

**MINUTES**  
**Regular Meeting of the City Council**  
**Municipal Building**  
**West 3<sup>rd</sup> Street and Texas Boulevard**  
**Texarkana, Texas**  
**Monday, May 18, 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, Officer Ed Emelia, Craig Lindholm, Vicki Melde, Pam Burns, Kerry Meredith, City Secretary.

**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 Scott Norton.

**Pledge to the Flag**

Pledge led by Councilmember Scott Norton.

### **Open Forum**

Mr. Will Ellis spoke in regards to respect of councilmembers and that people should take off their hat when entering the chambers. He said code enforcement violation letters should talk to the people in person instead of sending letters. He also wants a rule against people asking for money (panhandling). He stated he had to sit in an extra cycle of lights when someone was obstructing traffic asking for money and the firefighters should not do it.

### **Public Hearing and Public Readings of Resolutions or Proposed Ordinances and Reports**

Public Hearing on acceptance of the Edward Byrne Justice Memorial Assistance Grant application.

Mayor Mayo declared the public hearing open at 7:23 p.m.

No Speakers

Mayor Mayo declared the public hearing closed at 7:24 p.m.

Public Hearing on application to Ark-Tex Council of Governments for grant funding for a warehouse generator and Southwest Community Center Renovations.

Mayor Mayo declared the public hearing open at 7:24 p.m.

Dr. Sullivan made a clarification that the generators are used for backup.

Mayor Mayo declared the public hearing closed at 7:25 p.m.

Canvass of votes for the May 9, 2009 general election for Councilmember Ward 3.

Mayor Mayo declared the public hearing open at 7:25 p.m.

Mayor Mayo declared the public hearing closed at 7:28 p.m.

### **Consideration / Approval of Consent Agenda Items**

1. Consider approval of the minutes of the regular meeting held on April 27, 2009.
2. Consider Ordinance No. 070-09 approving and authorizing the CEO/City Manager to execute an interlocal agreement between the City of Texarkana, Texas and Bowie County, Texas to share the Edward Byrne Justice Assistance Grant.
3. Consider Ordinance No. 071-09 declaring of the results of the general election on May 9, 2009 for Councilmember Ward 3.
4. Consider Ordinance No. 072-09 authorizing the City Manager to approve payment to TxDOT for removal of a twelve inch (12") asbestos cement water main.
5. Consider Ordinance No. 073-09 authorizing the CEO/City Manager to execute all transfer of property (116 West Broad Street, Kress Building) to the City of Texarkana, Texas.
6. Consider Ordinance No. 074-09 declaring certain property surplus to the needs of the City and authorizing sale of property by sealed bid.
7. Consider Ordinance No. 075-09 authorizing the submission of a Texas Community Development Block Grant Program-2008 Supplemental Disaster Recovery Fund: Hurricanes Dolly and Ike.

A motion was made by Councilmember Norton that the consent agenda be approved with amendments to the minutes changing the adjournment time to 9:45 p.m. instead of 7:45 p.m., seconded by Councilmember Bruggeman. 7:33 p.m.

The following Councilmembers voted:

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

Noes: None

### **Action / Discussion Items**

#### **A. Zoning Items**

1. Public Hearing and consider Ordinance No. 63-09 rezoning Lots 27-29, Block 6, H.S. Janes HRS, A-306, located at 1404 Letter Carrier Drive. SF-2 to SF-3. Hattie Pauley, owner. Angela Benton, agent.

Mayor Mayo declared the public hearing open.

Reuben Pauley spoke for this item. Teresa Montgomery of 1314 Letter Carrier Drive spoke against this item stating she didn't want them digging on her land. Ms. Ray told her there would not be digging on her land, it would be in the ROW. Dr. Sullivan agreed and stated it would not be on her property.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton that this item be approved, seconded by Councilmember Bruggeman. 7:35 p.m.

The following Councilmembers voted:

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

Noes: None

2. Public Hearing and consider Ordinance No. 64-09 granting a Specific Use Permit to allow a double wide HUD code manufactured home on Lots 27-29, Block 6, H.S. Janes HRS, A-306, located at 1404 Letter Carrier Drive. Hattie Pauley, owner. Angela Benton, agent.

Mayor Mayo declared the public hearing open.

Reuben Pauley spoke for this item. Teresa Montgomery of 1314 Letter Carrier Drive spoke against this item stating she didn't want them digging on her land. Ms. Ray told her there would not be digging on her land, it would be in the ROW. Dr. Sullivan agreed and stated it would not be on her property.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Court that this item be approved with the following amendments, seconded by Councilmember Ray. 7:39 p.m.

Amendment: Section 2, No. 6. "IF TWU will not be able to serve this property with a sewer tap, a septic tank will be allowed if a residence is placed on the property."

The following Councilmembers voted:

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

Noes: None

3. Public Hearing and consider Ordinance No. 65-09 rezoning a 2.945 acre tract of land being Blocks 9 & 10 in the J.S. Warsden HRS, A-743 and Block 46 in the J.A. Talbot HRS, located in the 5900 blk. of Richmond Road. SF-1 to PD-General Retail. Riverbend, LLP, owner.

Mayor Mayo declared the public hearing open.

Bobby Shipp present to answer any questions.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton that this item be approved, seconded by councilmember Stewart. 7:40 p.m.

The following Councilmembers voted:

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

Noes: None

4. Public Hearing and consider Ordinance No. 66-09 rezoning Lot 1, Ames Acres Subdivision, located at 3424 Richmond Road. Neighborhood Service to PD-Office. Martin Bell, Guaranty Bond Bank, owner. Mark Bailey, agent.

Mayor Mayo declared the public hearing open.

Mark Bailey was present to speak for item. Bob questioned where the motor bank entrance would be. Mr. Bailey explained it would be off of Richmond Rd. and the exit would be on Morris Lane. Rick Lindsey of #3 Wyatt spoke not necessarily opposed, but said the property had a deed restriction for it to be SF. Shirley explained that was restrictive covenants and that was a civil matter. The bank was aware of this.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Norton that this item be approved, seconded by Councilmember Court. 7:55 p.m.

The following Councilmembers voted:

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

Noes: None

5. Public Hearing and consider Ordinance No. 67-09 amending PD-04-2 for site plan approval on Lots 1 & 2, Ames Acres Subdivision, located at 3424 Richmond Road and #2 Morris Lane to allow the location of a motor bank. Martin Bell, Guaranty Bond Bank, owner. Mark Bailey, agent.

Mayor Mayo declared the public hearing open.

Mr. Bailey explained the site plan and they also understand Morris will be under construction in the future. Mr. Lindsey stated that the ATM will be outside his bedroom window.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Court that this item be approved, seconded by Councilmember McGary. 8:00 p.m.

The following Councilmembers voted:

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

Noes: None

6. Public Hearing and consider Ordinance No. 68-09 amending PD-85-1 for site plan approval on Lot 3J, being a 0.784 acre tract of land in the Mary E. Wills HRS, located at 1720 Richmond Road to allow the location of a restaurant with a drive-thru. First Church of the Nazarene, owner. Jerry Brewer, agent.

Mayor Mayo declared the public hearing open.

David Williams explained site plan and stated it is the new home of Grandy's.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Bruggeman that this item be approved, seconded by Councilmember Court. 8:02 p.m.

The following Councilmembers voted:

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

Noes: None

7. Public Hearing and consider Ordinance No. 69-09 amending Section 8-102 of Zoning Ordinance pertaining to modular, fabricated or industrialized housing.

Mayor Mayo declared the public hearing open.  
Shirley Jaster explained the zoning ordinance amendments as described in the ordinance.  
Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Bruggeman that this item be approved, seconded by Councilmember Norton. 8:02 p.m.

The following Councilmembers voted:  
Ayes: McGary, Ray, Stewart, Bruggeman, Norton, Court  
Noes: None

Councilmember Stewart gave Thanks to Charlie Bassett, Robby Robertson, Rose Stewart, Chief Shiner, Shirley Jaster, Craig Lindholm, Scott Norton, Bob Bruggeman, Robin Court, Dr. Sullivan, Ms. Ray, Derrick McGary and Steve Mayo for all their work for the City. Bob Bruggeman commended him on his service. Robin Court stated she was going to miss him. Steve stated Brent was the most honest person and always does what is right for the City.

### **Swearing in of Councilmember for Ward 3**

Judge Sherry Jackson swore in Tina Veal-Gooch for Councilmember Ward 3. 8:10 p.m.

### **Appointments to Boards and Commissions**

Historic Commission

Brent Stewart

Councilmember Veal-Gooch asked that Brent Stewart be appointed to the Historic Commission.

ATCOG

Councilmember Robin Court asked that Bob Bruggeman, Tina Veal-Gooch and Scott Norton be appointed to ATCOG to replace Steve Mayo, Brent Stewart and Robin Court.

Airport Authority

Councilmember Robin Court asked that Brent Langdon be re-appointed to Airport Authority.

A motion was made by Councilmember Derrick McGary that the above appointments be made, seconded by Councilmember Ray.

The following Councilmembers voted:

Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court  
Noes: None

### **City Council Discussion w/ City Manager and Staff**

Vicki Melde gave a brief update on the KTB Plant a Tree event, KTB training in June and the BRC Meeting to be held on May 28<sup>th</sup>.

### **X. Adjournment**

A motion was made by Councilmember Ray that this meeting be adjourned, seconded by Councilmember Norton.

The following Councilmembers voted:

Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court

Noes: None

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**Stephen A. Mayo, MAYOR**

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**Kerry Meredith, CITY SECRETARY**