

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, October 26, 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

Absent:

Robin Court	Councilmember, Ward 6
-------------	-----------------------

Also present were: F. Larry Sullivan, CEO/City Manager, Shirley Jaster, Officer Ed Emilia, Craig Lindholm, Chief Shiner, Rose Stewart, Vicki Melde, Pam Burns, Kerry Meredith, City Secretary, Robby Robertson, Jerry Sparks, David Orr; Chief Simms.

Closed Session (6:10 p.m.)

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. Returned at 7:35 p.m.

Invocation

The Invocation was given by Councilmember Bob Bruggeman

Pledge to the Flag

Pledge led by Councilmember Bob Bruggeman.

Appointments to Boards and Commissions

Councilmember Bruggeman asked that the following members be reappointed to the Buildings and Standards Commission:

Mark Bledsoe
Myron Stringer
Moody Miller, II

A motion was made by Councilmember Scott Norton that the appointments be approved, seconded by Councilmember Tina Veal-Gooch.

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

Presentations

Keep Texarkana Beautiful Yards of the Month presentation by Betty Bunch.
Home of the Month: Ben Floyd, 6502 Springwood Circle
Business of the Month: McDonald's, New Boston Road

Open Forum

Joshua Ramirez brought forward his water/sewer bill and wanted a credit for sewer charges due to plumbing problem. Mayor asked him to contact Kerry Meredith with his issue.

Allan Voronaefe Supports the approval of Ordinance 131-09 and 144-09. He is against 140-09.

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the regular meeting held on September 28, 2009.
2. Consider approval of the minutes of the special meeting held on October 16, 2009.
3. Consider Ordinance No. 131-09 authorizing the establishment of a Tax Increment Financing Reinvestment Zone (TIRZ).
4. Consider Ordinance No. 132-09 approving and signing the Tax Roll as presented.
5. Consider Ordinance No. 134-09 authorizing the City Council of the City of Texarkana, Texas to nominate one (1) to five (5) candidates for membership on the Board of Directors of the Bowie County Appraisal District; and establishing an effective date.
6. Consider Ordinance No. 135-09 authorizing the CEO/City Manager to enter into a contract with Texarkana Family Practice PA for X-ray services for General Clinic.
7. Consider Ordinance No. 145-09 establishing our Municipal Court as a Municipal Court of Record.
8. Consider Ordinance No. 146-09 amending Chapter 5 "Buildings"; Article III "Unsafe Buildings, Structures, or Property" of the Code of Ordinances.
9. Consider Ordinance No. 147-09 amending Chapter 2 "Administration"; Article VII "Building and Standards Commission, Section 2-104 'Functions' of the Code of Ordinances.
10. Consider Ordinance No. 148-09 authorizing the CEO/City Manager to enter into a contract with Dr. Michael Holland to provide physician services to the Reproductive Health program.
11. Consider Ordinance No. 150-09 authorizing an economic development agreement with a private developer for the construction of a convention center, establishing essential terms for the agreement, and delegating authority to CEO/City manager to negotiate, finalize, and sign the agreement. (Dr. Sullivan commented stating this is not a finalization of this project. This is for the project to move forward.)

A motion was made by Councilmember Bruggeman that the consent agenda be approved, seconded by Councilmember Ray. 7:47 p.m.

The following Councilmembers voted:

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

Action / Discussion Items

1. Discussion of Ordinance 123-09 (previously postponed on September 4, 2009) authorizing issuance of City of Texarkana, Texas Certificates of Obligation and resolving other matters incident thereto.

Mayor Mayo declared the public hearing open.

Dr. Sullivan commented.

Jeff Lewis commented.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Bruggeman authorizing the CEO/City Manager and Chief Financial Officer to move forward with the issuance of the bonds and to bring back to council at a later date for approval, seconded by Councilmember Ray.

The following Councilmembers voted:

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

Noes:

2. Public Hearing and consider Ordinance No. 136-09 rezoning a 1 acre tract of land being a part of Block Z, Original City Addition, located at 300 Lubbock Street. SF-2 to SF-3. L.B. Horton, owner. Dru Merriman and Kayla Wood, MTG Engineering, agents.

Mayor Mayo declared the public hearing open.

Kayla Wood spoke on this item.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted:

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

Noes:

3. Public Hearing and consider Ordinance No. 137-09 granting a Specific Use Permit to allow the location of a HUD code manufactured home on a 1 acre tract of land being a part of Block Z, Original City Addition, located at 300 Lubbock Street. L.B. Horton, owner. Dru Merriman and Kayla Wood, MTG Engineering, agents.

Mayor Mayo declared the public hearing open.

Kayla Wood spoke on this item.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted:

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

Noes:

4. Public Hearing and consider Ordinance No. 138-09 rezoning a 1.76 acre tract of land in the T. Price HRS, A-466 and being a part of Lot 11, Block 2, Carrie D. Hart 1st Addition, located at 4031 New Boston Road. Agriculture to Neighborhood Service. Janet White, owner.

Mayor Mayo declared the public hearing open.
Bob White spoke on this item.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton, Court
Noes:

5. Public Hearing and consider Ordinance No. 139-09 rezoning Lots 10-12, Block 44, Grandview Addition, located at 1524 Lafayette Street. Specific Use Permit to allow the location of a HUD code manufactured home. Helen McCoy, owner. Chris Childress, Palm Harbor Homes, agent.

Mayor Mayo declared the public hearing open.
Shirley Jaster spoke on item.
Councilmember Ray would like to see it approved and has had no complaints.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton
Noes:

6. Public Hearing and consider Ordinance No. 140-09 rezoning Lot 9, Block 2, Watson's Subdivision, located at 2507 W. 18th Street. MF-1 to SF-3. F. Vaughn, owner. Rickey Riley, agent. (*A 3/4 vote will be required to approve this request due to P & Z denial.*)

Mayor Mayo declared the public hearing open.
Shirley Jaster spoke on item.
Councilmember Ray spoke about revitalization.
Rick Riley spoke regarding item.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by roll call:
Ayes:
Noes: McGary, Ray, Veal-Gooch, Bruggeman, Norton

7. Public Hearing and consider Ordinance No. 141-09 rezoning Lot 9, Block 2, Watson's Subdivision, located at 2507 W. 18th Street. Specific Use Permit to allow the location of a HUD code manufactured home. F. Vaughn, owner. Rickey Riley, agent. (*A 3/4 vote will be required to approve this request due to P & Z denial.*)

This item can't go forward because Ordinance No. 140-09 was denied.

8. Public Hearing and consider Ordinance No. 142-09 granting a Specific Use Permit to allow a telecommunications tower on a 0.230 acre tract of land located in Block 13 of the L.T. King HRS, A-326, located at 2901 Bender Road. B. Griffith, owner. Peter Kavanagh, agent.

Mayor Mayo declared the public hearing open.
Belinda Dixon, Rep. for Verizon, spoke on item.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton
Noes:

9. Public Hearing and consider Ordinance No. 143-09 rezoning all Lots and Blocks, being 5.654 acres, in Cooper Lane Estates IV Addition, located at 3705 – 3726 Trotter Lane and # 5 - #18 Pinto Circle. Temporary SF-2 to 2F-2 on Trotter Lane and Temporary SF-2 to MF-1 on Pinto Circle. City of Texarkana, Texas, applicant.

Mayor Mayo declared the public hearing open.
Shirley explained item.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton
Noes:

10. Public Hearing and consider Ordinance No. 144-09 amending Section 8-200 D of the Zoning Ordinance pertaining to the Historic Landmark Preservation Committee members.

Mayor Mayo declared the public hearing open.
Shirley Jaster spoke on item.
Craig Lindholm spoke on item.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton
Noes:

Reconsideration of Consent Agenda

A motion was made by Councilmember Norton that the consent agenda items be reconsidered, seconded by Councilmember Bruggeman.

The following Councilmembers voted by:
Ayes: McGary, Ray, Veal-Gooch, Bruggeman, Norton
Noes:

A motion was made by Councilmember Bruggeman that the consent agenda items be approved excluding item no. 5, seconded by Councilmember Veal-Gooch.

The following Councilmembers voted by:

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

Noes:

5. Consider Ordinance No. 134-09 authorizing the City Council of the City of Texarkana, Texas to nominate one (1) to five (5) candidates for membership on the Board of Directors of the Bowie County Appraisal District; and establishing an effective date.

Councilmember Norton nominated Derrick McGary.

A motion was made by Councilmember Norton that the consent agenda item be approved with Derrick McGary as the nomination, seconded by Councilmember Ray.

The following Councilmembers voted by:

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

Noes:

City Council Discussion w/ City Manager and Staff

Chief Harry Simms explained the ISO Report; gave updates on his department changes.

Mashell Daniels gave a presentation on Plantevigne project.

Closed Session (9:00 p.m.)

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 to take any final action, decision, or vote on a matter deliberated in closed session.

NO ACTION TAKEN

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

Noes: None

Kerry Meredith, CITY SECRETARY

Stephen A. Mayo, MAYOR