

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, April 27, 2009
6:00 p.m.

An Open Meeting will be held concerning the following subject:

Call to Order by Mayor Mayo, Roll Call, Establishment of Quorum

The following Councilmembers were present:

Derrick McGary	Councilmember, Ward 1
Willie Ray	Councilmember, Ward 2
Brent Stewart	Councilmember, Ward 3
Bob Bruggeman	Councilmember, Ward 4
Scott Norton	Councilmember, Ward 5
Robin Court	Councilmember, Ward 6

Also present were: F. Larry Sullivan, CEO/City Manager, Shirley Jaster, Charlie Bassett, CFO, Police Chief Shiner, Fire Chief Simms, Officer Ed Emelia, Kathy Moore, Craig Lindholm, Robby Robertson, Kerry Meredith, City Secretary, Pam Burns, Judge Sherry Jackson.

Closed Session

The City Council will convene in closed session pursuant to one or more of the following sections of the Texas Open Meetings Act (Chapter 551 of the Texas Government Code):

- § 551.071 Private consultation with the Legal Counsel
- § 551.072 Discussing or deliberating purchase, exchange, lease or value of real property
- § 551.073 Discussing or deliberating negotiated contract for prospective gift or donation
- § 551.074 Discussing or deliberating appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer or employee or to hear a complaint or charge against an officer or employee
- § 551.076 Discussing or deliberating the deployment or specific occasions for implementation of security personnel or devices
- § 551.084 Investigation; exclusion of witness from a hearing during examination of another witness
- § 551.087 Discussing economic development negotiations or offer of financial or other incentives to business prospects

The City Council will reconvene in open session at 7:00 p.m. to take any final action, decision, or vote on a matter deliberated in closed session.

Invocation

The Invocation was given by Councilmember Brent Stewart.

Pledge to the Flag

Pledge led by Councilmember Brent Stewart.

Appointments to Boards and Commissions

Metropolitan Planning Organization

A motion was made by Councilmember Bruggeman that Kyle Dooley be appointed, seconded by Councilmember Stewart.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

Buildings and Standards Commission

Mark Glenn, Reappoint as Chair

Betty Williams, Reappoint

Eddie Coe, Reappoint

Corey Floyd, Alternate

Kayla Wood, Alternate

Aven Williamson, Alternate

A motion was made by Councilmember Bruggeman that the above mentioned be appointed, seconded by Councilmember Stewart.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

Presentations

Service Certificates and Pins:

Elywnn L. Watkins	Fire	30
Russell Cook	TWU	25
Stephen R. Weed	Fire	25
Cyndi Tyree	TWU	25
Brian Caswell	TWU	20
Christopher R. Lee	Police	20
John Steven Shelley	Police	20
Lisa White	TWU	20
Earl Keith Davis	Police	15
Roger Hand	Fire	15
Linda Katherine Moore	Health	15
Jim Powell	GS	15
William Spradlin Jr.	Fire	15
Michael Freeman	TWU	10
George House	TWU	10
Jeanette L. Mitchell	CRC	10
Paul Taylor	GS	10
Gertrude Abby	Parks	5
Daniel Bowman	Parks	5
Mitwuana Bruce	HR	5
Roger Coleman	TWU	5

William Darbe	TWU	5
Jeremy Hawkins	Fire	5
Londell Henderson	Police	5
Johnny Hill, Jr.	Street	5
Roderick Howard	TWU	5
Jeanette Markham	Health	5
Amy Payne	TWU	5
Kathy Reynolds	OEM	5
Kathy Diane Shuffield	Police	5
Jacob Spiros	TWU	5
Sarah Waller	CRC	5
Charles Weerts	Fire	5

2010 Census Presentation by Pat McCoy

Senior Olympic Committee Presentation by Robby Robertson and Annette Veal

Andy Johnson with the Texarkana Fast Pitch Association spoke about fields

Elder Abuse Prevention Presentation by Jeanette Akin (Mayor May read proclamation)

National Infant Immunization Week Presentation by Beverly Coleman of THD (Mayor Mayo read Proclamation)

Open Forum

Julie Ray Harrison thanked those that helped and participated in the Partnership for the Pathway Marathon on March 1st. Announced the Partnership for the Pathway is applying for a Texas Wild Life & Parks Grant for more trails. 8:05 p.m.

Benjamin Dennis spoke in regards to the restroom at Bell Park needing the new restrooms because it is well utilized. 8:10 p.m.

Joseph Kelly spoke on the 2010 census counting; vaccinations; demolition of houses; auxillary police force; taxes on utility bills.

Bradley Johnson spoke regarding the Historical Ward 3 and the need to preserve the history of Texarkana.

Public hearing

Public Hearing for the Parks Master Plan:

Julie Ray Harrison spoke; Joe Kelly spoke; Benjamin Dennis spoke.
Councilmember Brent Stewart spoke in favor of the Parks and Recreation facilities.

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the regular meeting held on February 23, 2009.
2. Consider the approval of the construction plans for the Plantevigne Drainage Project and authorize advertisement for bids.
3. Consider Ordinance No. 034-09 granting an exception to the Noise Ordinance in Section 14-11 of the Code of Ordinances.
4. Consider Ordinance No. 035-09 approving the Park's Master Plan, 2009 update.
5. Consider Ordinance No. 036-09 thru 043-09 authorizing the CEO/City Manager to execute amendments to the water and sewer contracts with wholesale customers to reflect implementation of the rate increases authorized by City Ordinance No. 290-01.
6. Consider Ordinance No. 044-09 changing the May 2008 regular city council meeting from the fourth Monday of the month, May 26, 2008, to the third Monday of the month, May 18, 2008, due to Memorial Day.
7. Consider Ordinance No. 045-09 awarding a bid and authorizing the CEO/City Manager to enter into a contractual agreement with the successful bidder for the Scott Wright Road Project.

8. Consider Ordinance No. 046-09 authorizing the commitment of CDBG American Recovery and Reinvestment Act Funds to create economic opportunities through the development of a farmer's market to be located at 3rd and Texas Boulevard in downtown Texarkana.
9. Consider Ordinance No. 047-09 authorizing permission for the Texarkana, Texas Fire Department to apply for a grant to fund two training classes and the associated certification fees.
10. Consider Ordinance No. 054-09 approving and authorizing the City of Texarkana, Texas to submit an application to the Federal Transit Administration for a 2009 American Recovery and Reinvestment Act Grant on behalf of the Texarkana Urban Transit District.
11. Consider Resolution No. 055-09 affirming the City of Texarkana, Texas' support and partnership with the 2010 U. S. Census Bureau.
12. Consider Ordinance No. 056-09 authorizing Texarkana, Texas dba Texarkana Water Utilities to enter into a contract with Merrick & Co., of Aurora, Colorado for the purpose of developing a digital GIS parcel layer for Bowie County, TX, on behalf of the Bowie Central Appraisal District.
13. Consider Resolution No. 057-09 to use our best efforts to purchase only American Made products so as long as the resources are available.
14. Consider Ordinance No. 058-09 authorizing the purchase of a pre-cast restroom facility for Bell Park upon completion of the Texas Boulevard Farmer's Market and verification of available funds.
15. Consider Ordinance No. 059-09 awarding a bid to Central Air of Texarkana, Texas to replace the 70-ton chiller at the Southwest Center.
16. Consider Ordinance No. 060-09 awarding a bid to Transit Mix Concrete of Texarkana, Texas for a one year contract for concrete services.

A motion was made by Councilmember Bruggeman that the consent agenda be approved, seconded by Councilmember McGary.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court 8:31 p.m.

Noes: None

Action / Discussion Items

A. Zoning Items

1. Public Hearing and consider Ordinance No. 048-09 a granting Specific Use Permit to allow the location of a changeable electronic variable message (CVEMS) billboard on a 0.54 acre tract of land in the J.S. Warsden HRS, A-763, located at 5901 Richmond Road. Pam Allen, owner. (Due to P & Z denial, a ¾ vote will be required to approve this request)

Mayor Mayo declared the public hearing open.

Shirley Jaster spoke in regards to this item.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Bruggeman for approval, seconded by Councilmember Norton.

The following Councilmembers voted by roll call:

Ayes: None

Noes: McGary, Ray, Stewart, Bruggeman, Norton, Court Item Denied

2. Public Hearing and consider Ordinance No. 049-09 granting a Specific Use Permit to allow the location of an in-home day care on Lot 3, Block 54, Beverly Heights Addition, located at 606 Blanton Street. Barbara Adams, owner.

Mayor Mayo declared the public hearing open.

Barbara Adams and her sister spoke on behalf of this item. Shirley Jaster also answered questions. Benjamin Dennis spoke in favor of this item. Councilmember Court had concern for the safety of the children; Councilmember McGary stated that the street was not heavily traveled.

Mayor Mayo declared the public hearing closed.

Amendment: Remove first sentence of Stipulation No. 3 be deleted regarding the driveway.

A motion was made by Councilmember Ray for approval with said amendments, seconded by Councilmember Stewart.

The following Councilmembers voted by roll call:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

3. Public Hearing and consider Ordinance No. 050-09 rezoning a 21.182 acre tract of land in the George Brinlee HRS, A-18, located approximately 500' east of the intersection of Kings Highway and Cooper Lane. Temporary SF-2 to SF-2. Wesley Mahone, owner. Kayla Wood, MTG Engineering, agent. (Due to P & Z denial, a $\frac{3}{4}$ vote will be required to approve this request)

Mayor Mayo declared the public hearing open.

Kayla Wood spoke on behalf of this item. Vito Didato, Will Huddleston, Charlie Cook and Gregg Cook spoke against this item.

Mayor Mayo declared the public hearing closed.

Amendment: Change east side from SF2 to SF1 with the extension of Trotter to the new road going west only and not east connecting to High Drive, as map is presented.

A motion was made by Councilmember Norton for approval with said amendments, seconded by Councilmember McGary.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

4. Public Hearing and consider Ordinance No. 051-09 rezoning a 5.110 acre tract of land in the George Brinlee HRS, A-18, located south of the extension of Steeplechase Drive. Temporary 2F-1 to 2F-1. Wesley Mahone, owner. Kayla Wood, MTG Engineering, agent.

Mayor Mayo declared the public hearing open.

Kayla Wood spoke on behalf of this item.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton for approval, seconded by Councilmember Court.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

5. Public Hearing and consider Ordinance No. 052-09 rezoning a 9.778 acre tract of land in the George Brinlee HRS, A-18, located north of the extension of Steeplechase Drive. Temporary MF-1 to MF-1. Wesley Mahone, owner. Kayla Wood, MTG Engineering, agent. (Due to P & Z denial, a $\frac{3}{4}$ vote will be required to approve this request)

Amendment: Change to Planned Development 2F-1 and have a secondary street or regress in the future before development.

A motion was made by Councilmember Norton for approval with said amendments, seconded by Councilmember Bruggeman.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

6. Public Hearing and consider Ordinance No. 053-09 revoking a Specific Use Permit allowing a tattoo studio on Lots 2 & 3, Block 30, Highland Park Addition, located at 2411 Staline Avenue. City of Texarkana, Texas, applicant.

Mayor Mayo declared the public hearing open.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Court for approval, seconded by Councilmember Stewart.

The following Councilmembers voted by roll call:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

City Council Discussion w/ City Manager and Staff

Shirley Jaster gave an overview of sign issues w/ garage sale and estate signs; Vicki Melde provided Keep Texarkana Beautiful updates on the events; gave a Blue Ribbon Committee update.

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implementation of security personnel or devices
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another witness
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incentives to business prospects

No action to be taken.

X. Adjournment

A motion was made by Councilmember Court that this meeting be adjourned, seconded by Councilmember Norton. 9:45 p.m.

The following Councilmembers voted:

Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court

Noes: None

Stephen A. Mayo, MAYOR

Kerry Meredith, CITY SECRETARY