item.

(6:09 p.m.)

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

4. Resolution No. 2020-143 authorizing the City Manager to enter into an incentive agreement for a regional detention project pursuant to the City's Chapter 380, Texas Local Government Code, guidelines.

Public Hearing: December 14, 2020

Council Vote: December 14, 2020

David Orr briefed this agenda item.

(6:13 p.m.)

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

VII. FIRST BRIEFINGS - NONE

VIII. PUBLIC HEARINGS

1. Ordinance No. 2020-130 rezoning a 127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, 2G) in the J. E. Janes HRS, A-307, located in the 2500 block of Buchanan Road. Single Family-2 to Industrial-2. Craig Kaufman, representing Greenfield Environmental Multistate Trust, LLC., owner.

Public Hearing: December 14, 2020

Council Vote: December 14, 2020

There were no public comments made at this hearing.

(6:17 p.m.)

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

2. Ordinance No. 2020-131 granting a Specific Use Permit to allow permanent cosmetics and microblading on Lot 1, Parcel 1, Block 2, Galleria Oaks #1 Addition, located in a tenant space at 5510 Summerhill Road. Mark Van Herpen, representing Medwell Properties LLC, owner. Amanda Ross, agent.

Public Hearing: December 14, 2020

Council Vote: December 14, 2020

Amanda Ross addressed council at this hearing.

(6:21 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

3. Ordinance No. 2020-132 rezoning an approximate 3.75-acre tract of land (Tract 173) in the George Brinlee HRS, A-18, located in the 5800 block of St. Michael Drive. General Retail to Commercial-Planned Development. NLR Warehouse, LP and Fred Kahler, Inc., owners. Richard Reynolds, agent.

Public Hearing: December 14, 2020

Council Vote: December 14, 2020

Richard Reynolds addressed council at this hearing.

(6:24 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Mary Hart, Ward 2
SECONDER:	Jay Davis, Ward 6
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

4. Ordinance No. 2020-134 rezoning an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Single Family-2 to Single Family-3. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

Angelia Basham addressed council at this hearing. The Mayor asked the City Secretary for a roll call vote.

(6:28 p.m.)

RESULT:	ADOPTED [5 TO 1]
MOVER:	Mary Hart, Ward 2
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alcorn, Davis
NAYS:	Harp
EXCUSED:	Bruggeman

5. Ordinance No. 2020-135 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

Angelia Basham addressed council at this hearing. The Mayor asked the City Secretary for a roll call vote.

(6:29 p.m.)

RESULT:	ADOPTED [5 TO 1]
MOVER:	Mary Hart, Ward 2
SECONDER:	Betty Williams, Ward 3
AYES:	Matlock, Hart, Williams, Alcorn, Davis
NAYS:	Harp
EXCUSED:	Bruggeman

6. Resolution No. 2020-140 approving the Community Development Block Grant (CDBG) 2019 Comprehensive Assessment Performance Evaluation Report.

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

There were no public comments made at this hearing.
(6:32 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Betty Williams, Ward 3
SECONDER:	Christie Alcorn, Ward 4
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman

IX. ITEMS FOR DISCUSSION

Staff Updates

COVID-19 - by Fire Chief Eric Schlotter

The vaccine distribution plan is now underway. States can set and determine their individual priority plans. Texas is scheduled to initially receive 1.4 million vaccine doses. Each region in Texas is receiving an allotment of doses provided by Pfizer.

Recipients, of this allotment, will be based and grouped according to a tier schedule. Most likely, recipients in the first tier group will include healthcare workers and emergency services providers. As each tier group receives the vaccine, the process should become quicker and more available to the general public.

X. ADMINISTRATIVE COMMENTS

1. City Council

Council Member Davis asked for an update on the city's cyber-attack/data incident. Mayor Bruggeman responded that the situation is still being assessed.

Council Member Matlock asked if the one-time at risk pay, approved at the November 23rd council meeting, has been distributed to staff. City Manager Jaster said the hazard pay was given to employees on the November 27th payroll date.

Council Member Harp commended city staff and first responders for diligently maintaining services for all citizens during the issues and challenges faced this year.

Council Member Hart thanked members of the council that voted in favor of Ordinance Nos. 2020-134 and 2020-135 related to 3311 Kidd Lane.

As this is the last council meeting for 2020, the Mayor wished everyone a Merry Christmas and Happy New Year in looking forward to **"better times"** in 2021!

2. City Staff

Staff had no administrative comments for council.

XI. ADJOURNMENT

A motion was made to adjourn the meeting.
(6:42 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Matlock, Hart, Williams, Alcorn, Harp, Davis
EXCUSED:	Bruggeman



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor



CITY OF TEXARKANA
CITY COUNCIL
MINUTES • NOVEMBER 23, 2020

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

220 TEXAS BLVD.
TEXARKANA, TX 75501

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

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

Staff Present: City Manager Shirley Jaster, Jennifer Evans, David Orr, Kristin Peeples, Karey Parker, Robby Robertson, Eric Schlotter, Craig Hicks, Sherry Jackson Hawkins, Vicky Coopwood, and Garrett Baker.

Legal Counsel: Jeff Lewis.

II. INVOCATION AND PLEDGE LED BY MAYOR BOB BRUGGEMAN

III. SWEARING-IN CEREMONY FOR WARD 3 AND WARD 5

Judge Sherry Jackson swore in Ward 3 Council Member Betty Williams and Ward 5 Council Member Bill Harp. Both council members were unopposed at the November 3, 2020, General Election and will each serve a three-year term.

Council Member Williams said serving on the council has been one of the most rewarding experiences of her life and she has enjoyed every minute of it.

Council Member Harp thanked his wife, Kathy, for her continued support and the citizens of Ward 5 for allowing him to serve a three-year term.

IV. MAYOR'S REMARKS AND ITEMS OF COMMUNITY INTEREST

Upcoming City Council Meetings:

Minutes Acceptance: Minutes of Nov 23, 2020 6:00 PM (Consent Items)

Monday, December 14, 2020 at 6:00 p.m.
 Monday, January 11, 2021 at 6:00 p.m.
 Monday, January 25, 2021 at 6:00 p.m.

Parks & Recreation Events:

November 26th 7th Annual Turkey Trot 5K Spring Lake Park

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

This year's downtown Christmas parade will be altered to accommodate a "motorcade" for safe social distancing while enjoying the festivities. It will be held on December 7th and begin at 7:00 p.m.

Wes Crenshaw, new owner of KLFJ-TV, was welcomed to the meeting. Mr. Crenshaw will continue to provide video and streaming services for the city's council meetings.

The Mayor also welcomed four students who were interested in seeing city business conducted firsthand: Victoria Johnson, Rikia Johnson, Prashansa Johnson, and LaKing Harris.

V. SPECIAL PRESENTATIONS

Insurance Services Office (ISO) Fire Protection Rating for Texarkana - by Hugh Gibson (Zoom)

Mr. Gibson congratulated the council and city staff for receiving the highest ISO classification rating - **Class 1** for Texarkana, Texas! The Class 1 certification recognizes effective public fire protection which helps citizens obtain better property insurance rates and premiums. Mr. Gibson was joined by Jesse Williams, David Eaves, Kim Hunt and Orlando Hernandez.

Mayor Bruggeman said he remembered when the city's fire protection rating was a Class 4. It has taken a lot of hard work and cooperation among many departments, including Texarkana Water Utilities, but it has paid off. The city is honored to be recognized with a Class 1 rating in the state of Texas.

Small Business Saturday Proclamation - November 28, 2020

Mayor Bruggeman read the proclamation. He encouraged citizens to support local small businesses as COVID-19 has caused some struggles for business owners.

RESULT:	CLOSE ACTION
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VI. 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.

LaKing Harris addressed council regarding mentorship by an elected official.

APPOINTMENTS TO BOARDS, COMMISSIONS AND COMMITTEES

There were no appointments or reappointments made to any board or commission by the council.

Council Members Annual Board Appointments Review

Council reviewed individual member appointments to various boards and commissions and made no changes.

RESULT:	CLOSE ACTION
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Council Appointments Review Sheet

RESULT:	CLOSE ACTION
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VII. ITEMS FOR CONSIDERATION

Consent Items

(6:39 p.m.)

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

1. Consider approval of the minutes of the Regular Meeting of the City Council held on November 9, 2020 at 6:00 PM.
2. Consider approval of the minutes of the Special Meeting of the City Council held on November 16, 2020 at 12:00 PM.

November 3, 2020 - Special Election Canvass Documents

3. Resolution No. 2020-119 setting the 2021 City Council meeting dates and official city holiday closings.

Public Hearing:

Council Vote: November 23, 2020

4. Ordinance No. 2020-139 ordering and declaring as adopted the petition-initiated ballot measure amending the City Charter by adding new Section 17 to Article XVII, titled "Collective Bargaining Impasse".

Public Hearing:

Council Vote: November 23, 2020

Action Items

5. Resolution No. 2020-126 authorizing the City Manager to enter into a contract with Azavar Audit Solutions, Inc. for hotel occupancy tax and short-term rental audits, hotel tax administration services, sales tax audits, and franchise fee audits.

Public Hearing:

Council Vote: November 23, 2020

(6:41 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn

6. Resolution No. 2020-129 appointing a Mayor Pro Tem for the term beginning December 1, 2020, and ending on November 30, 2021, or until superseded by new council member appointments.

Public Hearing:

Council Vote: November 23, 2020

The vote was adopted to amend this resolution by adding the name of the council-elected Mayor Pro Tem: Ward 5 Council Member Bill Harp.

(6:42 p.m.)

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

7. Resolution No. 2020-136 approving a one-time additional at risk pay pertaining to the COVID-19 public health emergency for all eligible and essential personnel.

Public Hearing:
Council Vote: November 23, 2020

City Manager Jaster briefed this agenda item.
(6:51 p.m.)

RESULT:	ADOPTED [UNANIMOUS]
MOVER:	Bill Harp, Ward 5
SECONDER:	Jean H. Matlock, Ward 1
AYES:	Bruggeman, Matlock, Hart, Williams, Harp, Davis
ABSENT:	Alcorn

8. Resolution No. 2020-138 supporting The Texarkanan (former Texarkana National Bank building) redevelopment project, authorizing use of additional EPA cleanup funds to any person or entity allying with Texarkana Renewal Properties, LLC for the project, and authorizing the City Manager to execute any and all loan documents or other documents necessary for the project.

Public Hearing: November 23, 2020
Council Vote: November 23, 2020

David Peavy addressed council during this hearing.
(6:55 p.m.)

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

VIII. FIRST BRIEFINGS

1. Ordinance No. 2020-130 rezoning a 127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, 2G) in the J. E. Janes HRS, A-307, located in the 2500 block of Buchanan Road. Single Family-2 to Industrial-2. Craig Kaufman, representing Greenfield Environmental Multistate Trust, LLC., owner.

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 12/14/2020 6:00 PM
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2. Ordinance No. 2020-131 granting a Specific Use Permit to allow permanent cosmetics and microblading on Lot 1, Parcel 1, Block 2, Galleria Oaks #1 Addition, located in a tenant space at 5510 Summerhill Road. Mark Van Herpen, representing Medwell Properties LLC, owner. Amanda Ross, agent.

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 12/14/2020 6:00 PM
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Public Hearing: December 14, 2020
Council Vote: December 14, 2020

David Orr briefed this agenda item.

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4. Ordinance No. 2020-134 rezoning an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Single Family-2 to Single Family-3. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

David Orr briefed this agenda item.

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5. Ordinance No. 2020-135 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 12/14/2020 6:00 PM
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6. Resolution No. 2020-140 approving the Community Development Block Grant (CDBG) 2019 Comprehensive Assessment Performance Evaluation Report.

Public Hearing: December 14, 2020
Council Vote: December 14, 2020

David Orr briefed this agenda item.

RESULT:	MOVED FORWARD	Next: 12/14/2020 6:00 PM
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IX. PUBLIC HEARINGS - NONE

X. ITEMS FOR DISCUSSION

Staff Updates

COVID-19 - by Fire Chief Eric Schlotter

The Emergency Operations Center (EOC) is fully activated and works in conjunction with Bowie County. It operates Monday through Friday from 8:00 a.m. to 5:00 p.m. Staff is available, ready to assist, and can be reached at (903) 255.5560. The EOC closely monitors case volume, provides needed supplies, shares media briefs and updates, and assists Dr. Matt Young, COVID-19 medical consultant, in giving instructions and guidance to callers.

Free COVID-19 mouth-swab testing is available to the public at 902 West 12th Street in Texarkana. Walk-ins are welcomed or an appointment can be made at: gogettested.com. This free testing is provided by state personnel and is anticipated to be available until the end of the year. There is some delay in obtaining test results at the state level. In-house testing is available for city employees under the direction of Fire Department staff.

Concern was expressed for Bowie County's current numbers: ten deaths have occurred since the November 9th council meeting, there are 702 active cases and, a total of 97 deaths have been recorded. The two local hospitals have tirelessly been taking care of patients. However, as cases continue to increase, strain on resources for both facilities was projected for the very near future.

All citizens were especially cautioned to be diligent during the holiday season in wearing masks and washing hands while spending time with family members and conducting normal daily activities.

XI. ADMINISTRATIVE COMMENTS**1. City Council**

The Mayor congratulated Ward 3 Council Member Betty Williams and Ward 5 Council Member Bill Harp for their new three-year council terms and continued service to citizens in their respective wards.

He also thanked Greg Bischof, representing the Texarkana Gazette, for attending the meeting and standing in for regular city business reporter Karl Richter.

2. City Staff

City Manager Jaster encouraged council to view the Christmas tree and lights outside of city hall after the meeting. Staff from Parks & Recreation along with Public Works, decorated the area around city hall to encourage social distancing and drive-by views for citizens to enjoy during the festive season.

Ms. Jaster said that the December 14th council meeting may be held via the Zoom video conferencing platform in light of the current COVID-19 numbers in the city.

She also reminded council that city offices will be closed on Thursday, November 26th and Friday, November 27th in observance of the Thanksgiving holiday.

XII. ADJOURNMENT

A motion was made to adjourn the meeting.
(7:27 p.m.)

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



Jennifer Evans
City Secretary



Bob Bruggeman
Mayor

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/12/2021 2:16 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2020-141 accepting a 50-year easement renewal from Grantor, United States of America/Secretary of the Army, for the Wright Patman Lake water intake system and related infrastructure in Cass County.

Briefing: 12/14/2020 **Public Hearing:** **Council Vote:** 12/14/2020

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City entered into contracts with the U.S. Government in 1968 for water storage space and the operation of Wright Patman Lake at an interim level and a permanent level. Along with these contracts, the U.S. Government also granted the City a long-term easement over approximately 4.0 acres in Cass County for the operation, maintenance, repair, and replacement of a 42 inch water pipeline, standpipe and pumping station sites, and raw water intake structures that deliver water to the paper mill. The easement requires renewal, and the U.S. Army Corps of Engineers, Fort Worth Division, has provided those renewal documents for the Council's acceptance.

Potential Options:

- Acceptance of the easement.
-

Fiscal Implications:

The administrative cost to renew the easement is \$800.00.

Staff Recommendation:

Approve the Resolution as presented.

Advisory Board/Committee Review:

N/A

Board/Committee Recommendation:

N/A

City of Texarkana, Texas

Advisory Board/Committee Meeting Date and Minutes:

N/A

Attachments

- a. 2020-141 RES WPL Cass County easement (DOCX)
- b. 2020-141 EXH '1' Easement plus all exhs JE (PDF)
- c. 2020-141 ATTH 01 Corps Cover Letter (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed	
	01/12/2021 2:16 PM			
City Manager	Jennifer Evans	City Manager Review Completed		01/12/2021
2:16 PM				
City Council	Jennifer Evans	Meeting	Completed	12/14/2020
6:00 PM				

Meeting History

RESOLUTION NO. 2020-141

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ACCEPTING A FIFTY-YEAR EASEMENT RENEWAL FROM GRANTOR UNITED STATES OF AMERICA / SECRETARY OF THE ARMY FOR WRIGHT PATMAN LAKE WATER INTAKE SYSTEM AND RELATED INFRASTRUCTURE IN CASS COUNTY; AUTHORIZING CITY MANAGER SIGNATURE AND PAYMENT OF ADMINISTRATIVE FEE FOR ACCEPTANCE OF THE EASEMENT; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, in 1968, the City of Texarkana, Texas, entered into contracts with the United States Government for water storage space and the operation of Wright Patman Lake at an interim level (Contract No. DACW29-69-C-0019) and a permanent level (Contract No. DACW29-68-A-0103), collectively referred to as the “U.S. Contracts”; and

WHEREAS, the Department of the Army has provided to the City renewal documents for a fifty-year term extension, which is subject to various conditions, including the City’s compliance with the U.S. Contracts. The City’s easement over, across, in and upon lands of the United States in Cass County, approximately 4.0 acres, is for the operation, maintenance, repair and replacement of a 42-inch water pipeline, standpipe and pumping station sites, and raw water intake structures at Wright Patman Lake. The administrative cost to renew the easement is \$800; and

WHEREAS, the City Council, by this resolution, intends to accept the fifty-year easement renewal and to authorize the City Manager to sign the renewal documents on behalf of the City and pay the administrative fee.

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

SECTION 1: The City Council accepts the easement from Grantor, United States of America / Secretary of the Army, attached to this resolution as **Exhibit “1”** and incorporated herein by reference for all purposes. The City Manager is authorized to sign the easement on behalf of the City and pay the required administrative fee.

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 **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2020-141 RES WPL Cass County easement (2429 : 2020-141 RES WPL Easement Renewal Cass County)

Exhibit 1 to Resolution No. 2020-141

Easement Form - 9 pages

Acknowledgment - 1 page

Easement Exhibits:

Exh. A [Map] - 3 pages

Exh. B [Legal Description] - 2 pages

Exh. C [Survey] - 7 pages

Certificate of Authority

DEPARTMENT OF THE ARMY
EASEMENT FOR WATER PIPELINE AND WATER INTAKE STRUCTURES IN
SUPPORT OF WATER SUPPLY STORAGE SPACE AGREEMENTS
LOCATED AT
WRIGHT PATMAN LAKE
CASS COUNTY, TEXAS

This easement is made on behalf of **THE UNITED STATES OF AMERICA** (the "United States"), between **THE SECRETARY OF THE ARMY**, acting by and through the Real Estate Contracting Officer, U.S. Army Engineer District, Fort Worth, hereinafter referred to as the "**Grantor**", under and by virtue of the authority vested in Title 10, United States Code, Section 2668, having found that the granting of this easement will not be against the public interest, and pursuant to water supply – storage agreement DACW29-68-A-0103, entered into on April 16, 1968, and water supply – storage agreement DACW29-69-C-0019, entered into on September 16, 1968, both under the authority of the Water Supply Act of 1958, hereinafter referred to as the "Water Supply Agreements"), and the **City of Texarkana, Texas**, with its principal office at 801 Wood Street, P.O. Box 2008, Texarkana, Texas 75504, hereinafter referred to as the "**Grantee.**"

NOW THEREFORE:

The Grantor, for good and valuable consideration set forth below, the receipt and sufficiency of all of which are hereby acknowledged, upon and subject to the terms, covenants and conditions set forth in this easement, does hereby:

Grant and convey to Grantee, an easement for **approximately 4.0 acres for the operation, maintenance, repair, and replacement of a 42 inch water pipeline, standpipe and pumping station sites, and raw water intake structures, 30 feet in width and 5,808 feet in length**, hereinafter referred to as the "Facilities", over, across, in and upon lands of the United States as Identified in **EXHIBIT(S) A – Map, B – Legal Description, and C – Survey**, on Tract N-1402, hereinafter referred to as the "Premises", and which are attached hereto and made a part hereof; and

Grant and convey unto the Grantee, its successors and assigns, all of the Grantor's right, title and interest in and to all improvements and fixtures of whatever nature currently located on the Premises.

The Grantor hereby makes no claim of title during the term of this easement to any Facilities of whatever nature located, constructed, or placed on the Premises by the Grantee.

THIS EASEMENT is granted subject to the following conditions:

1. TERM

This easement is hereby granted for a term of **fifty (50) years**, beginning **October 1, 2020** and ending **September 31, 2070** so long as the Grantee remains in compliance with any or all of the conditions of this easement and the Water Supply Agreements remain in effect.

2. CONSIDERATION

The consideration for this easement shall be the construction, operation, maintenance, repair and replacement of the facilities on the Premises for the benefit of the general public in accordance with the terms and conditions hereinafter set forth, and the terms and conditions of the Water Supply Agreement.

3. NOTICES

All correspondence and notices to be given pursuant to this easement shall be in writing and addressed, if to the Grantee, to **J.D. Phillips, P.E., Director of Texarkana Water Utilities, P.O. Box 2008, Texarkana, Texas 75504** and, if to the Grantor, to the Real Estate Contracting Officer, Attention: Real Estate Contracting Officer, ATTN: CESWF-RE-M, Post Office Box 17300, Fort Worth, TX 76102-0300, or as may from time to time otherwise be directed by the parties. Notices shall be mailed by certified mail, postage prepaid, return receipt requested, addressed to the addresses above. The effective date of the notice shall be the earlier of the actual date of receipt or the date the addressee is notified of the attempted delivery of the certified mail, whether or not the addressee actually accepts delivery.

4. AUTHORIZED REPRESENTATIVES

Except as otherwise specifically provided, any reference herein to "Grantor" or "Chief, Real Estate Division" shall include their duly authorized representatives. Any reference to "Grantee" shall include assignees, transferees and their duly authorized representatives.

5. SUPERVISION BY THE GRANTOR

The construction, operation, maintenance, repair or replacement of said facilities, including culverts and other drainage facilities, shall be performed at no cost or expense to the United States and subject to the approval of the Grantor. Upon the completion of

any of the above activities, the Grantee shall immediately restore the Premises to the satisfaction of the Grantor. The use and occupation of the Premises for the purposes herein granted shall be subject to such rules and regulations as said officer prescribes in writing from time to time and the terms and conditions of the Water Supply Agreement.

6. APPLICABLE LAWS AND REGULATIONS

The Grantee shall comply with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the Premises are located.

7. WATER SUPPLY AGREEMENT

a. The Grantee has entered into the referenced Water Supply Agreements with the Grantor which authorizes water storage and withdrawal. In accordance with the Water Supply Agreements, the Grantee has acquired rights to store and withdraw water in and from Wright Patman Lake (formerly Texarkana Reservoir) and has agreed to pay the applicable costs for such rights. The Grantee must comply with the terms and conditions of the Water Supply Agreement.

b. The Grantee agrees to operate all water intake and other facilities and all electrical equipment will be installed, operated and maintained in compliance with all applicable Federal, state, county and municipal laws, ordinances and regulations wherein the Premises are located, including, but not limited to, the provisions of the latest edition of the National Electrical Safety Code (NESC) and the Environmental Protection Agency regulations on Polychlorinated Biphenyls (PCB's).

c. Any electrical service to submerged motors or those located above water shall be by means of a sealed, waterproof, multiple conductor cable with controls and switches located on land. The location of such motors and the electrical feeders shall be clearly marked to be visible to boaters and swimmers. Additionally, signs warning "DANGER-HIGH VOLTAGE-Unauthorized Access Prohibited" shall be erected to be visible from the land and water approaches to the equipment.

d. The granting of this easement does not, expressly or by implication, authorize withdrawal, or any increase in withdrawal, of water from Wright Patman Lake. The easement does not represent a water supply agreement nor grant any future right to reservoir storage for water supply purposes.

8. CONDITION OF PREMISES

The Grantee acknowledges that it has inspected the Premises, knows the condition, and understands that the same is granted without any representation or warranties whatsoever and without any obligation on the part of the Grantor.

9. INSPECTION AND REPAIRS

The Grantee shall inspect the facilities at reasonable intervals and immediately repair any defects found by such inspection or when required by the Grantor to repair any such defects.

10. PROTECTION OF GOVERNMENT PROPERTY

The Grantee shall be responsible for any damage that may be caused to the property of the United States by the activities of the Grantee under this easement and shall exercise due diligence in the protection of all property located on the Premises against fire or damage from any and all other causes. Any property of the United States damaged or destroyed by the Grantee incident to the exercise of the privileges herein granted shall be promptly repaired or replaced by the Grantee to a condition satisfactory to the Grantor, or at the election of the Grantor, reimbursement made therefor by the Grantee in an amount necessary to restore or replace the property to a condition satisfactory to the Grantor.

11. RIGHT TO ENTER

The right is reserved to the Grantor, the United States, its officers, agents, and employees to enter upon the Premises at any time and for any purpose necessary or convenient in connection with government purposes, to make inspections, to remove timber or other material, except property of the Grantee, to flood the Premises, to manipulate the level of the lake or pool in any manner whatsoever and/or to make any other use of the lands as may be necessary in connection with government purposes, and the Grantee shall have no claim for damages on account thereof against the Grantor, the United States or any officer, agent, or employee thereof.

12. TRANSFERS AND ASSIGNMENTS

Without prior written approval by the Grantor, the Grantee shall neither transfer nor assign this easement or any part thereof nor grant any interest, privilege or license whatsoever in connection with this easement. The provisions and conditions of this easement shall extend to and be binding upon and shall inure to the benefit of the representatives, successors and assigns of the Grantee.

13. INDEMNITY

The United States shall not be responsible for damages to property or injuries to persons which may arise from or be incident to the exercise of the privileges herein granted, or for damages to the property or injuries to the person of the Grantee's officers, agents, or employees or others who may be on the Premises at their invitation or the invitation of any one of them, and the Grantee shall hold the United States

harmless from any and all such claims not including damages due to the fault or negligence of the United States or its contractors.

14. SUBJECT TO EASEMENTS

This easement is subject to all other existing easements, or those subsequently granted as well as established access routes for roadways and utilities located, or to be located, on the Premises, provided that the proposed grant of any new easement or route will be coordinated with the Grantee, and easements will not be granted which will, in the opinion of the Grantor, interfere with the use of the Premises by the Grantee.

15. REQUIRED SERVICES

The Grantee shall furnish through said facilities such services as may be required from time to time for governmental purposes, provided that payment for such service will be made by the United States at rates which shall be mutually agreeable but which shall never exceed the most favorable rates granted by the Grantee for similar service.

16. RELOCATION OF FACILITIES

In the event all or any portion of the Premises occupied by the said facilities shall be needed by the United States, or in the event the existence of said facilities is determined to be detrimental to governmental activities, the Grantee shall from time to time, upon notice to do so, and as often as so notified, remove said facilities to such other location on the Premises as may be designated by Grantor. In the event said facilities shall not be removed or relocated within ninety (90) days after such notice, the Grantor may cause such relocation at the sole expense of the Grantee.

17. TERMINATION

a. This easement may be terminated by the Grantor upon 30 days written notice to the Grantee if the Grantor shall determine that the right-of-way hereby granted interferes with the use or disposal of said land by the United States, or it may be revoked by the Grantor for failure of the Grantee to comply with any or all of the conditions of this easement; for non-use for a period of two (2) years; or for abandonment.

b. This easement may be terminated if the Grantee fails to comply with the terms and conditions of, or is in default under, the Water Supply Agreement. In addition, if the Water Supply Agreement is terminated, expires or becomes void, then this easement may be terminated. This easement may also be terminated for failure of the Grantee to comply with Condition 7, **WATER SUPPLY AGREEMENT**.

18. SOIL AND WATER CONSERVATION

The Grantee shall maintain, in a manner satisfactory to Grantor, all soil and water conservation structures that may be in existence upon said Premises at the beginning of or that may be constructed by the Grantee during the term of this easement, and the Grantee shall take appropriate measures to prevent or control soil erosion within the right-of-way herein granted. Any soil erosion occurring outside the Premises resulting from the activities of the Grantee shall be corrected by the Grantee as directed by the Grantor.

19. ENVIRONMENTAL PROTECTION

a. Within the limits of their respective legal powers, the parties hereto shall protect the Premises against pollution of its air, ground, and water. The Grantee shall promptly comply with any laws, regulations, conditions or instructions affecting the activity hereby authorized if and when issued by the Environmental Protection Agency, or any Federal, state, interstate or local governmental agency having jurisdiction to abate or prevent pollution. The disposal of any toxic or hazardous materials within the Premises is strictly prohibited. Such regulations, conditions, or instructions in effect or prescribed by the said Environmental Protection Agency or any Federal, state, interstate or local governmental agency are hereby made a condition of this easement. The Grantee shall not discharge waste or effluent from the Premises in such a manner that the discharge will contaminate streams or other bodies of water or otherwise become a public nuisance.

b. The use of any pesticides or herbicides within the Premises shall be in conformance with all applicable Federal, state and local laws and regulations. The Grantee must obtain approval in writing from the Grantor before any pesticides or herbicides are applied to the Premises.

c. The Grantee will use all reasonable means available to protect the environment and natural resources, and where damage nonetheless occurs arising from the Grantee's activities, the Grantee shall be liable to restore the damaged resources.

20. PHASE I ENVIRONMENTAL SITE ASSESSMENT

This condition not used.

21. HISTORIC PRESERVATION

The Grantee shall not remove or disturb, or cause or permit to be removed or disturbed, any historical, archeological, architectural or other cultural artifacts, relics, remains or objects of antiquity. In the event such items are discovered on the Premises, the Grantee shall immediately notify the Grantor and protect the site and material from further disturbance until the Grantor gives clearance to proceed.

22. NON-DISCRIMINATION

a. The Grantee shall not discriminate against any person or persons because of race, color, age, sex, handicap, national origin or religion.

b. The Grantee, by acceptance of this easement, is receiving a type of Federal assistance and, therefore, hereby gives assurance that it will comply with the provisions of Title VI of the Civil Rights Act of 1964 as amended (42 U.S.C. Section 2000d); the Age Discrimination Act of 1975 (42 U.S.C. Section 6102); the Rehabilitation Act of 1973, as amended (29 U.S.C. Section 794); and all requirements imposed by or pursuant to the Directive of the Department of Defense (32 CFR Part 300) issued as Department of Defense Directive 5500.11 and 1020.1, and Army Regulation 600-7. This assurance shall be binding on the Grantee, its agents, successors, transferees, and assignees.

23. RESTORATION

On or before the expiration or termination of this easement, the Grantee shall, without expense to the United States, and within such time as the Grantor may indicate, remove said facilities and restore the Premises to the satisfaction of the Grantor. In the event the Grantee shall fail to remove said facilities and restore the Premises, the Grantor shall have the option to take over said facilities without compensation, or to remove said facilities and perform the restoration at the expense of the Grantee, and the Grantee shall have no claim for damages against the United States or its officers or agents for such action.

24. DISCLAIMER

This instrument is effective only insofar as the rights of the United States in the Premises are concerned; and the Grantee shall obtain such permission as may be required on account of any other existing rights. It is understood that the granting of this easement does not eliminate the necessity for obtaining any Department of the Army permit which may be required pursuant to the provisions of Section 10 of the Rivers and Harbors Act of 3 March 1899 (30 Stat. 1151; 33 U.S.C. § 403), Section 404 of the Clean Water Act (33 U.S.C. § 1344), Section 408 (33 U.S.C. § 408) or any other permit or license which may be required by Federal, state, interstate or local laws in connection with the use of the Premises.

25. DESCRIPTION

This condition not used.

26. DETERMINATION REGARDING EXECUTIVE ORDER 13658

a. It has been determined this contract is not subject to Executive Order 13658 or the regulations issued by the Secretary of Labor in 29 CFR Part 10 pursuant to the Executive Order.

b. If a duly authorized representative of the United States discovers or determines, whether before or subsequent to executing this contract, that an erroneous determination regarding the applicability of Executive Order 13658 was made, contractor, to the extent permitted by law, agrees to indemnify and hold harmless the United States, its officers, agents, and employees, for and from any and all liabilities, losses, claims, expenses, suites, fines, penalties, judgments, demands or actions, costs, fees, and damages directly or indirectly arising out of, caused by, related to, resulting from or in any way predicated upon, in whole or in part, the erroneous Executive Order 13658 determination. This includes contractor releasing any claim or entitlement it would otherwise have to an equitable adjustment to the contract and indemnifying and holding harmless the United States from the claims of subcontractors and contractor employees.

27. DETERMINATION REGARDING EXECUTIVE ORDER 13706

It has been determined this contract is not subject to Executive Order 13706 or the regulations issued by the Secretary of Labor in 29 CFR part 13 pursuant to the Executive Order.

REMAINDER OF THIS PAGE LEFT INTENTIONALLY BLANK

THIS EASEMENT is not subject to Title 10, United States Code, Section 2662, as amended.

IN WITNESS WHEREOF, the GRANTOR has caused this easement to be executed in its name by the Chief, Real Estate Division, U.S. Army Engineer District, Fort Worth this _____ day of _____, 20__.

Rocky D. Lee
District Chief, Real Estate Division
Real Estate Contracting Officer

THIS EASEMENT is also executed by the Grantee this _____ day of _____, 20__.

City of Texarkana, Texas

Shirley Jaster
City Manager

ACKNOWLEDGMENT

STATE OF TEXAS }
 } SS.
 COUNTY OF TARRANT }

On this _____ day of _____, 20__, before me, the undersigned officer, personally appeared within named Rocky D. Lee, District Chief, Real Estate Division, United States Army Corps of Engineers, Fort Worth District, on behalf of the United States of America, and known to me to be the person whose name is subscribed to the foregoing instrument by virtue of the above-cited authority and acknowledged to me that he executed the same in such capacity for the purposes and consideration therein expressed.

Given under my hand and seal this _____ day of _____, 20__.

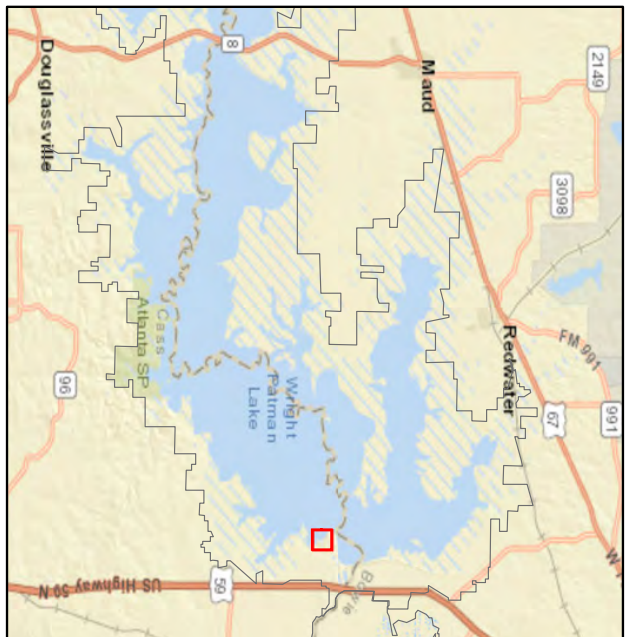
 Notary Public, State of Texas
 My Commission Expires: _____
 Printed Name: _____

STATE OF TEXAS }
 } SS.
 COUNTY OF BOWIE }

On this _____ day of December, 2020, before me, the undersigned officer, personally appeared Shirley Jaster, City Manager of the City of Texarkana, Texas, known to me to be the person described in the foregoing instrument, who acknowledged that she executed the same in the capacity therein stated and for the purpose therein contained.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal.

 Notary Public, State of Texas
 My Commission Expires: _____
 Printed Name: _____



Legend



Chlorinating Station



Emergency Generator Containment



Water Intake

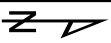
— TWU Easement



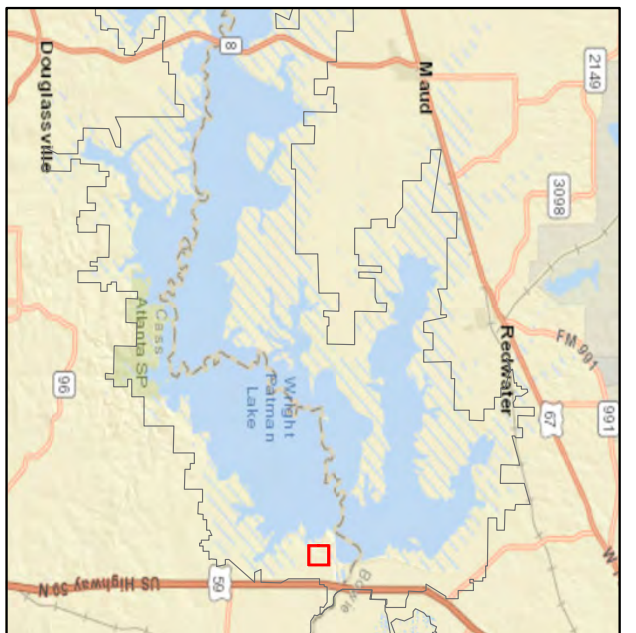
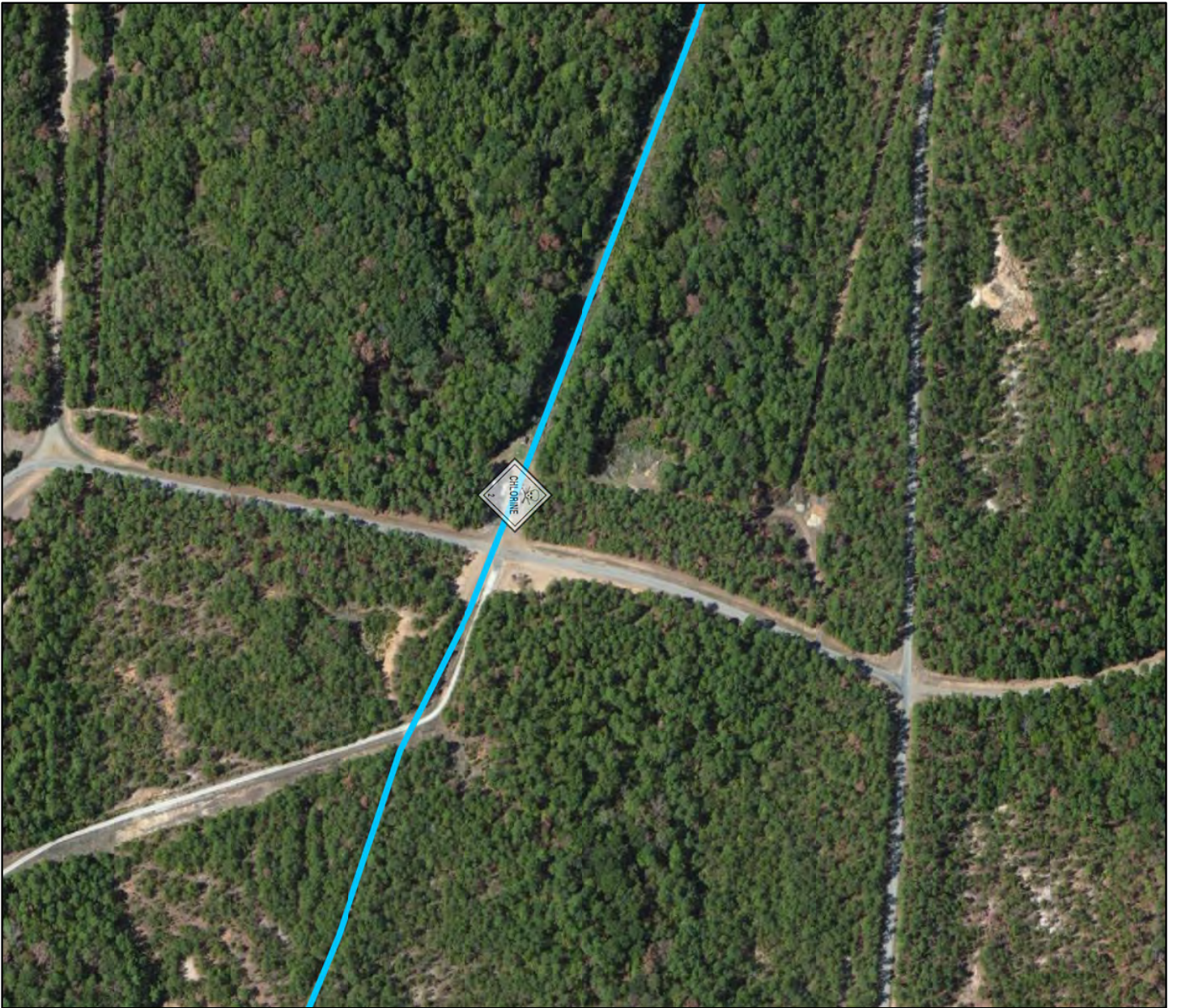
**U.S. Army Corps of Engineers
Fort Worth District**

**Wright Patman Lake
Texarkana Water Utilities**

Water Intake Renewal - Cass County



Date: March 2020	Page Number: Page - 1	Author: Tyler Lane
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Legend



Chlorinating Station



Emergency Generator Containment



Water Intake

— TWU Easement



**U.S. Army Corps of Engineers
Fort Worth District**

Wright Patman Lake

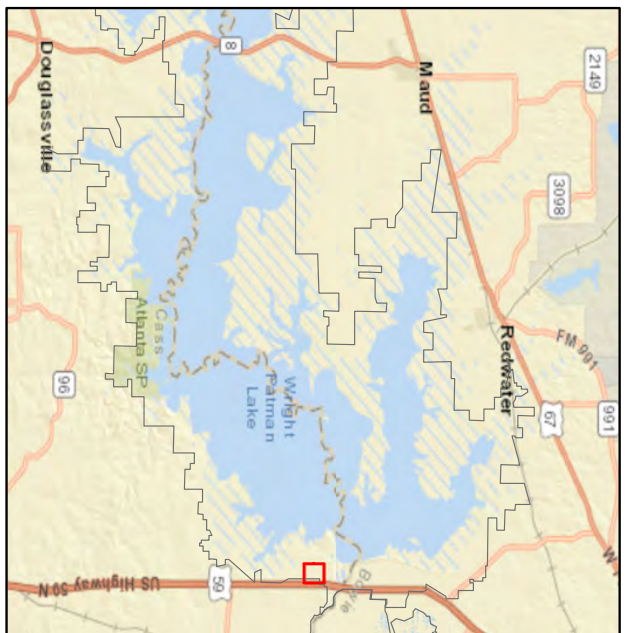
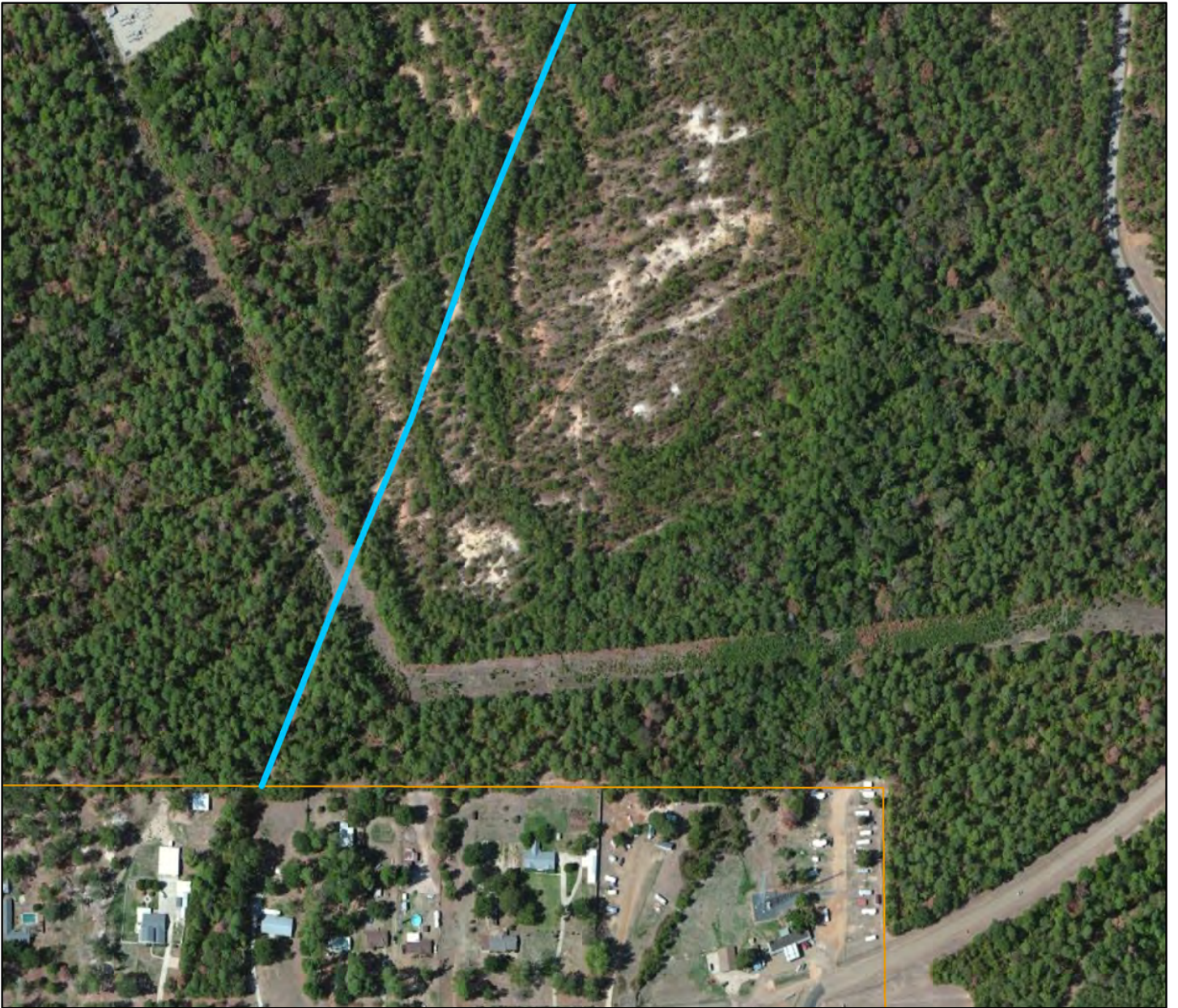
Texarkana Water Utilities

Water Intake Renewal - Cass County



0 500 1,000 Feet

Date:	Page Number:	Author:
March 2020	Page - 2	Tyler Lane



Legend



Chlorinating Station



Emergency Generator Containment



Water Intake

— TWU Easement



**U.S. Army Corps of Engineers
Fort Worth District**

Wright Patman Lake

Texarkana Water Utilities

Water Intake Renewal - Cass County



0 500 1,000 Feet

Date: March 2020	Page Number: Page - 3	Author: Tyler Lane
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WRIGHT-PATMAN LAKE
PINEY WOODS REGION PROJECT
EASEMENT RENEWAL
CASS COUNTY, TEXAS

Lessee: Texarkana Water Utilities

Acres: 4.0

DESCRIPTION OF 4.0 ACRES OF LAND, MORE OR LESS, SITUATED IN THE JAMES GILES SURVEY, ABSTRACT NO. 404 AND THE JESSIE PAXTON SURVEY NO. A-830, COVERING A PORTION OF A TRACT AWARDED TO THE UNITED STATES OF AMERICA NUMBERED N-1402; SAID 4.00 ACRE EASEMENT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING at C.O.E. monument number 446 (XY= 3,295,923.013, 7,177,818.003/ NAD 1983 State Plane Texas North Central FIPS 4202 Feet), located along the east boundary line for tract N-1402;

THENCE following along the line of tract N-14-2, N 2-22-38 W a distance of 2594.219 feet to the POINT OF BEGINNING (X, Y = 3,295,815.412, 7,180,409.99);

THENCE South 2° 13' 20" East, a distance of 33.015 feet;

THENCE North 67° 39' 56" West, a distance of 2181.623 feet;

THENCE North 70° 53' 21" West, a distance of 501.431 feet;

THENCE North 55° 14' 58" West, a distance of 153.441 feet;

THENCE North 65° 18' 20" West, a distance of 165.823 feet;

THENCE North 67° 27' 51" West, a distance of 2181.872 feet;

THENCE South 70° 36' 8" West, a distance of 183.908 feet;

THENCE South 24° 36' 18" West, a distance of 277.435 feet;

THENCE South 67° 24' 14" East, a distance of 39.032 feet;

THENCE South 22° 24' 35" West, a distance of 45.54 feet;

THENCE North 67° 24' 14" West, a distance of 87.257 feet;

THENCE North 22° 24' 35" East, a distance of 43.377 feet;

THENCE South 67° 24' 14" East, a distance of 18.50 feet;

Attachment: 2020-141 EXH '1' Easement plus all exhs JE (2429 : 2020-141 RES WPL Easement Renewal Cass County)

THENCE North 24° 33' 21" East, a distance of 293.372 feet;

THENCE North 70° 36' 8" East, a distance of 208.138 feet;

THENCE South 67° 27' 51" East, a distance of 2193.934 feet;

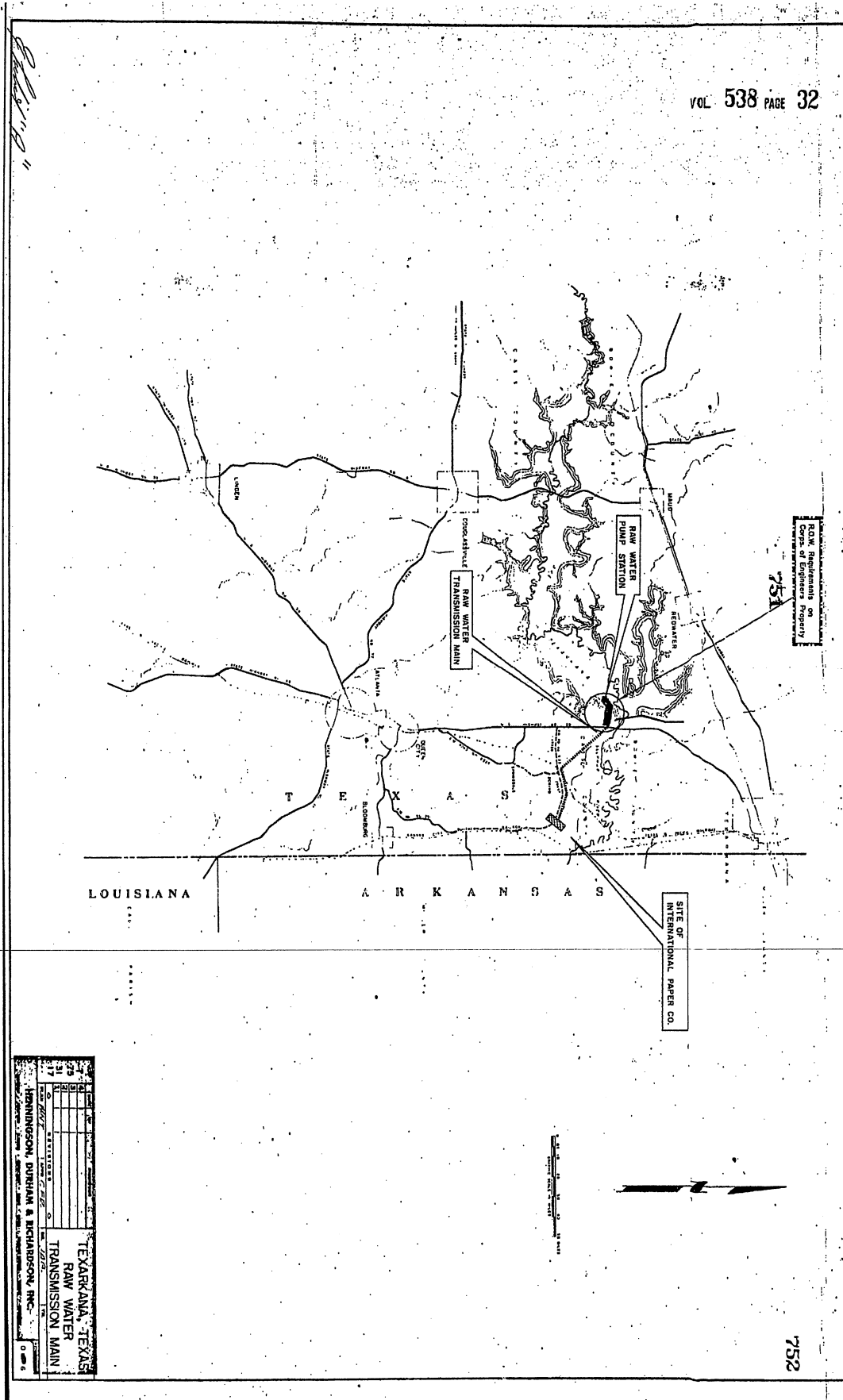
THENCE South 65° 18' 20" East, a distance of 169.027 feet;

THENCE South 55° 14' 58" East, a distance of 151.96 feet;

THENCE South 70° 53' 21" East, a distance of 498.154 feet;

THENCE South 67° 39' 59" East, a distance of 2139.587 feet to the **POINT OF BEGINNING**, and containing 4.0 acres, more or less.

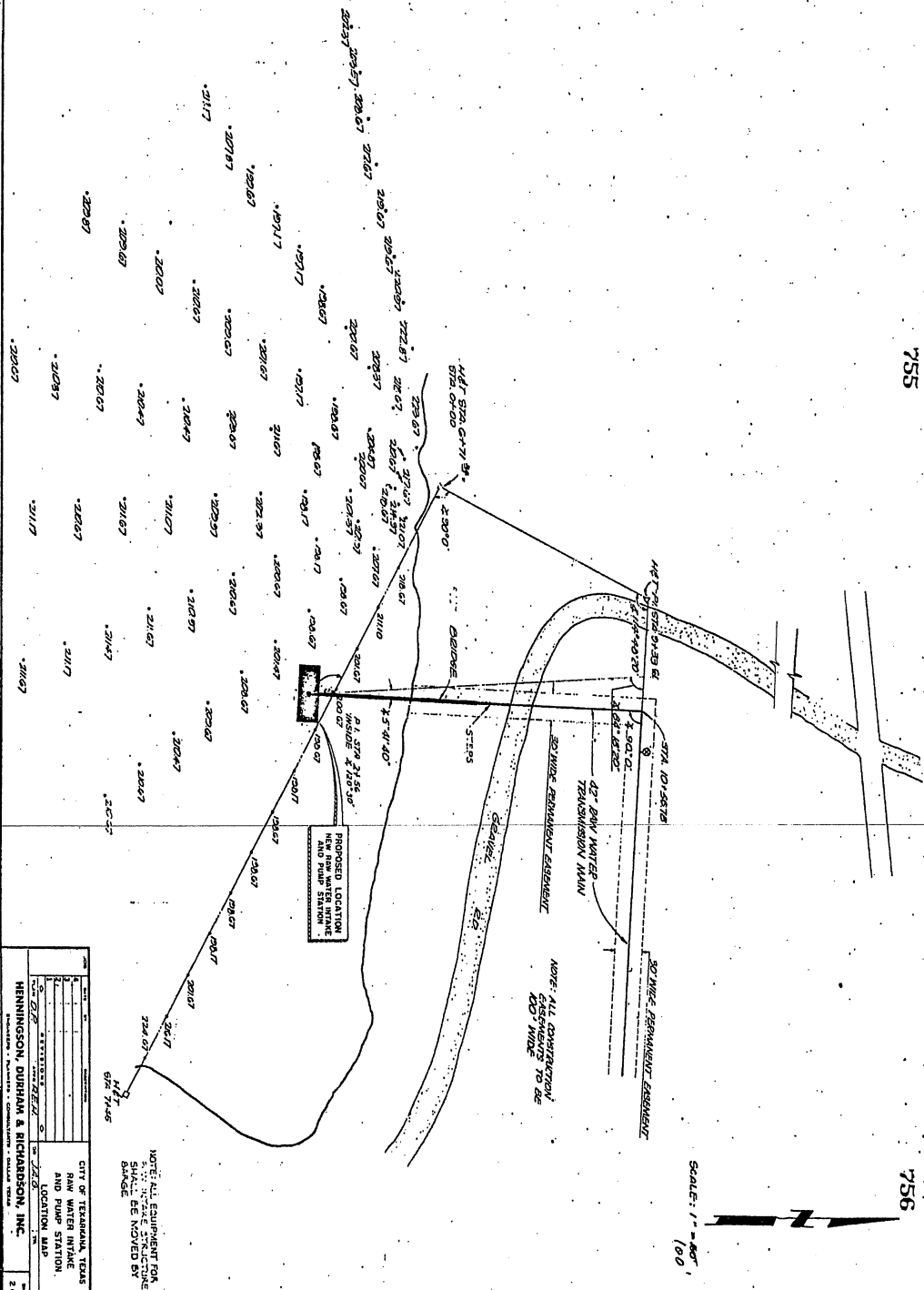
This product was calculated from CADD and GIS systems software prepared by the U.S. Army Corps of Engineers utilizing spatial reference from various data sources. Data and product accuracy may vary. They may be developed from sources of differing accuracy, accurate only at certain scales, based on modeling or interpretation, incomplete while being created or revised, etc... Using CADD/GIS products for purposes other than those for which they were created may yield inaccurate or misleading results. The Corps of Engineers makes no guarantees to the accuracy of this legal description.



Attachment: 2020-141 EXH '1' Easement plus all exhs JE (2429 : 2020-141 RES WPL Easement Renewal Cass County)

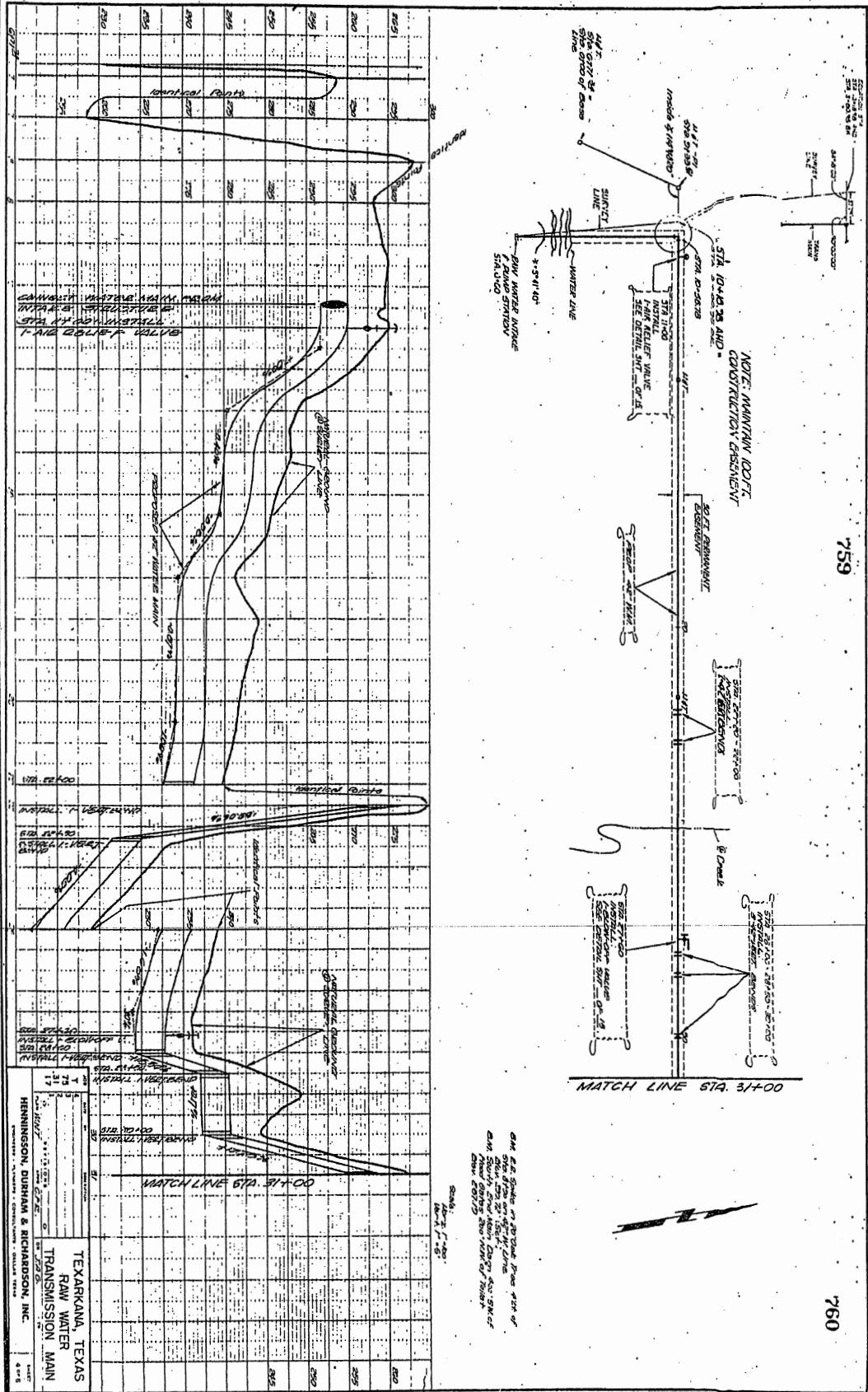


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VOL 538 PAGE 36







I, **Jennifer Evans**, certify that I am the **City Secretary** of **City of Texarkana, Texas**, named as the Grantee herein; and that **Shirley Jaster**, who signed the foregoing instrument on behalf of the Grantee, was then **City Manager** of **City of Texarkana, Texas**. I further certify that the said officer was acting within the scope of powers delegated to this governing body of the Grantee in executing said instrument.

City of Texarkana, Texas

Date

Authorized Representative

Title

AFFIX COMPANY SEAL

NOTE: This form certifies that the person signing the attached instrument has the authority to do so. The signature of the Secretary/Attesting Officer and the individual signing the attached instrument cannot be the same person.

Attachment: 2020-141 EXH '1' Easement plus all exhs JE (2429 : 2020-141 RES WPL Easement Renewal Cass County)

2020-141 ATTH 01



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, FORT WORTH DISTRICT
P.O. BOX 17300
FORT WORTH, TX 76102-0300

November 19, 2020

Real Estate Division

SUBJECT: Wright Patman Lake, Texas; Proposed Easement No. DACW63-2-20-0665.
Renewal of Easement No. DACW29-2-72-2.

Mr. J.D. Phillips, P.E.
Director of Texarkana Water Utilities
P.O. Box 2008
Texarkana, Texas 75504

Dear Mr. Phillips:

Easement No. DACW29-2-72-2, issued to City of Texarkana, Texas, for the operation and maintenance of a 42 inch water pipeline, standpipe, and pump station site expired, December 16, 2018. The administrative cost to renew this easement is \$800. Enclosed are two copies of the subject easement for a fifty year term.

Please sign, date, and return both copies of the easement, acknowledgment, and certificate of authority, along with your payment, to the above address, Attention: CESWF-RE-M (Mr. Goolsbay). Make the check or money order payable to F&A office, USAED, Fort Worth. Once signed, a fully executed original of the easement will be returned to you for your records.

If you have any questions, please contact Mr. Matt Goolsbay, 817-886-1092 or matthew.j.goolsbay@usace.army.mil.

Sincerely,

A handwritten signature in blue ink, appearing to read "Colin Richards", is written over a large, stylized blue circular mark.

Colin Richards
Chief, Military Section
Management and Disposal Branch

Enclosure

Attachment: 2020-141 ATTH 01 Corps Cover Letter (2429 : 2020-141 RES WPL Easement Renewal Cass County)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 1/12/2021 2:26 PM

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Ordinance No. 2020-142 adhering to the procedural requirements of Texas law
in authorizing and consenting to continuing the Declaration of Local Disaster
proclaimed for the City of Texarkana, Texas, by Mayor Bob Bruggeman on
December 8, 2020, as a precaution until terminated by order of the City
Subject: Council.

Briefing: 12/14/2020 **Public Hearing:** **Council Vote:** 12/14/2020

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

The City is currently in the midst of an enterprise-wide data incident, prompting the Mayor to issue a local state of disaster declaration pursuant to Texas law on December 8, 2020.

Texas Government Code Section 418.108(b) provides that a declaration of local disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision.

As a precaution with respect to the unprecedented nature of the data interruption and the impact on City services yet to be quantified or ascertained, City staff recommends following the procedures set out in the Texas Government Code for the City Council to authorize and consent to a continuation of the Mayoral Declaration of Local Disaster until terminated by Order of the City Council.

Potential Options:

- Approve the ordinance.
-

Fiscal Implications:

NONE

Staff Recommendation:

Approve the ordinance authorizing and consenting to the Mayoral Declaration of Disaster.

City of Texarkana, Texas

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

N/A

Advisory Board/Committee Meeting Date and Minutes:

N/A

Attachments

- a. 2020-142 ORD continuing cyber decl local disaster (DOCX)
- b. 2020-142 EXH 'A' DECLARATION OF DISASTER 2020-003 (PDF)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	01/12/2021 2:26 PM		
City Manager	Jennifer Evans	City Manager Review Completed	01/12/2021
2:26 PM			
City Council	Jennifer Evans	Meeting	Completed 12/14/2020
6:00 PM			

Meeting History

ORDINANCE NO. 2020 - 142

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, ADHERING TO THE PROCEDURAL REQUIREMENTS OF TEXAS LAW IN AUTHORIZING AND CONSENTING TO CONTINUING THE DECLARATION OF LOCAL DISASTER PROCLAIMED FOR THE CITY OF TEXARKANA, TEXAS, BY MAYOR BOB BRUGGEMAN ON DECEMBER 8, 2020, AS A PRECAUTION UNTIL TERMINATED BY ORDER OF THE CITY COUNCIL; RECOGNIZING MAYORAL AUTHORITY UNDER LAW AND THE CITY CHARTER IN EMERGENCIES; PROVIDING FOR PUBLICATION; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, on December 8, 2020, Mayor Bob Bruggeman, in his official capacity as Mayor of the City of Texarkana, Texas, and pursuant to lawful authority, declared a local disaster for the City of Texarkana, Texas, attached to this Ordinance as **Exhibit “A”** and incorporated herein by reference for all purposes [the “Mayoral Declaration of Local Disaster”]; and

WHEREAS, Texas Government Code Section 418.108(b) provides that a declaration of local disaster may not be continued for a period in excess of seven days without the consent of the governing body of the political subdivision; and

WHEREAS, as a precaution with respect to the unprecedented nature of the data interruption and the impact on City services yet to be quantified or ascertained, by this Ordinance the City Council adheres to the procedural requirements of Texas law in authorizing and consenting to a continuation of the Mayoral Declaration of Local Disaster until terminated by Order of the City Council.

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

SECTION 1: The City Council finds and determines that the conditions necessitating the Mayoral Declaration of Local Disaster for the City of Texarkana, Texas, on December 8, 2020, continue to exist; and pursuant to Texas Government Code Section 418.108(b), the City Council consents to a continuation of the Mayoral Declaration of Local Disaster until terminated by Order of the City Council.

SECTION 2: The City Council recognizes Mayoral authority under governing law and the City Charter in this emergency, without further action of the City Council, to exercise powers conferred on him by law and the City Charter, and to take actions and issue any orders including but not limited to any measures authorized by Chapter 418 of the Texas Government Code and article II, section 13 of the City Charter.

SECTION 3: The City Secretary shall give notice of the passage of this ordinance as provided in Article XI, Section 3 of the Charter of the City of Texarkana, Texas.

SECTION 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 **14th** day of **December, 2020**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2020-142 ORD continuing cyber decl local disaster (2430 : 2020-142 ORD Disaster Declaration for Cyber)

DECLARATION OF DISASTER 2020-003

WHEREAS, the City of Texarkana, Texas, is currently in the midst of an enterprise-wide data incident; and

WHEREAS, threats to the City's data systems can have a profound impact on the daily operations of City; and

WHEREAS, this data incident is rapidly evolving, requiring immediate action to control the situation; and

WHEREAS, the Mayor of Texarkana, Texas, has determined that extraordinary measures must be taken under the authority of Texas law and the City Charter of the City of Texarkana, Texas, to protect the proper delivery of essential services provided by the City.

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF TEXARKANA, TEXAS:

1. That a local state of disaster is hereby declared for Texarkana, Texas pursuant to §418.108(a) of the Texas Government Code.
2. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration unless continued or renewed by the City Council of the City of Texarkana, Texas.
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. Pursuant to §418.108(d) of the Texas Government Code, this declaration of a local state of disaster activates the city emergency management plan.
5. Pursuant to §418.108 of the Texas Government Code and / or Article II, Section 13 of the City Charter of the City of Texarkana, Texas, this declaration orders and authorizes the City Manager or her designee(s) as applicable to approve and implement such actions as necessary during the emergency to mitigate the current data incident.
6. That this proclamation shall take effect immediately from and after its issuance.

ORDERED this 8th day of December, 2020.



Bob Bruggeman, Mayor

City of Texarkana, Texas

Version:

Update Date: 1/12/2021 2:43 PM

Briefing Sheet

Lead Department: City Manager **Action Officer:** Jennifer Evans, City Secretary
Subject: Resolution No. 2020-143 authorizing the City Manager to enter into an incentive agreement for a regional detention project pursuant to the City's Chapter 380, Texas Local Government Code, guidelines.

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item Schedule

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

Texarkana Self Storage, LLC is constructing a development with the initial phase of construction consisting of a mini warehouse and boat/RV storage facility located at Airline and Richmond Road with the potential of additional phases of development in the future. As part of the construction, Texarkana Self Storage, LLC is required to build a detention pond to handle drainage from the property.

The City had previously identified the need for a regional detention pond in this area. Texarkana Self Storage, LLC has agreed to increase the detention pond to accommodate a regional detention pond which the City believes will promote local economic development, stimulate business and commercial activity, and benefit and protect the citizens of Texarkana, Texas.

According to the application:

- The estimated construction value of the project is \$3,000,000, with the cost of the project for the regional detention pond estimated at \$238,336.
- The total estimated project value is approximately \$15,000,000 with professional offices and retail construction built in phases.
- Upon completion and acceptance of the project, payment to Texarkana Self Storage, LLC in the amount of \$100,000.
- Upon completion and receipt of the Certificate of Occupancy for the storage unit construction portion of the project, using the estimated tax valuation as a base year of \$3,000,000 or the valuation determined upon completion, grant Texarkana Self Storage, LLC a rebate for a period of ten years in an amount not to exceed 75% of the City's portion of paid ad valorem taxes for the project, subject to a maximum payout of \$280,000 (which amount includes interest on the \$238,336 estimated cost). Bowie County is also considering participating as well at a 75% rate similar to the City. Any participation by Bowie County will count towards the reduction in the maximum payout for the project.

City of Texarkana, Texas

Potential Options:

- Approve
- Deny

Fiscal Implications:

\$100,000 upon project completion and acceptance, up to maximum tax rebate payout of \$280,000.

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

Internal Loan & Economic Development Committee Review

Board/Committee Recommendation:

Committee recommends for approval.

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2020-143 RES auth CM 380 Airline and Richmond (DOC)

Staff Coordination

City Manager	Jennifer Evans	Department Head Review	Completed
	01/12/2021 2:43 PM		
City Manager	Jennifer Evans	City Manager Review Completed	01/12/2021
2:43 PM			
City Council	Jennifer Evans	Meeting	Completed 12/14/2020
6:00 PM			

Meeting History

RESOLUTION NO. 2020-143

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AUTHORIZING THE CITY MANAGER TO ENTER INTO AN INCENTIVE AGREEMENT FOR A REGIONAL DETENTION PROJECT, USING GUIDELINES APPROVED IN RESOLUTION NO. 2015-120 OF THE CITY OF TEXARKANA UNDER CHAPTER 380 OF THE TEXAS LOCAL GOVERNMENT CODE; AUTHORIZING THE CITY MANAGER TO EXECUTE THE NECESSARY DOCUMENTS; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City Council established in Resolution No. 2015-120 a policy for the use of Chapter 380 of the Texas Local Government Code to provide incentives for specified activities; and

WHEREAS, the City has requested a regional detention basin in response to Texarkana Self Storage, LLC plans to construct a development with the initial phase of construction consisting of a mini warehouse and a boat/RV storage facility located at Airline Drive and Richmond Road in Texarkana, Texas, with the potential for additional phases of development in the future; and as part of this construction Texarkana Self Storage, LLC is required to build a detention pond to handle drainage from the property; and

WHEREAS, the City has determined that the creation of a regional detention basin in the area of the property would promote local economic development, stimulate business and commercial activity, and be beneficial to and in the best interests of the citizens of Texarkana, Texas.

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

SECTION 1: That the City Manager, be and is hereby authorized to enter into an incentive agreement with Texarkana Self Storage, LLC or its members, successors, assigns or affiliates to rebate an amount not to exceed seventy-five percent (75%) of the City's portion of paid ad valorem taxes for the project property for a period of no more than ten (10) years.

SECTION 2: That upon completion and acceptance of the regional detention pond portion of the project, an initial payment shall be made to Texarkana Self Storage, LLC in the amount of \$100,000.

SECTION 3: That upon completion and receipt of the Certificate of Occupancy for the storage unit construction portion of the project, using the estimated tax valuation as a base year of \$3,000,000 or the valuation determined upon completion, the City shall grant the developer a rebate for a period of ten years an amount not to exceed 75% of the City's portion of paid ad valorem taxes for the project, subject to a maximum payout of \$280,000 (which amount includes interest on the \$238,336 estimated cost and which total amount is inclusive of the initial payment of \$100,000).

SECTION 4: That the City Manager is hereby authorized to execute the necessary documents to enter into said incentive agreement and the terms and conditions set forth therein.

Attachment: 2020-143 RES auth CM 380 Airline and Richmond (2431 : 2020-143 RES Chap 380 for Richmond & Airline)

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Attachment: 2020-143 RES auth CM 380 Airline and Richmond (2431 : 2020-143 RES Chap 380 for Richmond & Airline)

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 11/18/2020 8:56 AM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2020-130 rezoning a 127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, 2G) in the J. E. Janes HRS, A-307, located in the 2500 block of Buchanan Road. Single Family-2 to Industrial-2. Craig Kaufman, representing Greenfield Environmental Multistate Trust, LLC., owner.

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Craig Kaufman, representing Greenfield Environmental Multistate Trust, LLC, owners, to rezone an approximate 127.238 acre-tract of land (Tracts 2B, 2B1, 2C, 2F, 2G) in the J. E. Janes HRS, A-307, located in the 2500 block of Buchanan Road from Single Family-2 to Industrial-2. This property is currently vacant land and is known as the Kerr-McGee site.

The adjacent zoning is Industrial-1 and Industrial-2 to the north, Single Family-2, Single Family-3, and Agriculture, to the west, and outside the city limits to the east and south. The adjacent land use to the east is vacant land. The adjacent land use to the west and north is primarily residential. The adjacent land use mostly vacant and outside the city limits.

The Future Land use map designated this property as "Industrial".

This property was annexed into the city limits several years ago and given the Single Family-2 zoning classification at the time of annexation. The property directly to the north which is also a part of the Kerr-McGee site is currently zoned Industrial-2. There are no immediate plans for this site, however, it has development potential in the future once the site is cleaned up environmentally.

Staff recommends for approval of this request.

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

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

City of Texarkana, Texas

Potential Options:

Approve or Deny

Fiscal Implications:

Not applicable

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2020

Attachments

- a. 2020-130 ORD rezoning in 2500 block of Buchanan Rd (DOCX)
- b. 2020-130 EXH 'A' (legal description) (PDF)
- c. 2020-130 ATTH 01 (Maps) (PDF)
- d. 2020-130 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	11/12/2020 5:05 PM	
Building Code Administration	Mashell Daniel	Reviewer
11/16/2020 12:00 PM		Completed
City Manager	Shirley Jaster	City Manager Review
3:12 PM		Completed
City Council	IQM2 Admin	Meeting
6:00 PM		Completed
		11/23/2020

Meeting History

11/23/20	City Council	MOVED FORWARD	Next: 12/14/20
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City of Texarkana, Texas

David Orr briefed this agenda item.

ORDINANCE NO. 2020-130

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 127.238-ACRE TRACT OF LAND (TRACTS 2B, 2B1, 2C, 2F, AND 2G) IN THE J. E. JANES HRS, A-307, LOCATED IN THE 2500 BLOCK OF BUCHANAN ROAD IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM SINGLE FAMILY-2 TO INDUSTRIAL-2; 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 an approximate **127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, and 2G) in the J. E. Janes HRS, A-307 (Exhibit ‘A’), located in the 2500 block of Buchanan Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Industrial-2**; 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 the application for rezoning from Single Family-2 to Industrial-2 on an approximate 127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, and 2G) in the J. E. Janes HRS, A-307 (Exhibit ‘A’), located in the 2500 block of Buchanan Road** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to Industrial-2** 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 an approximate **127.238-acre tract of land (Tracts 2B, 2B1, 2C, 2F, and 2G) in the J. E. Janes HRS, A-307 (Exhibit ‘A’), located in the 2500 block of Buchanan Road** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Industrial-2**.

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Z-20-22

Political Subdivision for Annexation
127.238 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the John E. Janes Headright Survey, Abstract 307, and the R. E. Sevey Headright Survey, Abstract 523, and being a portion of that certain tract of land described in the deed from Tronox Worldwide LLC. to Greenfield Environmental Multistate Trust, LLC., dated February 14, 2011, recorded in Volume 6000, Page 320 of the Real Property Records of Bowie County, Texas and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod found for a corner, lying in the East right-of-way line of an asphalt road known as Buchanan Road (FM 2516), the Northwest corner of that certain tract of land conveyed to James H. Bayless by deed of record, recorded in Volume 505, Page 615 of the Deed Records of Bowie County, Texas, and an outside ell corner in the West line of the said Greenfield Environmental tract;

THENCE North 03 degrees 10 minutes 38 seconds West a distance of 141.48 feet along the East right-of-way line of the said Buchanan Road and West line of the said Greenfield Environmental tract to a point for a corner;

THENCE North 02 degrees 32 minutes 00 seconds East a distance of 201.00 feet along the East right-of-way line of the said Buchanan Road and the West line of the said Greenfield Environmental tract to a point for a corner;

THENCE South 86 degrees 50 minutes 10 seconds West a distance of 69.94 feet to a point for a corner, lying along the current City Limit Line of Texarkana, Bowie County, Texas (the "City Limit Line") and the centerline of the said Buchanan Road;

THENCE North 03 degrees 10 minutes 38 seconds West a distance of 216.76 feet along the City Limit Line and the centerline of the said Buchanan Road to a point for a corner;

THENCE North 00 degrees 59 minutes 51 seconds West a distance of 169.00 feet along the City Limit Line to the beginning of a circular curve to the right, tangent to said line;

THENCE in a Northeasterly direction along the City Limit Line, the arc of the said circular curve a distance of 795.53 feet, with a delta angle of 11 degrees 40 minutes 18 seconds, a radius of 3905.22 feet, a chord bearing of North 09 degrees 19 minutes 19 seconds East, and a chord distance of 794.15 feet to a point for a corner, at the end of the said circular curve;

THENCE North 12 degrees 37 minutes 25 seconds East a distance of 1590.21 feet along the City Limit Line to a point for a corner, at the beginning of a circular curve to the left, tangent to said line;

Attachment: 2020-130 EXH 'A' (legal description) (2411 : 2020-130 ORD rezoning in the 2500 block of Buchanan Rd)

THENCE in a Northeasterly direction along the City Limit Line, the arc of the said circular curve a distance of 367.99 feet, with a delta angle of 12 degrees 55 minutes 19 seconds, a radius of 1631.68 feet, a chord bearing of North 06 degrees 11 minutes 43 seconds East, and a chord distance of 367.21 feet to a point for a corner;

THENCE North 00 degrees 12 minutes 38 seconds West a distance of 345.19 feet along the City Limit Line to a point for a corner;

THENCE North 87 degrees 33 minutes 46 seconds East a distance of 1003.95 feet along the City Limit Line, leaving said centerline and along a new line across the said Greenfield Environmental tract to a point for a corner;

THENCE North 02 degrees 16 minutes 10 seconds West a distance of 2229.96 feet along the City Limit Line to a point for a corner;

THENCE North 88 degrees 14 minutes 42 seconds East a distance of 268.28 feet along the City Limit Line to a point for a corner;

THENCE North 89 degrees 25 minutes 24 seconds East a distance of 226.62 feet to a point for a corner;

THENCE South 05 degrees 11 minutes 32 seconds West a distance of 1072.70 feet to a point for a corner;

THENCE South 82 degrees 07 minutes 46 seconds East a distance of 265.45 feet across the said Greenfield Environmental tract, across a Union Pacific Railroad right-of-way to a point for a corner, lying in the East right-of-way of the said railroad;

THENCE South 17 degrees 44 minutes 35 seconds West a distance of 1969.55 feet along the East right-of-way of the said railroad to a point for a corner, at the beginning of a circular curve to the left, tangent to said line;

THENCE in a Southerly direction along the arc of the said circular curve a distance of 1080.15 feet, with a delta angle of 14 degrees 44 minutes 07 seconds, a radius of 4200.00 feet, a chord bearing of South 10 degrees 22 minutes 31 seconds West, and a chord distance of 1077.18 feet to a point for a corner, an outside ell corner in the East line of the said railroad right-of-way;

THENCE North 87 degrees 07 minutes 21 seconds West a distance of 25.00 feet to a point for a corner, an inside ell corner in the East line of the said railroad right-of-way at the beginning of a circular curve to the left, tangent to said line;

THENCE in a Southerly direction along the arc of the said circular curve a distance of 785.52 feet, with a delta angle of 10 degrees 39 minutes 09 seconds, a radius of 4225.00 feet, a chord bearing of South 02 degrees 19 minutes 10 seconds East, and a chord distance of 784.39 feet to a point for a corner;

Z-20-22

THENCE South 07 degrees 38 minutes 44 seconds East a distance of 1389.79 feet along the East right-of-way of the said railroad to a 1/2 inch steel rod found for a corner, capped Texas JHG 1715 lying at the intersection of the East right-of-way of the said railroad, the South line of the said Greenfield Environmental tract and the North right-of-way of an asphalt street known as Bariod Road;

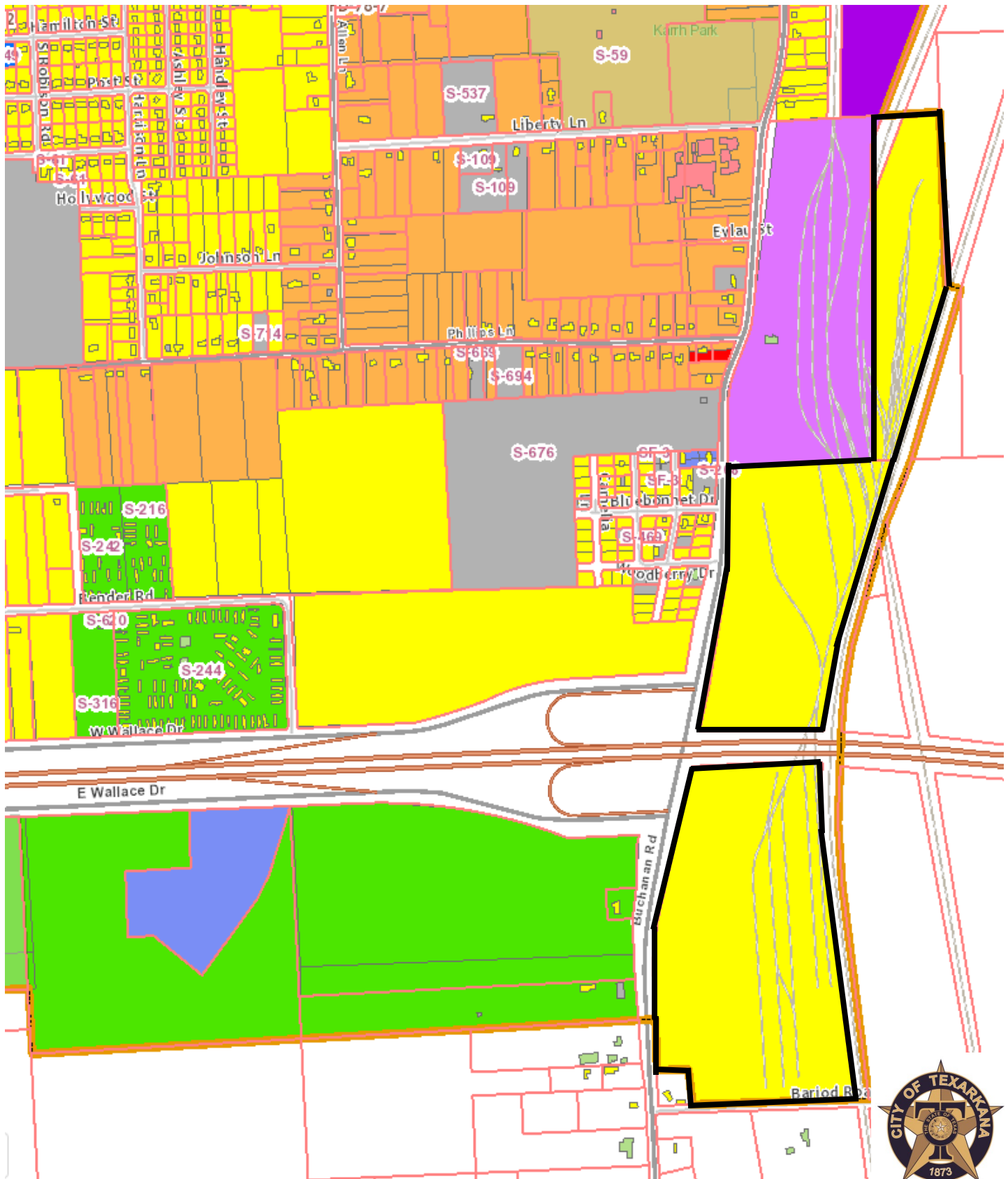
THENCE South 88 degrees 01 minutes 34 seconds West a distance of 1213.28 feet along the South line of the said Greenfield Environmental tract and the North right-of-way line of the said Bariod Road to a point for a corner, the Southwest corner of the said Greenfield Environmental tract and the Southeast corner of the said Bayless tract;

THENCE North 01 degrees 17 minutes 16 seconds West a distance of 197.71 feet along the West line of the said Greenfield Environmental tract and the East line of the said Bayless tract to a point for a corner, an inside ell corner in the West line of the said Greenfield Environmental tract and the Northeast corner of the said Bayless tract;

THENCE South 87 degrees 59 minutes 25 seconds West a distance of 186.75 feet along the West line of the said Greenfield Environmental tract and the North line of the said Bayless tract to the point of beginning and containing 127.238 acres of land, more or less.

Attachment: 2020-130 EXH 'A' (legal description) (2411 : 2020-130 ORD rezoning in the 2500 block of Buchanan Rd)

2500 Block Buchanan Road



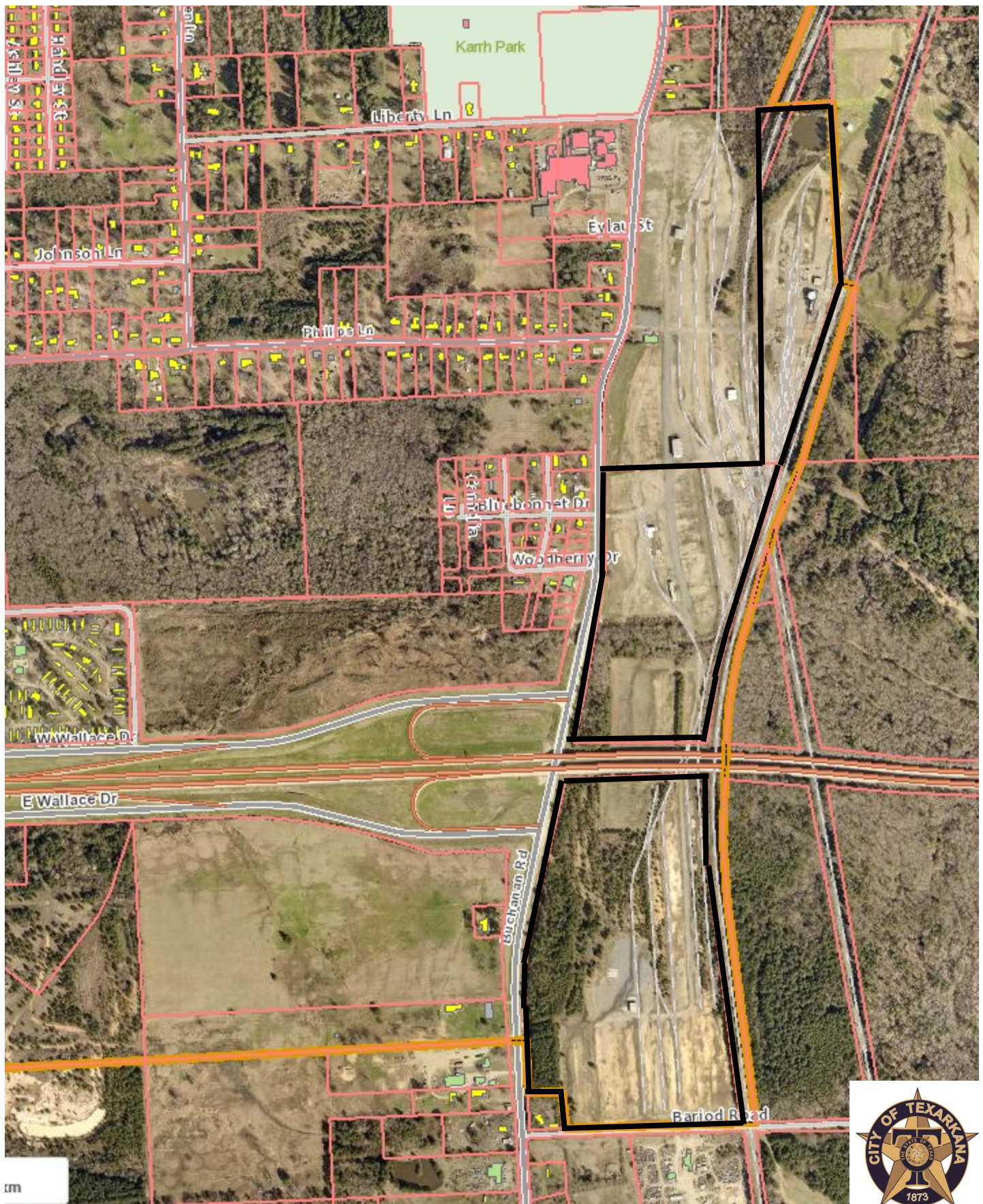
Attachment: 2020-130 ATTH 01 (Maps) (2411 : 2020-130 ORD rezoning in the 2500 block of Buchanan Rd)



2500 Block Buchanan Road

2020-130 ATTH 01

Z-20-22



Attachment: 2020-130 ATTH 01 (Maps) (2411 : 2020-130 ORD rezoning in the 2500 block of Buchanan 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:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:

Update Date: 11/18/2020 10:07 AM

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2020-131 granting a Specific Use Permit to allow permanent cosmetics and microblading on Lot 1, Parcel 1, Block 2, Galleria Oaks #1 Addition, located in a tenant space at 5510 Summerhill Road. Mark Van Herpen, representing Medwell Properties LLC, owner. Amanda Ross, agent.

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item Schedule

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

Updates/History of Briefing:

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by Medwell Properties LLC, owner, and Amanda Ross, agent, for a Specific Use Permit, SUP, to allow the location of a permanent cosmetics/microblading business in a tenant space at 5510 Summerhill Road.

The adjacent zoning is Neighborhood Service and Commercial to the north and Commercial to the east and General Retail to the west and south. The adjacent land usage is vacant land to the north and west and tenants spaces in a strip center to the south and east.

The Comprehensive Plan has designated this as a Mixed-Use Development.

This property is zoned General Retail. A Specific Use Permit is required to allow the one additional use of a permanent cosmetics/microblading business which is also considered a "tattoo" per the City's Zoning Ordinance. The State of Texas will regulate this business as to licensing and other health related issues. Several medical facilities and hair salons are now offering this type service for clients.

If this request is approved, staff would suggest the following stipulations be placed in the Ordinance:

1. That the owner/or any employee performing the application of permanent cosmetics/microblading (tattooing) procedures be currently licensed by the State and meet all Federal, State and City licensing laws and health regulations. (A copy of the current license must be provided to the City prior to the opening of the business).
2. That the Specific Use Permit be intended for the application of permanent cosmetics/microblading only.
3. That if this use ever ceases to exist at this location, the City may automatically revoke the Specific Use Permit.

City of Texarkana, Texas

This request meets all city requirements to allow this one additional use on this property. There should be adequate parking for this business.

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

Potential Options:

Approve or Deny.

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.

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2020

Attachments

- a. 2020-131 ORD granting SUP for perm. cosmetics at 5510 Summerhill Rd (DOCX)
- b. 2020-131 ATTH 01 (maps) (PDF)
- c. 2020-131 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	Vicky Coopwood	Department Head Review
Skipped	11/18/2020 10:08 AM	
Building Code Administration	Vicky Coopwood	Reviewer Skipped
	11/18/2020 10:09 AM	
City Manager	Shirley Jaster	City Manager Review Completed 11/18/2020
5:24 PM		
City Council	IQM2 Admin	Meeting Completed 11/23/2020
6:00 PM		

Meeting History

11/23/20 City Council MOVED FORWARD Next: 12/14/20
David Orr briefed this agenda item.

S-731

ORDINANCE NO. 2020-131

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-731 TO ALLOW THE ONE ADDITIONAL USE OF APPLICATION OF PERMANENT COSMETICS/MICROBLADING ON LOT 1, PARCEL 1, BLOCK 2, GALLERIA OAKS #1 ADDITION, LOCATED IN A TENANT SPACE AT 5510 SUMMERHILL 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 the **one additional use of application of permanent cosmetics/microblading** on Lot 1, Parcel 1, Block 2, Galleria Oaks #1 Addition, located in a tenant space at 5510 Summerhill Road in the City of Texarkana, Bowie County, Texas; and

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

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas, voted **unanimously 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 application of permanent cosmetics/microblading** on said property; and

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

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

SECTION 1: That the Zoning Ordinance of the City of Texarkana, Texas, Ordinance No. 127-70, passed and approved on September 14, 1970, be further amended so as to grant **Specific Use Permit numbered S-731 for the purpose of allowing the one additional use of application of permanent cosmetics/microblading** on the following described property, to-wit: **Lot 1, Parcel 1, Block 2, Galleria Oaks #1 Addition, located in a tenant space at 5510 Summerhill Road**, in the City of Texarkana, Bowie County, Texas.

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

1. That the owner and/or any employee performing the application of permanent cosmetics be currently licensed by the state and meet all federal, state and city licensing laws and health regulations. A copy of the current license must be provided to the City prior to the opening of the business.
2. That the Specific Use Permit be intended for the application of permanent cosmetics and microblading only.
3. That if this use ever ceases to exist at this location, the City may automatically revoke the Specific Use Permit.

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 **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

5510 Richmond

S-731



Attachment: 2020-131 ATTH 01 (maps) [Revision 1] (2412 : 2020-131 ORD granting SUP at 5510 Summerhill Road)



5510 Richmond

2020-131 ATTH 01

S-731



Attachment: 2020-131 ATTH 01 (maps) [Revision 1] (2412 : 2020-131 ORD granting SUP at 5510 Summerhill Road)



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Version:

Update Date: 11/18/2020 8:57 AM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2020-132 rezoning an approximate 3.75-acre tract of land (Tract 173) in the George Brinlee HRS, A-18, located in the 5800 block of St. Michael Drive. General Retail to Commercial-Planned Development. NLR Warehouse, LP and Fred Kahler, Inc., owners. Richard Reynolds, agent.

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

NOT APPLICABLE

Executive Summary and Background Information:

This is a request by NLR Warehouse, LP and Fred Kahler, Inc., owners, and Richard Reynolds, agent to rezone an approximate 3.75 acre-tract of land (Tract 173) in the George Brinlee Survey HRS, A-18, located in the 5800 block of St. Michael Drive from General Retail to Commercial-Planned Development. This property is currently vacant land. A 10,000 sq. ft. building is proposed for this site.

The adjacent zoning is General Retail to the north, east, and west and I-30 to the south. The adjacent land use is vacant land.

The Future Land use map designated this property as "Regional Commercial".

The buyer is proposing to construct a 10,000 sq. ft. speculative building at this location for sale or lease.

Since this property is located along the interstate corridor and is designated as "Regional Commercial" by the Future Land Use Map, staff recommends for approval of this request.

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

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

City of Texarkana, Texas

Potential Options:

Approve or deny.

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2020

Attachments

- a. 2020-132 ORD rezoning in 5800 block of St. Michael Drive (DOCX)
- b. 2020-132 EXH 'A' (legal description) (PDF)
- c. 2020-132 ATTH 01 (maps) (PDF)
- d. 2020-132 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	11/12/2020 5:05 PM	
Building Code Administration	Mashell Daniel	Reviewer Completed
	11/16/2020 11:59 AM	
City Manager	Shirley Jaster	City Manager Review Completed 11/18/2020
5:30 PM		
City Council	IQM2 Admin	Meeting Completed 11/23/2020
6:00 PM		

Meeting History

11/23/20 City Council MOVED FORWARD Next: 12/14/20
David Orr briefed this agenda item.

ORDINANCE NO. 2020-132

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, AMENDING THE ZONING ORDINANCE OF THE CITY OF TEXARKANA, TEXAS, BY REZONING A 3.75-ACRE TRACT OF LAND (TRACT 173) IN THE GEORGE BRINLEE HRS, A-18, LOCATED IN THE 5800 BLOCK OF ST. MICHAEL DRIVE IN THE CITY OF TEXARKANA, BOWIE COUNTY, TEXAS FROM GENERAL RETAIL TO PLANNED DEVELOPMENT-COMMERCIAL; CONTAINING A REPEALER CLAUSE; CONTAINING A SEVERABILITY CLAUSE; AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, an application has been filed requesting an amendment to the Zoning Ordinance of the City of Texarkana, Texas, to rezone an approximate a **3.75-acre tract of land (Tract 173) in the George Brinlee HRS, A-18 (Exhibit 'A'), located in the 5800 block of St. Michael Drive** in the City of Texarkana, Bowie County, Texas, from **General Retail 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 unanimously five (5) to zero (0) to recommend the application for rezoning from General Retail to Planned Development-Commercial on an approximate 3.75-acre tract of land (Tract 173) in the George Brinlee HRS, A-18 (Exhibit 'A'), located in the 5800 block of St. 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, applicant agreed to amend the application from **General Retail to Planned Development-Commercial**; and

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

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

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 an approximate **3.75-acre tract of land (Tract 173) in the George Brinlee HRS, A-18 (Exhibit 'A'), located in the 5800 block of St. Michael Drive** in the City of Texarkana, Bowie County, Texas, from **General Retail to Planned Development-Commercial**.

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

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

SECTION 4: 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 **14th day of December, 2020**.

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

17 PROPERTY DESCRIPTION

Property Description
3.583 Acres
Bowie County, Texas

All that certain lot, tract or parcel of land lying and situated in the George Brinlee Headright Survey, Abstract 18, Bowie County, Texas, being all of that certain tract of land described as 3.75 acres in the deed from Henry L. Ballard, Independent Executor of the Estate of Judy L. Ballard to NRL Warehouse Limited Partnership, dated December 21, 2012, recorded in Volume 6370, Page 92 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 3.75 acres in the deed from W. H. Borcharding, et ux to Jerry H. Borcharding, dated October 31, 1972, recorded in Volume 597, Page 17 of the Deed Records of Bowie County, Texas, and being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2 inch steel rod found for a corner, lying in the North right-of-way line of Interstate 30 (St Michael Drive), the Southwest corner of the said 3.75 acre tract and the Southeast corner of that certain tract of land described as 55.731 acres in the deed from Larkotes Company to Fred R. Norton, dated January 6, 1995, recorded in Volume 2259, Page 220 of the Real Property Records of Bowie County, Texas, same being that certain tract of land described as 55.731 acres in the deed from Fred Ochsenbein, et ux to John M. Norton, et al, dated May 27, 1970, recorded in Volume 518, Page 319 of the Deed Records of Bowie County, Texas;

THENCE North 02 degrees 24 minutes 04 seconds West a distance of 203.00 feet along the West line of the said 3.75 acre tract and the East line of the said 55.731 acre tract to a 1/2 inch steel rod found for a corner (control monument), capped TXMG5760, the Northwest corner of the said 3.75 acre tract, and an inside ell corner of the said 55.731 acre tract;

THENCE North 87 degrees 35 minutes 56 seconds East (basis of bearings) at a distance of 594.07 feet passing a 1/2 inch steel rod found for a reference (control monument), capped TCMG5760, continuing in all a distance of 644.07 feet to a point in the center of Waggoner Creek, the Northeast corner of the said 3.75 acre tract, an outside ell corner of the said 55.731 acre tract, and lying in the West line of that certain tract of land described as Lot No. 2, Block No. 3 of Waggoner Creek Crossing One, according to the plat recorded in 4612, Page 70 of the Real Property Records of Bowie County, Texas;

THENCE along the center of the said Waggoner Creek the following bearings and distance;

South 04 degrees 55 minutes 24 seconds East a distance of 32.06 feet to a point for a corner;

South 42 degrees 44 minutes 14 seconds West a distance of 88.07 feet to a point for a corner;

South 59 degrees 21 minutes 11 seconds East a distance of 91.33 feet to a point for a corner;

North 68 degrees 25 minutes 19 seconds East a distance of 45.45 feet to a point for a corner;

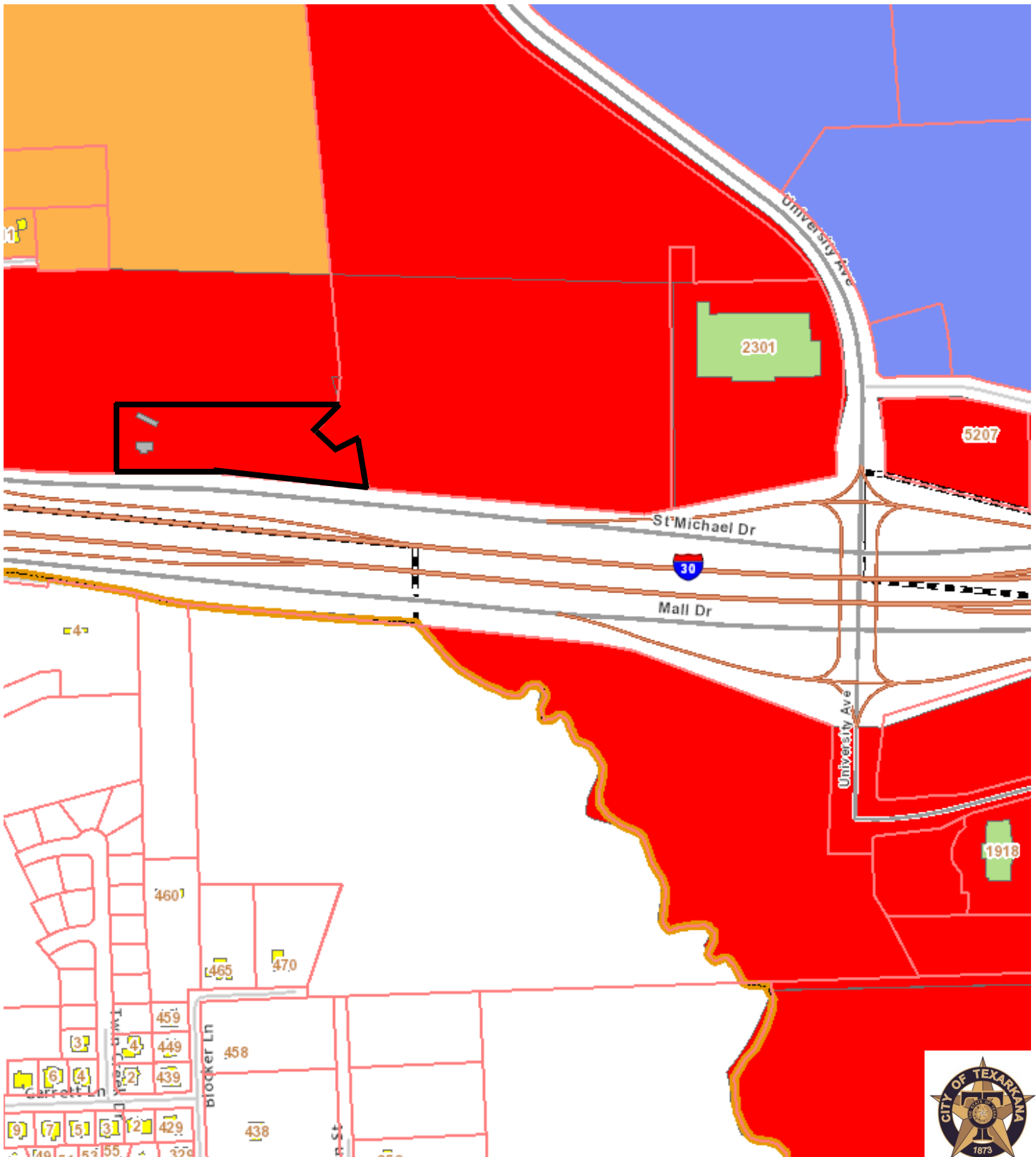
South 20 degrees 38 minutes 50 seconds East a distance of 17.46 feet to a point for a corner;

South 16 degrees 01 minutes 15 seconds East a distance of 142.52 feet to a point for a corner, lying in the North right-of-way line of the said St Michael Drive, the Southeast corner of the said 3.75 acre tract and the Southwest corner of the said Lot No. 2;

THENCE North 84 degrees 35 minutes 26 seconds West at a distance of 65.00 feet passing a 1/2 inch steel rod set for a reference, capped MTG 101011-00, continuing in all a distance of 541.90 feet along the North right-of-way line of the said St Michael Drive and the South line of the said 3.75 acre tract to a 1/2 inch steel rod set for a corner, capped MTG 101011-00, for a corner at an angle point;

THENCE South 89 degrees 41 minutes 34 seconds West a distance of 204.84 feet along the North right-of-way line of the said St Michael Drive and the South line of the said 3.75 acre tract to the point of beginning and containing 3.583 acres of land, at the time of this survey.

5800 Block St. Michael Dr



Attachment: 2020-132 ATTH 01 (maps) (2413 : 2020-132 ORD rezoning in the 5800 block of St. Michael Drive)



5800 Block St. Michael Dr



Attachment: 2020-132 ATTH 01 (maps) (2413 : 2020-132 ORD rezoning in the 5800 block of St. Michael Drive)



City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: 2020-132 Goals & Perspectives (2413 : 2020-132 ORD rezoning in the 5800 block of St. Michael Drive)

City of Texarkana, Texas

Version: A

Update Date: 11/18/2020 9:05 AM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2020-134 rezoning an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Single Family-2 to Single Family-3. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item Schedule

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

Updates/History of Briefing:

A ¾ vote will be required due to Planning and Zoning Commission denial.

Executive Summary and Background Information:

This is a request by Jeffrey and Peggy Robey, owners, to rezone an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane from Single Family-2 to Single Family-3. This property is currently vacant land. The proposed use is the location of a 2007 double wide HUD code manufactured home.

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

The Future Land use map designated this property as "Suburban Residential".

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.

There are tracts of land located in the area that are currently zoned Single Family-3 although no manufactured homes are currently located on Kidd Lane. HUD code double wide manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes. Therefore, staff recommends for approval of this request.

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

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

City of Texarkana, Texas

Potential Options:

Approve or deny.

Fiscal Implications:

Not applicable.

Staff Recommendation:

Staff recommends for approval of this request.

Advisory Board/Committee Review:

Planning and Zoning Commission

Board/Committee Recommendation:

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

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2020

Attachments

- a. 2020-134 ORD rezoning 3311 Kidd Lane (DOCX)
- b. 2020-134 EXH 'A' (legal description) (PDF)
- c. 2020-134 ATTH 01 (maps) (PDF)
- d. 2020-134 ATTH 02 (letter in opposition) (PDF)
- e. 2020-134 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	11/12/2020 5:06 PM	
Building Code Administration	Mashell Daniel	Reviewer
11/16/2020 11:58 AM		Completed
City Manager	Shirley Jaster	City Manager Review
11:17 AM		Completed
City Council	IQM2 Admin	Meeting
6:00 PM		Completed
		11/23/2020

Meeting History

11/23/20 City Council MOVED FORWARD Next: 12/14/20
David Orr briefed this agenda item.

Z-20-25

ORDINANCE NO. 2020-134

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 1.228-ACRES BEING TRACTS 62B, 62C AND 62D, FLOWER ACRES ADDITION, LOCATED AT 3311 KIDD LANE 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 **an approximate 1.228-acres being Tracts 62B, 62C and 62D, Flower Acres Addition (Exhibit ‘A’), located at 3311 Kidd Lane** 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 after holding hearings and affording a full and fair hearing to all property owners generally and to all persons interested and situated in the affected area and in the vicinity thereof; and

WHEREAS, after consideration of said application, the Planning and Zoning Commission of the City of Texarkana, Texas **voted five (5) to zero (0) to recommend denial of the application for rezoning from Single Family-2 to Single Family-3** to the City Council of Texarkana, Texas; and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that rezoning the property from **Single Family-2 to 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 an approximate 1.228-acres being Tracts 62B, 62C and 62D, Flower Acres Addition (Exhibit ‘A’), located at 3311 Kidd Lane** in the City of Texarkana, Bowie County, Texas, from **Single Family-2 to Single Family-3**.

Attachment: 2020-134 ORD rezoning 3311 Kidd Lane [Revision 1] (2414 : 2020-134 ORD rezoning at 3311 Kidd Ln.)

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

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

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

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

Z-20-25

Legal Description

All that certain lot, tract or parcel of land situated within and being a part of Block Numbered Sixty-two (62) of FLOWER ACRES, a subdivision of 208 acres out of the R. E. Sevey Headright Survey, Abstract No. 523, Bowie County, Texas, according to the map or plat of said Subdivision recorded in Volume 204, Page 36 of the Plat Records of Bowie County, Texas, and the subject tract being a part of that certain tract of land conveyed from Louis Heilbron and C. E. Palmer to H. A. Lane and wife, Mable Lane by deed dated January 11, 1944 and recorded in Volume 198, Page 538 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a iron pin for corner on the South boundary line of a street known as Kidd Lane, and in the North line of said Block 62 of Flower Acres, being N 89° 25' 44" W, 29.50 feet from the Northeast corner of said Block 62 and also being the Northwest corner of that certain tract or parcel of land conveyed from Doyle E. Owens and wife, Rosemary L. Owens to Lafayette Beaty, Jr. and wife, Joe Ann Lane Beaty by deed dated June 20, 1957 and recorded in Volume 348, Page 590 of the Deed Records of Bowie County, Texas;

THENCE: S 00° 08' 15" E, 367.50 feet with Beaty's West line to an iron pin for corner;

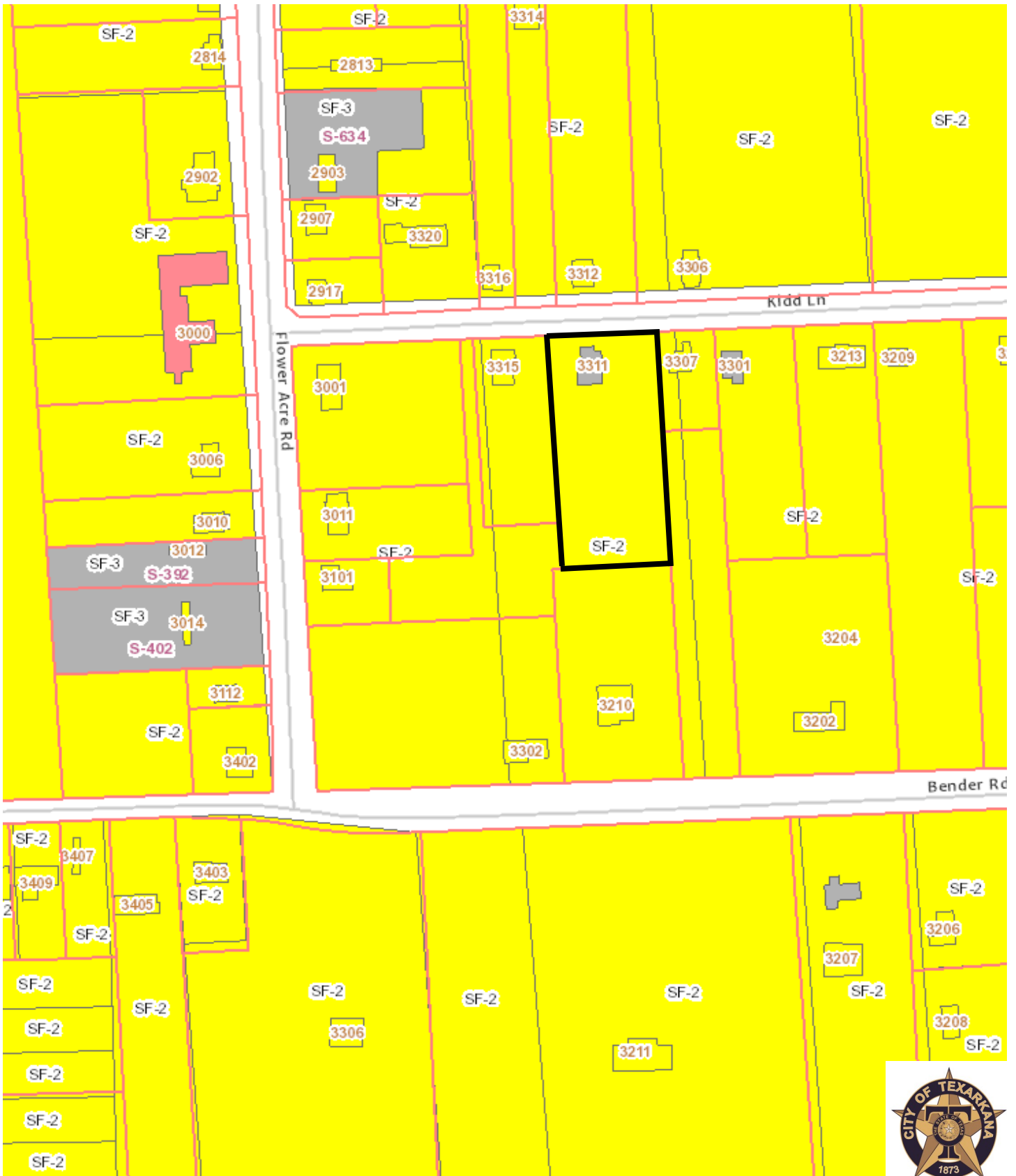
THENCE: N 89° 25' 55" W, 145.95 feet to an iron pin for corner on the East line of a certain tract of land conveyed to Annie L. Harlemson in September of 1935, as mentioned in deed recorded in Volume 195, Page 11 of the Deed Records of Bowie County, Texas;

THENCE: N 00° 01' 57" W, 367.50 feet with the East line of said Annie L. Harlemson tract to an iron pin for corner in the North line of said Block 62 of Flower Acres, being S 89° 25' 44" E, 118.50 feet from the Northwest corner of said Block 62 and also being S 89° 25' 44" E, 29.63 feet from the Northeast corner of a certain 0.408 acre tract of land conveyed from Ralph Kidd to Glen Martin by Deed dated April 29, 1966 and recorded in Volume 467, Page 571 of the Deed Records of Bowie County, Texas;

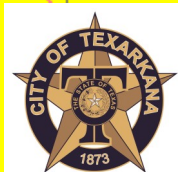
THENCE: S 89° 25' 44" E, 145.28 feet with the North line of said Block 62 and the South line of Kidd Lane to the POINT OF BEGINNING and containing 1.228 acres of land, more or less.

Z-20-25

3311 Kidd Lane



Attachment: 2020-134 ATTH 01 (maps) (2414 : 2020-134 ORD rezoning at 3311 Kidd Ln.)



3311 Kidd Lane

Z-20-25



Attachment: 2020-134 ATTH 01 (maps) (2414 : 2020-134 ORD rezoning at 3311 Kidd Ln.)



Z-20-25

24 October 2020

City of Texarkana, Texas
Planning and Zoning Commission
P.O. Box 1967
Texarkana, Texas 75504

Re: Rezoning 3311 Kidd Lane to SF-3

Esteemed Members of the Commission,

As recent owners of the land two doors down from the subject property it is disconcerting to think manufactured homes will be allowed in this neighborhood. One of the reasons we chose this location was the fact that it did not allow mobile homes.

In a study of housing values in three North Carolina counties, Wubneh and Shen (2004) found that single-family houses located near manufactured housing communities had lower property values than those located farther from these communities. Other researchers have found similar patterns (Munneke and Slawson 1999).

While current manufactured homes may be as or more aesthetically pleasing than conventional stick-built homes this usually occurs at the higher price point. Without any form of neighborhood control, there's no way to ensure the quality or standard of the home the Robey's will place on the property. The SF-3 classification is too broad for this situation.

While I appreciate the Robey's desire to be in this area, I would ask they comply with the existing SF-2 classification and that the commission to deny the request to rezone the subject property.

Sincerely,



Jeffrey R. & Sharon L. Thomas
3301 Kidd Ln. Texarkana, Texas

Attachment: 2020-134 ATTH 02 (letter in opposition) (2414 : 2020-134 ORD rezoning at 3311 Kidd Ln.)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

Attachment: 2020-134 Goals & Perspectives (2414 : 2020-134 ORD rezoning at 3311 Kidd Ln.)

City of Texarkana, Texas

Version: A

Update Date: 11/18/2020 9:13 AM

Briefing Sheet

Lead Department: Planning and Community Development **Action Officer:** Laura Puckett, Administrative Coordinator

Subject: Ordinance No. 2020-135 granting a Specific Use Permit to allow the location of a double-wide HUD code manufactured home on an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. Jeffrey and Peggy Robey, owners. (A 3/4 vote of the City Council is required to approve this request.)

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item ScheduleSchedule 1: Brief twice - vote once (six weeks)**Updates/History of Briefing:**

A ¾ vote will be required due to Planning and Zoning Commission denial.

Executive Summary and Background Information:

This is a request by Jeffrey and Peggy Robey, owners, for a Specific Use Permit to allow the location of a double wide HUD code manufactured home on an approximate 1.228-acres being Tracts 62B, 62C, 62D, Flower Acres Addition, located at 3311 Kidd Lane. This property is currently vacant land. The proposed use is a 2007 double wide HUD code manufacture home.

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

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.

There are other tracts of land located in the area that are zoned Single Family-3. HUD code double wide manufactured housing looks like some of the existing frame pier and beam houses in the area. This type housing could also be a revitalization housing alternative to traditional site-built homes.

Staff recommends for approval of the Specific Use Permit with the following stipulations:

1. That a 2007 or newer 4-bedroom, 2 bath double wide HUD code manufactured home be allowed on this property. See attached photos.
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.

City of Texarkana, Texas

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.

The applicant should also be aware that if this request 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 notification and application requirements have been met to consider this request.

Potential Options:

Approve or Deny

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 denial of this request.

Advisory Board/Committee Meeting Date and Minutes:

November 2, 2020

Attachments

- a. 2020-135 ORD granting SUP at 3311 Kidd Lane (DOCX)
- b. 2020-135 EXH 'A' (legal description) (PDF)
- c. 2020-135 ATTH 01 (maps) (PDF)
- d. 2020-135 ATTH 02 (photos) (PDF)
- e. 2020-135 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review
Completed	11/12/2020 5:07 PM	
Building Code Administration	Mashell Daniel	Reviewer
11/16/2020 11:58 AM		Completed

City of Texarkana, Texas

City Manager 11:19 AM	Shirley Jaster	City Manager Review Completed	11/19/2020
City Council 6:00 PM	IQM2 Admin	Meeting Completed	11/23/2020

Meeting History

11/23/20 City Council MOVED FORWARD Next: 12/14/20
David Orr briefed this agenda item.

ORDINANCE NO. 2020-135

S-732

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-732 TO ALLOW THE LOCATION OF A DOUBLE WIDE HUD CODE MANUFACTURED HOME ON AN APPROXIMATE 1.228-ACRES BEING TRACTS 62B, 62C AND 62D, FLOWER ACRES ADDITION, LOCATED AT 3311 KIDD LANE 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 1.228-acres being Tracts 62B, 62C and 62D, Flower Acres Addition (**Exhibit ‘A’**), located at 3311 Kidd Lane, 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 denial of the application** to the City Council of Texarkana, Texas, and

WHEREAS, after consideration of said application and the recommendation of the Planning and Zoning Commission, the City Council of the City of Texarkana, Texas, does hereby find that 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-732 for the location of a double wide HUD code manufactured home on an approximate 1.228-acres being Tracts 62B, 62C and 62D, Flower Acres Addition (Exhibit ‘A’), located at 3311 Kidd Lane, in the City of Texarkana, Bowie County, Texas.**

Attachment: 2020-135 ORD granting SUP at 3311 Kidd Lane [Revision 1] (2415 : 2020-135 ORD granting SUP at 3311 Kidd Ln.)

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

1. That a 2007 or newer 4-bedroom, 2 bath 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: 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 **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR

S-732

Legal Description

All that certain lot, tract or parcel of land situated within and being a part of Block Numbered Sixty-two (62) of FLOWER ACRES, a subdivision of 208 acres out of the R. E. Sevey Headright Survey, Abstract No. 523, Bowie County, Texas, according to the map or plat of said Subdivision recorded in Volume 204, Page 36 of the Plat Records of Bowie County, Texas, and the subject tract being a part of that certain tract of land conveyed from Louis Heilbron and C. E. Palmer to H. A. Lane and wife, Mable Lane by deed dated January 11, 1944 and recorded in Volume 198, Page 538 of the Deed Records of Bowie County, Texas, and the subject tract being more particularly described by metes and bounds as follows:

BEGINNING at a iron pin for corner on the South boundary line of a street known as Kidd Lane, and in the North line of said Block 62 of Flower Acres, being N 89° 25' 44" W, 29.50 feet from the Northeast corner of said Block 62 and also being the Northwest corner of that certain tract or parcel of land conveyed from Doyle E. Owens and wife, Rosemary L. Owens to Lafayette Beaty, Jr. and wife, Joe Ann Lane Beaty by deed dated June 20, 1957 and recorded in Volume 348, Page 590 of the Deed Records of Bowie County, Texas;

THENCE: S 00° 08' 15" E, 367.50 feet with Beaty's West line to an iron pin for corner;

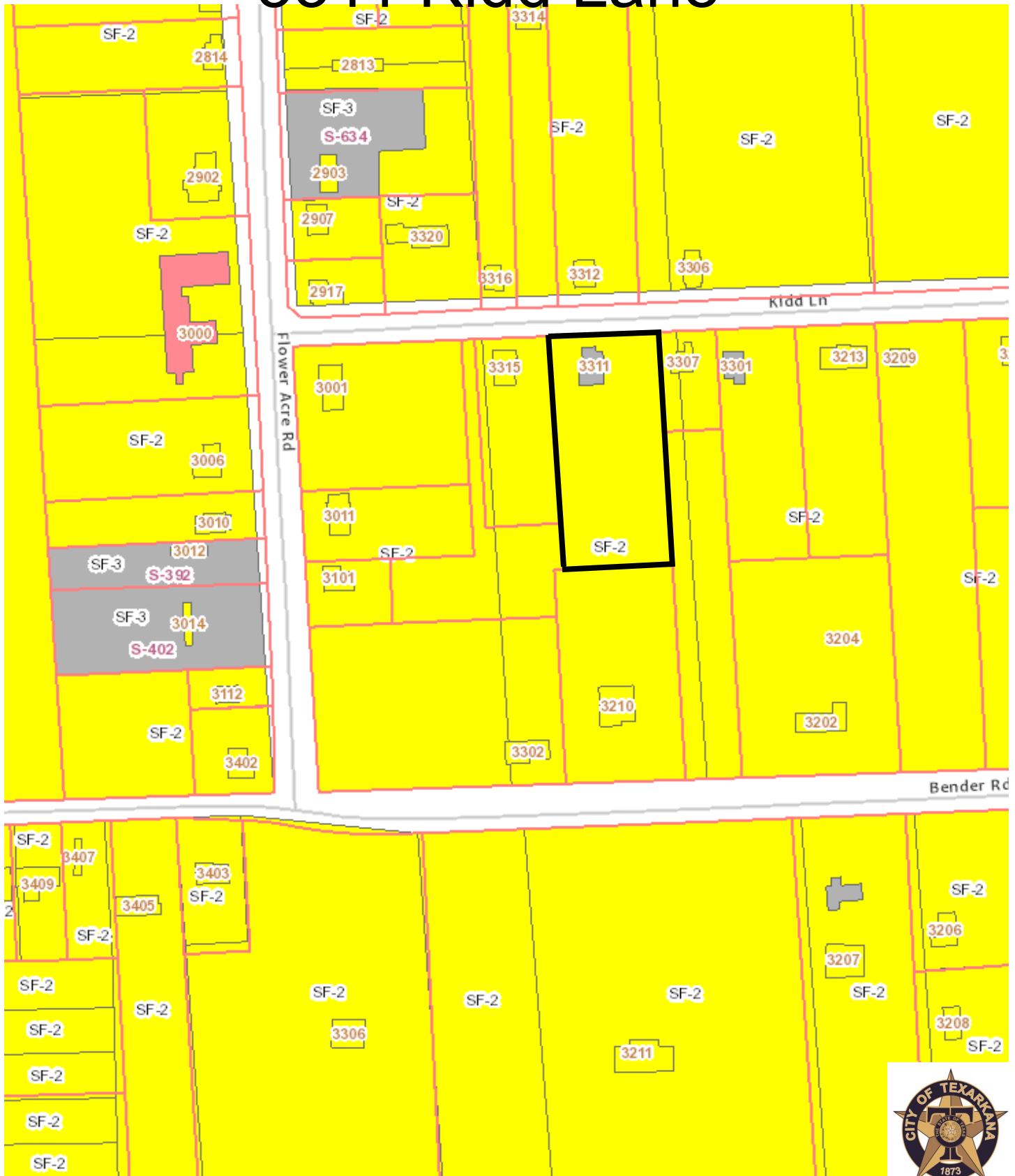
THENCE: N 89° 25' 55" W, 145.95 feet to an iron pin for corner on the East line of a certain tract of land conveyed to Annie L. Harlemson in September of 1935, as mentioned in deed recorded in Volume 195, Page 11 of the Deed Records of Bowie County, Texas;

THENCE: N 00° 01' 57" W, 367.50 feet with the East line of said Annie L. Harlemson tract to an iron pin for corner in the North line of said Block 62 of Flower Acres, being S 89° 25' 44" E, 118.50 feet from the Northwest corner of said Block 62 and also being S 89° 25' 44" E, 29.63 feet from the Northeast corner of a certain 0.408 acre tract of land conveyed from Ralph Kidd to Glen Martin by Deed dated April 29, 1966 and recorded in Volume 467, Page 571 of the Deed Records of Bowie County, Texas;

THENCE: S 89° 25' 44" E, 145.28 feet with the North line of said Block 62 and the South line of Kidd Lane to the POINT OF BEGINNING and containing 1.228 acres of land, more or less.

Attachment: 2020-135 EXH 'A' (legal description) (2415 : 2020-135 ORD granting SUP at 3311 Kidd Ln.)

3311 Kidd Lane



3311 Kidd Lane



Attachment: 2020-135 ATTH 01 (maps) (2415 : 2020-135 ORD granting SUP at 3311 Kidd Ln.)





Attachment: 2020-135 ATTH 02 (photos) (2415 : 2020-135 ORD granting SUP at 3311 Kidd Ln.)



Attachment: 2020-135 ATTH 02 (photos) (2415 : 2020-135 ORD granting SUP at 3311 Kidd Ln.)

City of Texarkana, Texas

Developing Perspectives and Goals Pending Approval by the City Council:

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

Perspectives and Goals Additional Comments:

NONE

Resource Impact:

NA

No Additional

Other Potential Impacts:

NA

Public Information Plan:

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

Other:

City of Texarkana, Texas

Briefing Sheet

Version:
Update Date: 11/14/2020 11:58 AM

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

Subject: Resolution No. 2020-140 approving the Community Development Block Grant (CDBG) 2019 Comprehensive Assessment Performance Evaluation Report.

Briefing: 12/14/2020 **Public Hearing:** 12/14/2020 **Council Vote:** 12/14/2020

Item Schedule

Schedule 1: Brief twice - vote once (six 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, 2020).

The City of Texarkana, Texas hereby gives notice that the DRAFT of the Community Development Block Grant 2019 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 23 – December 7, 2020 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.ci.texakana.tx.us
<<http://www.ci.texakana.tx.us>>

City of Texarkana, Texas

The City will hold a regularly scheduled City Council Meeting, which is a Public Meeting, on November 23, 2020 where the public and Council will be briefed on the report and comment period.

The Public Hearing for the CAPER will occur at the regularly scheduled City Council Meeting on December 14, 2020. The 15-day comment period will end on December 7, 2020.

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 by 5:00 p.m. December 7, 2020.

Potential Options:

- Approve
- Deny

Fiscal Implications:

None, report only

Staff Recommendation:

Staff recommends for approval.

Advisory Board/Committee Review:

NONE

Board/Committee Recommendation:

NOT APPLICABLE

Advisory Board/Committee Meeting Date and Minutes:

NOT APPLICABLE

Attachments

- a. 2020-140 RES Approving 2019 CDBG CAPER (DOCX)
- b. 2020-140 ATTH 01 Caper PY2019 Draft 11.9.20 (DOCX)
- c. 2020-140 ATTH 02 Council Presentation CAPER 11.12.20 (PDF)
- d. 2020-140 Goals & Perspectives (DOCX)

Staff Coordination

Planning and Community Development	David Orr	Department Head Review	
Completed	11/12/2020 4:45 PM		
Finance Department	Kristin Peebles	Finance Review	Completed 11/13/2020
8:19 AM			
City Manager	Shirley Jaster	City Manager Review	Completed 11/18/2020
3:25 PM			
City Council	IQM2 Admin	Meeting	Completed 11/23/2020
6:00 PM			

City of Texarkana, Texas

Meeting History

11/23/20 City Council MOVED FORWARD Next: 12/14/20
David Orr briefed this agenda item.

RESOLUTION NO. 2020-140

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF TEXARKANA, TEXAS, APPROVING THE COMMUNITY DEVELOPMENT BLOCK GRANT 2019 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 hereby gives notice that the DRAFT of the Community Development Block Grant 2019 Program Year 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. 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 has determined it to be appropriate to approve the Community Development Block Grant 2019 Program Year Consolidated Annual Performance Evaluation Report (CAPER).

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

SECTION 1: That the Community Development Block Grant 2019 Program Year Consolidated Annual Performance Evaluation Report (CAPER) is hereby approved.

SECTION 2: That the City Manager is hereby authorized to submit said Community Development Block Grant 2019 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: That this Resolution shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED in Regular Council Session on this the **14th day of December, 2020.**

ATTEST:

JENNIFER EVANS, CITY SECRETARY

BOB BRUGGEMAN, MAYOR



City of Texarkana, Texas CAPER

Consolidated Annual Performance Evaluation Report

Community Development Block Grant Program
October 1, 2019 through September 30, 2020
Program Year 2019

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 2019 (October 1, 2019 – September 30, 2020 = PY19), the City of Texarkana had a total of \$1,113,322 in CDBG resources to address various community needs. These funds included carryover resources in the amount of \$750,789 from prior allocations, \$1,891 in Program Income and \$360,642 for the Program Year 2019 allocation. The City expended \$436,270 leaving an unexpended balance at the beginning of the 2020 program year of \$677,053.

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
Administer the CDBG Program	Administration	CDBG: \$	Other	Other	1	1	100.00%	1	1	100.00%
CDBG Revolving Loan Fund	Non-Housing Community Development	CDBG: \$	Facade treatment/business building rehabilitation	Business	5	0	0.00%			
CDBG Revolving Loan Fund	Non-Housing Community Development	CDBG: \$	Jobs created/retained	Jobs	10	0	0.00%			
CDBG Revolving Loan Fund	Non-Housing Community Development	CDBG: \$	Businesses assisted	Businesses Assisted	5	0	0.00%			

First Time Home Buyer Down Payment Assistance	Affordable Housing	CDBG: \$	Direct Financial Assistance to Homebuyers	Households Assisted	4	0	0.00%	0	0	0.00%
Housing Rehabilitation	Affordable Housing	CDBG: \$	Homeowner Housing Rehabilitated	Household Housing Unit	20	8	40.00%	4	4	100.00%
Public Facilities and Parks	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted	100	100	100.00%			
Public Facilities and Parks	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	20	0	0.00%			
Public Improvements and Infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities other than Low/Moderate Income Housing Benefit	Persons Assisted						

Public Improvements and Infrastructure	Non-Housing Community Development	CDBG: \$	Public Facility or Infrastructure Activities for Low/Moderate Income Housing Benefit	Households Assisted	5	0	0.00%			
Section 108 Loan Program for Economic Development	Affordable Housing Non-Housing Community Development	CDBG: \$ /Section 108: \$	Rental units constructed	Household Housing Unit	1	1	100.00%	1	1	100.00%

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

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 – Vista \$6,894 : Vista One Stop Shop providing coordinated services through THN for persons experiencing homelessness.

Public Service – Community Gardens \$13,326 : Community Gardens installed/improved for LMI neighborhoods in Beverly and Rosehill.

Sidewalk/Bike \$1,760 : Completed project to install/improve sidewalks/ADA accessibility/bicycle facilities in LMI locations.

Housing Rehabilitation \$49,912 : Completed project to repair/install accessibility to homes owned by LMI individuals/families.

Section 108 Loan \$254,130 : Grim Lofts to create low/mod housing in Downtown began & will be ongoing through the next year.

Administration \$22,182 : Administration of CDBG program to provide services to LMI &/or homeless individuals/families.

CV-Public Services \$83,429 : Public Services provided by Mission Texarkana, RSOS, THC & EOC to provide food, supplies, personal protection equipment, care packages, testing, homeless shelter assistance & quarantine assistance for LMI or homeless persons affected by Covid-19.

CV-Administration \$1,975 : Administration of CDBG CV program to provide services to LMI &/or homeless individuals/families affected by Covid-19.

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	17
Black or African American	83
Asian	0
American Indian or American Native	0
Native Hawaiian or Other Pacific Islander	0
Total	100
Hispanic	2
Not Hispanic	98

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 likewise 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.

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	CDBG	419,796	325,157
HOME	HOME		
HOPWA	HOPWA		
ESG	ESG		
Section 108	Section 108	254,130	254,130
Other	Other		

Table 3 - Resources Made Available**Narrative**

During CDBG Program Year 2019 (October 1, 2019 – September 30, 2020 = PY19), the City of Texarkana had a total of \$750,789 in CDBG resources to address various community needs. These funds included carryover resources in the amount of \$192,248 from prior allocations, \$2,425 in Program Income, \$325,033 for the Program Year 2019 allocation and \$231,083 in Section 108 Loan funds. The City expended \$579,286 leaving an unexpended balance at the beginning of the 2020 program year of \$171,503.

Identify the geographic distribution and location of investments

Target Area	Planned Percentage of Allocation	Actual Percentage of Allocation	Narrative Description
Beverly Community Revitalization	41	10	Public Services : Vista Program, Community Gardens, Housing rehabilitation
Downtown Area	39	49	Sidewalk/Bike

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. Consultation 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 PY2019, expenditures included:

Downtown area: tracking devices were purchased for bikes being used for homeless individuals who are searching for jobs or have obtained jobs but are in need of transportation. Grim Lofts to create low/mod housing in Downtown began & will be ongoing through the next years & will include Section 108 Loan Funds. Section 108 Loan funds were drawn from HUD – HQ in PY2019 after closing with developer. EN funds were also drawn to repay a portion of the HUD – HQ loan plus interest and financing fees. All Section 108 Loan funds have been drawn and will be repaid using CDBG EN funds throughout the next 3 years.

Other LMI Areas:

Sidewalk crosswalk for ADA improvements installed in Liberty-Eylau area at the elementary school. Housing Rehabilitation Program was continued in PY2019 with construction being completed on 4 LMI households that were started in PY2018. Housing rehab locations were in Rosehill, Beverly and Highland Park which are all LMI neighborhoods.

Community Gardens were installed/improved in Rosehill and Beverly neighborhoods.

Public services implemented with Texarkana Homeless Coalition – Vista Program designed to provide a one-stop shop for homeless persons to receive needed services. Due to Covid-19 complications the PS program created at RSOS to provide life skills classes for homeless women & children (living at the shelter) as well as job training classes for all residents of RSOS was cancelled for PY2019 with hopes to resume in PY2020.

Leveraging

Explain how federal funds leveraged additional resources (private, state & 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 in 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
- \$ 94,000 USDA Farmers' Market Promotions Program
- \$ 100,000 NEA Grant for Downtown redevelopment

Note: Texarkana, Texas is not a HOME entitlement community.

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	50	50
Number of Non-Homeless households to be provided affordable housing units	50	50
Number of Special-Needs households to be provided affordable housing units	50	50
Total	150	150

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	20	0
Number of households supported through Rehab of Existing Units	4	4
Number of households supported through Acquisition of Existing Units	0	0
Total	24	4

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.

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	4	0
Moderate-income	0	0
Total	4	0

Table 7 – Number of Households Served

Narrative Information

The city operates a Homebuyers Assistance & Home Rehabilitation Programs to increase affordable housing in LMI neighborhoods. In PY2019, 4 homes were completed with CDBG housing rehab assistance. 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 Assistance Grants Program in Program Year 2019 (October 1, 2019 – September 30, 2020) that require eligibility determination, however, no funds were expended during the year due to no applicants completing home purchase.

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. 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.

DRAFT

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 lends 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 Program Year 2018 Action Plan. 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 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 2019 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 to approximately 148 individuals, including 29 children under the CoC grant. Of these participants, one head-of-household is a veteran & ten have physical or developmental disabilities. 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 rents. 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 2019 Action Plan. Specifically, the City focused on assisting three (3) non-profits under Public Services. The City worked closely with RSOS, Texarkana Homeless Coalition Vista program and Amachi Vision Corps to provide services such as life skills, job training and youth 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 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 2019 Action Plan. Specifically, the city focused on assisting three (3) non-profits under Public Services: RSOS, THC Vista program & 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. Due to Covid-19 some of these activities were put on hold for PY2019 with hopes of continuing them in PY2020. Future Action Plans will also incorporate the use of CDBG funding to meet goals & objectives related to ending homelessness.

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 toward ensuring 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, child care, & 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 continues 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 2019 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 support of Public Housing.

Actions taken to provide assistance to troubled PHAs

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

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)

An analysis of factors that affect the cost, production, or maintenance of housing affordable to extremely low-, & LMI families has aided the city in developing programs that reduce the adverse effects of these constraints. Policies concerning the public welfare, building codes & subdivision standards are required by law for the protection & general welfare of the community & are routinely reviewed. Development impact fees are recovered from the developer to assure that the public costs of new developments are paid by that development. While recognizing the needs to adjust public policies to adapt to changing conditions, the city will continue to review policies periodically to determine whether they have become excessive or represent an unnecessary constraint on the development or maintenance of affordable housing. Race & poverty concentrations can be barriers to affordable housing, so city will continue to develop new strategies to ameliorate these types of barriers. The city is implementing the following strategies to address them:

- Substantial down payments required to purchase new/existing homes—First time home buyer assistance program, lender education, work with Coalition partners on financial education classes; provide educational materials at community events
- Availability of credit to LMI persons w/credit problems—lender education, work with Coalition partners on financial education classes, provide educational materials at community events
- Availability of decent affordable single-family units/affordable rental properties—work with developers to redevelop troubled neighborhoods, actively marketing properties that would expand the stock of affordable single-family homes & rental properties

CDBG funds have been administered by the Planning & Community Development Department (PCD). In order to administer this program more effectively, several departments whose jurisdictions & expertise lend themselves to a more robust program were reorganized/combined. The PCD now incorporates planning, zoning, economic development, grants management & community development.

Consideration of affordable housing barriers such as land use controls, tax policies affecting land, zoning ordinances, building codes, fees & charges, growth limitations, & policies affecting affordable housing is integral to the city's efforts to improve the livability of the city. The city considers the impacts of any changes of the above when projects are brought to the City Council for consideration. Each issue is evaluated by professional staff, applicable commissions, & no less than two briefings on every item occur before the Council votes on any issue. The city developed a new Ten-Year Comprehensive Plan that will guide the city's policies, taxes, fees, & codes for the next ten years. Any plan passed by the Council will address barriers to affordable housing. As part of that effort, the city will conduct a new Analysis of Impediments to Fair Housing.

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

The most significant actions Texarkana has taken to address obstacles to meeting underserved needs has been to reach out & engage residents, renters, & owners of businesses in Texarkana, especially those in the Downtown, Rosehill and Beverly Target areas & continue working closely with the Homeless Coalition.

Having a significant staff presence in troubled communities, working side-by-side to improve the livability of neighborhoods, residents, business owners & social service agency personnel continues to provide City staff with the background understanding of unfiltered real needs and desires of community members.

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

The city emphasizes lead-based paint (LBP) counseling & awareness in all of its programs. The city informs interested persons of home buyers assistance & housing rehabilitation of lead paint hazards as well as identifying & abating lead-based paint hazards during the housing rehabilitation process. When lead-based paint is identified, the appropriate lead hazard control methods are incorporated into the rehabilitation project. The city has integrated lead hazard education, evaluation, & reduction activities into its existing housing programs. The City also maintains a continued focus on the hazards of lead-based paint & the need for lead-based paint testing of potential rehabilitation projects. City has continued to work with public service agencies caring for or providing services to children to reduce lead-based hazards in the community. Based on 2010 information from the Tx DSHS, 25 out of 1,123 Texarkana children under the age of 6 years tested for elevated blood lead levels were found to have elevated levels at 10mcg/dl or greater.

The following strategies related to the City's CDBG program are ongoing:

- Provide public information & education regarding lead-based paint via city's website, publications & presentations
- Integration of lead hazard evaluation & reduction activities into any activities that would disturb the ground in potentially lead contaminated areas
- Provide training & certification opportunities for staff to manage lead-based paint impacted projects
- Collaboration with EPA Brownfields Region 6 Office to maintain current information for all staff involved in CDBG &/or housing projects

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

Texarkana has taken direct action to help reduce poverty in the city. Key actions include:

- Identification of 2 Target Area in Qualified Census Tracts – Downtown & Beverly
- Emphasis on economic development in downtown & Beverly.
- Economic development services are now under PCD, ensuring seamless efforts between redevelopment, community development, & economic development
- Networking: HATT, Workforce Development, local banks & the Homeless Coalition to identify local service providers that offer education, job training services, material services, child care services, transportation & other services, the absence of which could prevent poverty level families from securing & keeping steady employment
- Collaboration: members of the THC, MT, local banks, ATCOG & RSOS - resulted in a robust program addressing root causes of poverty. These classes include domestic relationships, self-esteem, parenting, education classes (ESL & GED classes), & job search classes & support, including job referral service, a computer lab, resume service, & job interview preparation

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

The city coordinates & administers CDBG programs, projects & activities including housing, homelessness prevention, & non-housing community development through its PCD department. PCD manages an average of 3 million dollars per year in federal state & local funds. The City has reorganized this department to incorporate the city's economic development, planning, zoning, & sustainability functions. In order to manage more effectively these functions & strengthen institutional structure, the city hired a new departmental director, new city planner & planner II, brought zoning into the department & instituted new grants management procedures for grants tracking & reporting. Current staff continue to obtain training through HUD's CPD office & new staff will also receive training.

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

The PCD department acts as a liaison with other city departments, community groups, public institutions, non-profit organizations & private industry to share information, identify resources & opportunities & coordinate activities to the greatest extent possible. Staff is represented in the local CoC actively participates on the Homeless Coalition & provides capacity building to at least two agencies on the Coalition.

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

The City identified the following strategies to overcome any obstacles impediments to affordable housing & is implementing subsequent strategies to address possible barriers:

- Substantial down payments required to purchase new/ existing homes—First time home buyer assistance program, lender education, work with Coalition partners on financial education classes; provide educational materials at community events;
- Availability of credit to LMI persons with credit problems—lender education, work with Coalition partners on financial education classes, provide educational materials at community events;
- Availability of decent affordable single-family units & affordable rental properties—work with developers to redevelop troubled neighborhoods, actively marketing properties that would expand the stock of decent affordable single-family homes & rental properties.

Funds are administered by the PCD department which incorporates planning, zoning, economic development, grants management & community development. The city developed a new Ten-Year Comprehensive Plan this year that will guide the City's policies, taxes, fees, & codes for the next ten years. Any plan passed by the City Council will address barriers to affordable housing. The city conducted a new Analysis of Impediments to Fair Housing during the creation of the 2018-2022 Consolidated Plan. The City will continue to:

- Maintain flexibility in zoning & building requirements when appropriate to allow for infill housing development & to provide technical assistance to developers of affordable housing;
- Display posters in city office buildings & provide information on website;
- Monitor city-sponsored projects for equal access & compliance of the Fair Housing Act & Building Department officials monitor code compliance to Fair Housing standards;
- Hold periodic Public Hearings providing information & requesting public comment on fair housing or related issues;
- Provide homebuyer & homeowner education, including fair housing information;
- Conduct outreach efforts to for-profit & non-profit builders & developers through funding & technical assistance to increase the supply of decent, affordable housing within low to moderate income neighborhoods;
- 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;
- Conduct public outreach regarding availability of housing & housing assistance including translation of housing application materials into Spanish, & maintains bi-lingual staff in order to assist applicants and clients who are not English-proficient;
- Support local Continuum of Care efforts for homeless populations; Work with local agencies that provide financial case management & credit counseling;
- Research the possibility of adopting a Fair Housing ordinance to ensure that fair housing options are available to its citizens.

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 is charged with monitoring progress toward program goals on a regular basis. Accomplishments & outcome data is entered into IDIS by staff. Ability to reimburse funds is tied directly to reporting of 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.

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 PY2019 Caper would be available for public review & comment at:

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

during the comment period of November 23 – December 7, 2020 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.

No comments were received during the comment period & no comments were made at the Public Hearing December 14th City Council Meeting. Attached are the minutes for that meeting.

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.

Notice of Public Comment

The City of Texarkana, Texas hereby gives notice that the DRAFT of the Community Development Block Grant 2019 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 23 to December 7, 2020:

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

The DRAFT CAPER is also available on the Texarkana, Texas website (www.ci.texarkana.tx.us).

The City will hold a City Council Meeting on November 23, 2020 & Public Hearing for the CAPER will occur on December 14, 2020. 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 7, 2020.

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.

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CITY OF

TEXARKANA
TEXAS

2020-140 ATTH 02

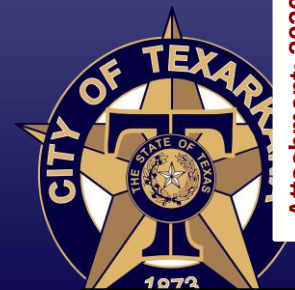
8.6.c

CDBG CAPER Report

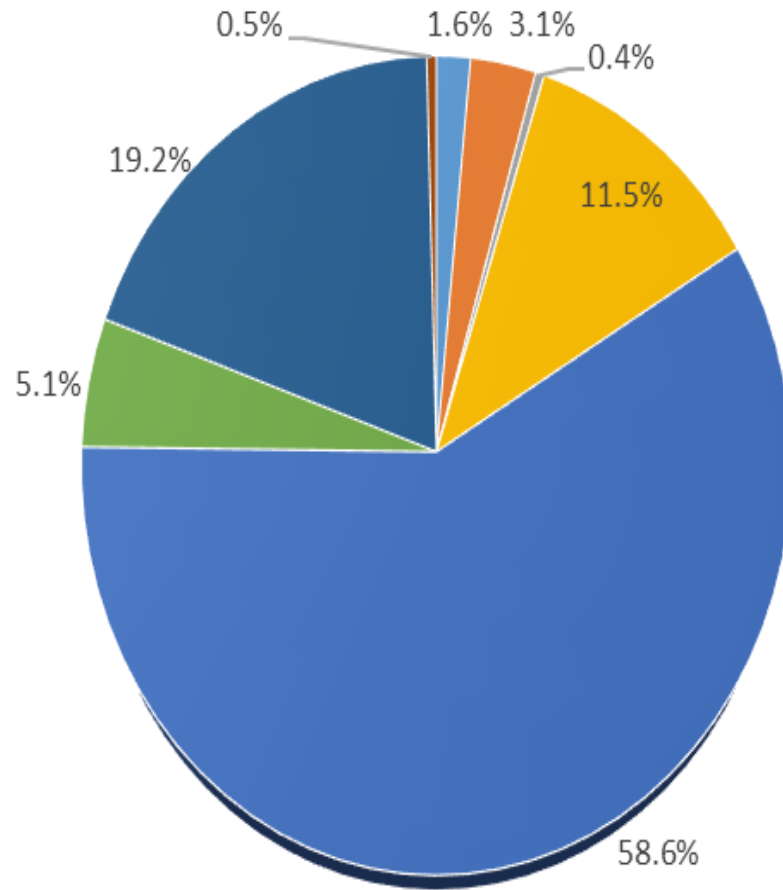
Attachment: 2020-140 ATTH 02 Council Presentation CAPER 11.12.20 (2416 : 2020-140

CDBG CAPER Report

- The annual report includes expenditures and accomplishments for the 2019 Community Development Block Grant (CDBG) Action Plan (October 1, 2019 -- September 30, 2020)
- Public Comment Period (November 23rd – December 7th, 2020)
- Public Hearing on Monday, December 14th



Community Development Block Grant Projects



- Public Service - Vista 1.6%
- Public Service - Community Gardners 3.1%
- Sidewalk/Bike .4%
- Housing Rehabilitation 11.5%
- Section 108 Loan 58.6%
- Administration 5.1%
- CV-Public Services 19.2%
- CV-Administration .5%



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

<i>Project/Activity</i>	<i>Status</i>	<i>Percent</i>	<i>Funded</i>	<i>Drawn</i>
Public Service - Vista	Completed	1.6%	\$6,894.00	\$6,894.00
Public Service - Community Gardens	Completed	3.1%	\$13,326.00	\$13,326.00
Sidewalk/Bike	Completed	0.4%	\$1,760.00	\$1,760.00
Housing Rehabilitation	Completed	11.5%	\$49,912.00	\$49,912.00
Section 108 Loan	Completed	58.6%	\$254,130.00	\$254,130.00
Administration	Completed	5.1%	\$22,182.00	\$22,182.00
CV-Public Services	Completed	19.2%	\$83,429.00	\$83,429.00
CV-Administration	Completed	0.5%	\$1,975.00	\$1,975.00
TOTAL		100%	\$433,608.00	\$433,608.00



HOUSING REHABILITATION PROGRAM

- City completed housing rehabilitation program to four (4) LMI households this year.

Rehab items included:

Roof

Foundation Issues/Cracked walls

Windows

Exterior Siding/Painting

Electrical/Plumbing Issues

Stove/Oven/Vent Hood

Cabinets/Counters

Water Heater

Floors

Central Heat & Air System

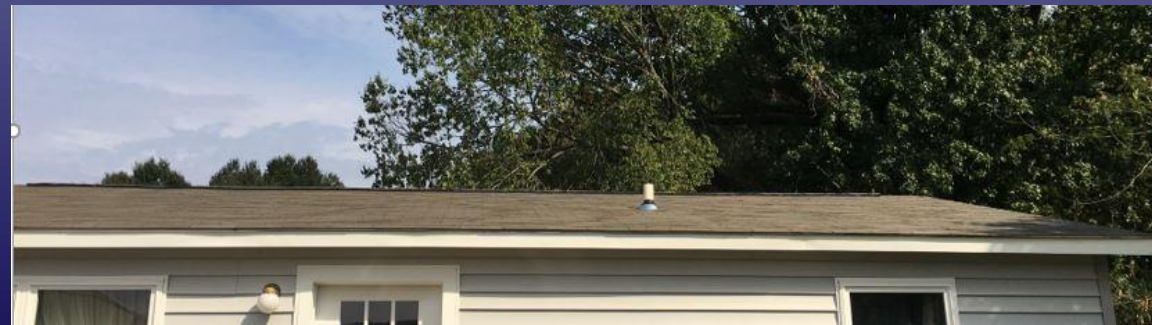
ADA Accessibility

HOUSING REHABILITATION ACTIVITIES

BEFORE



AFTER



Attachment: 2020-140 ATTH 02 Council Presentation CAPER 11.12.20 (2416 : 2020-140

Sidewalk Crosswalk Activities



Community Gardens Rosehill Neighborhood



Community Gardens Beverly Neighborhood



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: