

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, June 22, 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
Tina Veal-Gooch	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, Police Chief Shiner, Officer Ed Emelia, Craig Lindholm, Vicki Melde, Pam Burns, Kerry Meredith, City Secretary, Robby Robertson.

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 Bob Bruggeman.

Pledge to the Flag

Pledge led by Councilmember Bob Bruggeman.
Councilmember Bruggeman recognized the Caddo Troop 16 being in attendance.

Appointments to Boards and Commissions

Historic Commission

Councilmember Veal-Gooch asked that Trish Reed be appointed to the Historic Commission.

A motion was made by Councilmember Court that Trish Reed be appointed, seconded by Councilmember Bruggeman.

The following Councilmembers voted:

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

Noes: None

Service Certificates and Pins

Chief Harry Simms	4-30-79	30 years Fire
James Paschal	6-05-89	20 years TWU
Lafonda Whitworth	6-19-89	20 years Health
Kathryn Eichler	5-09-94	15 years TWU
Steven G. Womack	5-23-94	15 years Police
Jean Ann Yeager	6-13-94	15 years Municipal Court
Sharon Moore	6-20-94	15 years General Services
Donald Rich	6-07-99	10 years Fire
James Smith	5-17-99	10 years TWU
Jon Smithpeters	5-17-99	10 years TWU
Raymond Bland	6-17-99	10 years TWU

Open Forum

Brandon Thomas, Ronnie Harrison, and LaPrentice Keeling spoke regarding 7th Street Entertainment/Dance Hall Center. They would like for it to be open. Dr. Sullivan explained that there was a permitting process that needed to take place.

Benjamin Dennis spoke regarding the proposed animal ordinance.

Bradley Johnson spoke regarding the CDBG Department.

Joseph Kelley spoke regarding the Riverbend Water District and TWU.

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

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the special meeting held on June 3, 2009.
2. Consider approval of the minutes of the regular meeting held on May 18, 2009.
3. Consider Ordinance 080-09 authorizing the destruction of certain bid documents, inventory records, purchase orders and receipt records for General Services.
4. Consider Ordinance No. 081-09 acknowledging creation of and membership in Riverbend Water Resources District and appointing the CEO/City Manager as director to the District Board.
5. Pulled by Councilmember Norton
6. Consider Ordinance No. 084-09 deleting Chapter 28 "Trailer and Mobile Home Parks" from the Code of Ordinances.
7. Pulled by Derrick McGary
8. Pulled by Robin Court

9. Consider Ordinance No. 087-09 authorizing the CEO/City Manager to execute necessary documents for the purchase of property to construct and house Texarkana Urban Transit District T Line Transfer Station per Ordinance No. 054-09.
10. Consider Ordinance No. 088-09 authorizing the destruction of certain Finance Department records.

A motion was made by Councilmember Bruggeman that the consent agenda be approved, seconded by Councilmember Ray. 7:50 p.m.

The following Councilmembers voted:

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

Pulled Consent Items

5. Consider Ordinance No. 082-09 authorizing amendment to Article II, sec. 29-21, Water and Sewer Charges, of Chapter 29, Waters and Sewers, of the Code of Ordinances of the City of Texarkana, Texas.

Mayor Mayo declared the Public Hearing Open. 7:51 p.m.

Bill King explained the ordinance and change.

Mayor Mayo declared the Public Hearing Closed. 7:58 p.m.

A motion was made by Councilmember Bruggeman that this item be postponed, seconded by Councilmember Court. 7:58 p.m.

The following Councilmembers voted:

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

7. Consider Ordinance No. 085-09 recommending the amendment in its entirety the existing Chapter 4 'Animals' in the Code of Ordinances of the City of Texarkana, Texas.

Mayor Mayo declared the Public Hearing Open. 8:00 p.m.

Joe Stewart spoke in regards to animals not being able to be chained or tethered. He believes they should be chained for safety.

Lori Anderson with the Texas Humane Society is against taking dogs off chains. She stated the shelters are already full and this would allow more dogs to roam and be picked up.

Nancy Hayes stated all had valid points and explained certain Texas State Laws regarding animals.

Charles Hayes spoke on letting small dogs out with a chain and Mayor Mayo explained temporary tethering.

Benjamin Dennis spoke in regards to many citizens not able to afford fences and have to use chains.

Derrick McGary thanked them for coming to speak on the issue and asked what they thought about other people saying that it is inhumane to chain or tether an animal.

Cedric Kennedy wanted to know the status of the ordinance and to state that chains are good.

Craig Lindholm explained and answered questions.

Dr. Sullivan commented on the registration.

Robin Court commended Craig and the Animal Control offices.

Charles Hayes states his dogs are on chains to protect them.

Mayor Mayo declared the Public Hearing closed. 8:45 p.m.

A motion was made by Councilmember Court that this item be postponed, seconded by Councilmember Ray. 8:45 p.m.

The following Councilmembers voted:

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

Noes: None

8. Consider Ordinance No. 086-09 as authorization to recognize the Gateway Growers' Association of Texarkana, Inc. as the designated operator of the City of Texarkana, Texas Downtown Farmer's Market.

Mayor Mayo declared the Public Hearing open. 8:45 p.m.

Robin Court wants animals to be allowed at the Farmer's Market.

Craig Lindholm stated that the change has already been made.

Joe Kelley inquired as to whether or not the Gateway Growers will be charged to use the City property.

Craig Lindholm said it was a public service and there at their use free of charge.

Joe Kelley wanted to know if the produce was domestically grown.

Craig Lindholm said there is a required proof of local growers.

A motion was made by Councilmember Court that this item be approved with said amendments, seconded by Councilmember Ray. 8:55 p.m.

The following Councilmembers voted:

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

Noes: None

Action / Discussion Items

A. Zoning Items

1. Public Hearing and consider Ordinance No. 083-09 rezoning a 3.140 acre tract of land in the G. Brinlee HRS, A-18, located at the southeast corner of Walton Drive and University Avenue. Temporary General Retail to General Retail. Hiren Patel, owner. Jeff Whitten, Whitten Engineering, agent.

Mayor Mayo declared the public hearing open.

Jeff Whitten was available for questions.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember McGary that this item be approved, seconded by Councilmember Court. 7:50 p.m.

The following Councilmembers voted:

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

Noes: None

City Council Discussion w/ City Manager and Staff

Kyle Dooley spoke regarding the speed limits on 7th Street. Tom Dowdall suggested signs be put up around Waste Management. Robin Court, Bob Bruggeman, Derrick McGary, and Ms. Ray commented.

Robby Robertson and LeShanda Mitchell gave a presentation on the Youth Programs they have at the Parks and Recreation Department.

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): 9:10 p.m.

- § 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

No Action Taken

Adjournment

A motion was made by Councilmember Bruggeman that this meeting be adjourned, seconded by Councilmember McGary. 10:15 p.m.

The following Councilmembers voted:

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

Noes: None

Stephen A. Mayo, MAYOR

Kerry Meredith, CITY SECRETARY