

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, July 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
Tina Veal-Gooch	Councilmember, Ward 3
Bob Bruggeman	Councilmember, Ward 4
Scott Norton	Councilmember, Ward 5
Robin Court	Councilmember, Ward 6 via Videoconference

Councilmember Robin Court located at:
University of Texas
George Sanchez Building, Room 324
1912 Speedway, Austin, Texas 78721

Also present were: F. Larry Sullivan, CEO/City Manager, Shirley Jaster, Police Captain Michael Henry, Officer Ed Emelia, Craig Lindholm, Rose Stewart, Leroy Dodd, 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 Scott Norton.

Pledge to the Flag

Pledge led by Councilmember Scott Norton.

Appointments to Boards and Commissions

Historic Commission

Councilmember Veal-Gooch asked that Mark Bailey and Sandra Holmes be appointed to the Historic Commission.

A motion was made by Councilmember Ray that Mark Bailey and Sandra Holmes be appointed, seconded by Councilmember Bruggeman.

The following Councilmembers voted:

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

Noes: None

Open Forum

Jim Brower thanked Public Works for making things easier for inspections and other things. He is concerned about TWU and water meter boxes. States it takes 2 weeks to get a water meter and does not like dealing with them. Claims it is very hard and they are not efficient.

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

1. Public Hearing for Texas Parks and Wildlife Grant Application

Mayor Mayo declared the public hearing open. 7:37 p.m.

Robby Robertson made presentation.

Mayor Mayo declared the public hearing closed. 7:40 p.m.

2. Presentation by Holliday, Lemons & Cox, P.C. of the City's Comprehensive Annual Financial Report for the fiscal year ended September 30, 2008.

Mayor Mayo declared the public hearing open. 7:40 p.m.

Rhonda Jones made presentation.

Mayor Mayo declared the public hearing closed. 7:53 p.m.

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the regular meeting held on June 22, 2009.
2. Consider approval of the minutes of the special meeting held on July 17, 2009.
3. Consider Ordinance No. 082-09 (previously postponed at June 22nd meeting) 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.
Dr. Sullivan explained.
4. Consider Ordinance No. 092-09 adopting the City of Texarkana, Texas Lead Based Paint ordinance.
5. Consider Ordinance No. 094-09 authorizing the endorsement of the U. S. Mayors Climate Protection Agreement.
6. Consider Ordinance No. 095-09 authorizing the destruction of certain Municipal Court Records.

7. Consider Ordinance No. 096-09 authorizing the submittal of a Texas Parks and Wildlife Grant Application for lighting in Spring Lake and Karrh Parks and renovation to fall zones at Spring Lake and Grady T. Wallace Parks.
8. Consider Ordinance No. 099-09 authorizing the destruction of certain Health Department Records.
9. Consider Ordinance No. 100-09 authorizing the CEO/City Manager to execute budgeted property purchases including, but not limited to eminent domain actions, related to right-of-way acquisition for the North University Boulevard extension, related TAMUT access roads, and the Morris Lane extension.
Dr. Sullivan explained.
10. Consideration of Resolution 102-09 declaring expectation to reimburse expenditures with proceeds of future debt and resolving other matters incident and related thereto.
Dr. Sullivan explained.
11. Consideration of Resolution No. 104-09 approving and authorizing publication of notice of intention to issue certificates of obligation and resolving other matters incident and related thereto.
Dr. Sullivan explained.
Robin Court considered absent on this item.

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

The following Councilmembers voted:

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

Noes: None

Action / Discussion Items

Public Hearing and consider Ordinance No. 89-09 rezoning all the Lots in Blocks 1, 2 & 3, Stonevale Addition, located on Woodmere Court (west of Richmond Road near Jones Lane). Temporary SF-1 and Planned Unit Residential (PUR) to Planned Unit Residential (PUR). Jim Brower, owner.

Mayor Mayo declared the public hearing open. 8:00 p.m.

Jim Brower spoke and explained item. Mayor asked which side, Mr. Brower said all sides.

Mayor Mayo declared the public hearing closed. 8:05 p.m.

A motion was made by Councilmember Norton that this item be approved, seconded by Councilmember McGary

The following Councilmembers voted:

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

Noes: None

Public Hearing and consider Ordinance No. 90-09 rezoning an approximate 1.25 acre tract of land being the rear 230' of a 2.34 acre tract of land known as Tract 81 of the Willis Oldham HRS, A-458, located behind 4820 and 4904 Elizabeth Street. MF-1 to Office. Ark-Tex Council of Governments, applicant.

Mayor Mayo declared the public hearing open. 8:05 p.m.

Mr. L. D. Williamson spoke on behalf of Ark-Tex COG.

Shirley explained the fence requirement. Ms. Ray was glad he explained the trees were damaged. Susan Trammell wants to leave the small trees next to her fence. Ms. Ray inquired about the trees and Mr. Williamson said they would try to save them.

Mayor Mayo declared the public hearing closed. 8:14 p.m.

A motion was made by Councilmember Ray that this item be approved, seconded by Councilmember Norton.

The following Councilmembers voted:

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

Noes: None

Public Hearing and consider Ordinance No. 91-09 considering Amending Section 8-700 of the Zoning Ordinance entitled "Special Definitions and Explanations Noted in Use Regulations", #14 deleting the definition "Garage or Estate Sales" and creating a new Section 8-600 entitled "Garage/Yard Sales and Estate Sales".

Mayor Mayo declared the public hearing open. 8:14 p.m.

Vicki Boozer of Golden Estate Sales stated that elderly people rely on her signs. She already spoke to Bob Bruggeman and Shirley and is pleased with the proposed ordinance. Councilmember Tina Veal-Gooch questioned whether or not poster board size was ok. Shirley responded that we could amend the ordinance to include poster board size signs. Councilmember McGary stated that the signs are not allowed on ROW or utility poles. Jeff Waller stated that 6 years ago people use to come and go to garage sales all day and wanted the limit to be more than two a year. Councilmember Bruggeman likes the two a year. Councilmember Ray remembers it being two times a year. Mr. Will Ellis stated that garage sales keep too much traffic in street and block traffic and that two a year is enough.

Mayor Mayo declared the public hearing closed. 8:35 p.m.

A motion was made by Councilmember McGary that this item be approved with said amendment, seconded by Councilmember Bruggeman.

Amendment: sign size to also allow poster board size (22 x 28).

The following Councilmembers voted:

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

Noes: None

Public Hearing and consider Ordinance No. 085-09 (previously postponed at June 22nd meeting) 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. 8:35 p.m.

Virgil McKean spoke about chaining of dogs and stated that the quality of life for dogs that are chained is not good. He wants the ordinance passed.

Will Ellis said there is a time and place for chains. Responsible people should be able to use chains and others should have kennels for dogs and prosecute the people for animal cruelty.

Melissa Cook states supervised tethering and invisible fencing is good. Wants ordinance passed as is.

Joe Stewart said people have made good points, but there are responsible people and does not want the chains taken away.

Charles Hayes wants to be able to chain his dogs.

Melissa Cook asked for those with animals in favor to stand. (About 15-20 stood up)

Will Ellis stated that the number of people that just stood was insignificant and people let animals out at night. They should be on a chain.

Nancy Hayes stated tethering a dog is humane if people do it responsibly.

Virgil McKean wanted to know who was going to "police" the responsible/non responsible people.

Councilmember Derrick McGary wanted to know if we had researched what other cities are doing. Craig said other cities are doing the same thing. Craig also stated registration is free and available online.

Mr. Ellis feels very strongly about this. Neighbors tell on irresponsible people and believes taking away chaining is ridiculous.

Ms. June Avance said the ordinance is needed and responsible dog owners do not need to chain their dogs.

Joe Stewart said all those that stood probably have small dogs. He claims this is going to cause a lot of problems if the ordinance is passed.

A motion was made by Councilmember Veal-Gooch that this item be postponed, seconded by Councilmember Bruggeman.

The following Councilmembers voted by roll call:

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

Noes:

Public Hearing and consider Ordinance No. 098-09 adopting the Amendment to the Waste Management Contract.

Mayor Mayo declared the public hearing open. 9:50 p.m.

Ken Cockell wants recycling.

Tom Dowdall presented item.

Councilmember Tina Veal-Gooch would like more time for community input.

Tony Cain of Allied Waste wants to know about amendment.

Mayor Mayo declared the public hearing closed. 10:05 p.m.

A motion was made by Councilmember Bruggeman that this item be postponed, seconded by Councilmember Veal-Gooch.

The following Councilmembers voted by roll call:

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

Noes:

Absent: Court

Public Hearing and consider Ordinance No. 101-09 abandoning the public right-of-way of West 12th Street from Vernon Street (south leg) to the alley between Vernon Street and Bowie Street; West 11th Street from Vernon Street and the alley between Vernon Street and Bowie Street; and Vernon Street from West 12th Street to West 10th Street. TISD, applicant.

Mayor Mayo declared the public hearing open. 9:10 p.m.

David Williams spoke on item.

Councilmember Bruggeman asked about fire hydrant, lighting and utilities.

Ken Rease said he would let him know about fire hydrant; lights are available to open gate if needed and utilities are available.

Councilmember McGary stated the project was in his ward and discussed it with Ken Rease and supports the proposal.

Mayor Mayo declared the public hearing closed. 9:15 p.m.

A motion was made by Councilmember McGary that this item be approved, seconded by Councilmember Ray.

The following Councilmembers voted by roll call:

Ayes: McGary, Ray, Bruggeman, Norton, Court

Noes: None

Abstain: Veal-Gooch

Public Hearing and consider Ordinance No. 103-09 authorizing sale or exchange of real property -- approximate 7.161 acre tract and approximate 16.149 acre tract -- in vicinity of N. University Ave.

and Bringle Lake, and delegating authority to City Manager to negotiate and close sale or exchange subject to requirements of Section 272.001, Local Government Code.
Consider Ordinance No. 105-09 declaring certain property surplus to the needs of the City and authorizing sale of property by sealed bid.

Mayor Mayo declared the public hearing open. 9:29 p.m.

John Cook stated Bringle Lake Park and the land are used for wonderful things and wants to keep the woods there.

John Harrison wants more details before approving it.

Julie Ray Harrison wants to know what will happen to the timber and more details for citizens.

Lisa Soyars uses the park all the time and states the City spent a lot of money on it 5-6 years ago and thinks there needs to be more planning.

Mayor Mayo said this phase just allows for Dr. Sullivan to make the land change.

Mayor Mayo declared the public hearing closed. 9:45 p.m.

A motion was made by Councilmember Norton that this item be approved, seconded by Councilmember Bruggeman.

The following Councilmembers voted:

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

Noes: None

Consider Ordinance No. 105-09 declaring certain property surplus to the needs of the City and authorizing sale of property by sealed bid.

Mayor Mayo declared the public hearing open. 9:45 p.m.

Craig Lindholm explained.

Mayor Mayo declared the public hearing closed. 9:48 p.m.

A motion was made by Councilmember Ray that this item be approved, seconded by Councilmember Bruggeman.

The following Councilmembers voted:

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

Noes: None

City Council Discussion w/ City Manager and Staff

Charlie Bassett proposed budget on 14th and August 31st for adoption at a special meeting.

Adjournment

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

The following Councilmembers voted:

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

Noes: None

Absent: Court

Stephen A. Mayo, MAYOR

Kerry Meredith, CITY SECRETARY