

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, August 24, 2009
Budget Workshop to begin at 4:00 p.m.
Regular Meeting to begin at 7:00 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, Judge Sherry Jackson, Officer Ed Emelia, Craig Lindholm, Rose Stewart, Vicki Melde, Jim Powell, Pam Burns, Kerry Meredith, City Secretary, Robby Robertson, David Orr.

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 Derrick McGary.

Pledge to the Flag

Pledge led by Councilmember Derrick McGary.

Appointments to Boards and Commissions

Historic Commission

Councilmember Veal-Gooch asked that Judith White re-appointed to the Historic Commission.

Electrical Board

Councilmember Scott Norton recommended that the following be appointed to the Electrical Board:

Vince Columbus
Joshua Huddleston
David Glen
Bob Bruggeman- Reappointment
Aven Williamson- Reappointment

Plumbing Appeals and Advisory Board

Councilmember Bob Bruggeman recommended that the following be appointed to the Plumbing Appeals and Advisory Board:

Rick Boyette- Reappoint
LaRoy Thomas- Reappoint
Joe Crews- Appoint
Kyle Dooley- Appoint

A motion was made by Councilmember McGary that the above appointments be approved, seconded by Councilmember Court.

The following Councilmembers voted:

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

Presentations

Dean Gibson presented a resolution to the City from the State of Texas honoring Alonzo Wemple.

Reading of "Responsible Dog Owner Day" Proclamation

Open Forum

Jim Arnett of the Kennel Club of Texarkana spoke regarding the "Responsible Dog Owner Day" and thanked the City for the Proclamation.

Joe Kelley spoke regarding Riverbend Water Resources and TWU. He wanted to know where the money came from and if it will be paid back. Mr. Kelley inquired if the Collins Senior Citizen Program was going to be shut down. Dr. Sullivan said it was not.

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the regular meeting held on July 27, 2009.
2. Consider approval of the minutes of the special meeting held on August 12, 2009.
3. Consider Ordinance No. 114-08 authorizing the CEO/City Manager to enter into contract with various suppliers for chemicals for water and wastewater treatment.
4. Consider Ordinance No. 115-09 authorizing a two-month extension of the current Texas Department of State Health Services Title XX Family Planning contract.
5. Consider Ordinance No. 116-09 authorizing the contract with Texas Department of State Health Services for Public Health System funding.

6. Consider Resolution No. 119-09 in support of the expanded footprint for the proposed Stevens Court redevelopment.

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

The following Councilmembers voted:

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

Noes: None

Action / Discussion Items

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

Mayor Mayo declared the public hearing open.

Josh Bray of Sanitary Solutions wanted trash contract to be bid out.

Becky Robertson doesn't like the containers. She thinks the elderly will not be able to roll them and that they are too big to put in her garage. She also does not want to have a picked day to have to do her yard work. She stated that paper sacks will not last in the rain and Code Enforcement will have to have more people to check the garbage cans having to be put up by 9:00 p.m.

Cliff Robertson wants more competition.

Jane Sullivan just moved back to N. Park Road and she and the other people in the duplexes do not want the big cans. She stated they will fall over on the unlevel land and be in the streets.

Julie Ray Harrison of 17 Dogwood Lake Drive asked Councilmember Court to help with recycling in the City when she was elected. She is grateful for the program and thanks the City for the effort.

Joe Kelley wants to know if the contract is new. Dr. Sullivan stated this is an extension of the current contract. Joe Kelley stated the rates are too high and wants to know if they invested the 1.2 million.

John Harrison said the proposed recycling program is great and similar to the one in Austin and would like to see it pass.

Julie McAllen of Summer Lane stated that this is the first place they have ever lived that didn't have recycling. She and her daughters want recycling here and approve the proposed contract.

Benjamin Dennis said the greatest service for an elected official is to provide service for best price. He thinks the contract should be bid out and that the City use to have a recycle program and its participation was poor. He has issues about the size and the once a week pick up.

Dr. Sullivan responded that this is not a new contract and that it is a request of citizens to have recycling. The contract was not up for bid. People can make a call to have trash picked up at the door.

Mayor Mayo stated that the recycling proposal has been in the gazette 3 different times and stated that this is not a new contract.

Councilmember Tina Veal-Gooch wanted the community to know more that is why she pulled it last month.

Mayor Mayo stated that Waste Management has 5 months to work on issues.

Benjamin Dennis inquired about the extension period.

Dr. Sullivan stated it was for 5 years due to capital investments.

Benjamin Dennis wanted to know why it would be different this time.

Dr. Sullivan stated the citizens and the large open container.

Benjamin Dennis is concerned about the cost factor.

Dr. Sullivan said the cost was researched dramatically.

Mayor Mayo stated that this will save the landfill for many more years.

Tom Dowdall of Waste Management gave rate variations from other cities: Texarkana, \$15.94; Ft. Worth \$24.63; Plano \$16.35 (no recycle); Tyler \$11.97 (no green waste, recycle 18 gallon, charge fuel charge); Longview \$14.30; Texarkana, AR: \$18.04 (no matter which hauler). He stated that they are very close in comparison.

Mr. Dowdall said they are doing 3 things, recycle, trash, and green waste. It is not mandatory. It cuts down on trucks driving through the City. They will work around issues, but they needed a contract signed.

Councilmember Derrick McGary wanted to know what WM has done for the community.

Dr. Sullivan said a lot. They have always taken care of complaints.

Benjamin Dennis asked about commercial rates and their pick ups. He wanted to know if they stayed the same through 2010.

Councilmember Robin Court wanted to know if the changes will cause layoffs. Tom Dowdall said no.

Vicki Melde spoke briefly about the marketing of Waste Management.

Mayor Mayo declared the public hearing closed.

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

2. Public Hearing and consider Ordinance No. 108-09 amending PD-02-13 (GR) for site plan approval at 4301 Morris Lane.

Mayor Mayo declared the public hearing open.

Shirley Jaster explained the item.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted:

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

Noes: None

3. Consider Ordinance No. 109-09 requesting a Specific Use Permit to allow the location of a tattoo studio at 3805 Stateline Avenue.

Mayor Mayo declared the public hearing open.

Velarar Ardlin from Steve's Tattoos is against this shop and read her protest.

John Mauer wants to bring in a higher level shop to the community and continue education regarding tattoos. They have a zero tolerance for minors.

Councilmember Veal-Gooch wanted to know how long have they been in business and why now.

Mr. Mauer responded this is the first business and they saw room for it in the market.

Robin of Curt Green said they hardly ever lease to a tattoo shop and felt comfortable with them.

Mya Edwards spoke positively about the proposed shop and stated that change is good but sometimes difficult.

Councilmember Court wanted to know if there was smoking paraphernalia and John Mauer said there was not.

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

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

The following Councilmembers voted:

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

Noes: None

4. Consider Ordinance No. 110-09 requesting rezoning at 302 McCartney Boulevard.

Mayor Mayo declared the public hearing open.

Donna Finnessey spoke on behalf of the item.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted:

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

Noes:

5. Consider Ordinance NO. 111-09 requesting rezoning at 7305-7412 Palisades Drive.

Mayor Mayo declared the public hearing open.

Shirley Jaster explained the item.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by roll call:

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

Noes:

City Council Discussion w/ City Manager and Staff

Craig Lindholm gave a presentation with pictures of the Farmer's Market. Ken Nettles, Kyle Dooley, and Shirley Jaster gave a presentation on the new street signs.

Adjournment

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

The following Councilmembers voted:

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

Noes: None

Stephen A. Mayo, MAYOR

Kerry Meredith, CITY SECRETARY