

MINUTES
Regular Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, November 23, 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 Arrived 6:15 p.m.
Tina Veal-Gooch	Councilmember, Ward 3
Bob Bruggeman	Councilmember, Ward 4
Scott Norton	Councilmember, Ward 5
Robin Court	Councilmember, Ward 6 Via Vieoconference: University of Texas George Sanchez Building, Room 324 1912 Speedway, Austin, Texas 78721

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 (6:07 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 7:24 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

A motion was made by Councilmember Bruggeman that Mayor Stephen A. Mayo and Councilmember Derrick McGary be re-appointed to the Intergovernmental Advisory Committee, seconded by Councilmember Norton.

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

Presentations

Keep Texarkana Beautiful Beautification Awards presented by Steve Rambo.
Home of the Month: Jackie and Bill Gooding at 3702 Maple Crest.
Business of the Month: Dot's Ace Hardware at 3411 Richmond Road.

Open Forum

Public Hearings

Public Hearing on TIRZ.

David Orr made presentation on the Tax Increment Reinvestment Zone.
Mayor Mayo declared Public Hearing open. 7:30 p.m.
Mayor Mayo declared Public Hearing closed. 7:35 p.m.

Public Hearing on 2008 Community Development Block Grant CAPER.
Mayor Mayo declared Public Hearing open. 7:35 p.m.
Mayor Mayo declared Public Hearing closed. 7:36 p.m.

Consideration / Approval of Consent Agenda Items

1. Consider approval of the minutes of the regular meeting held on October 26, 2009.
2. Consider Ordinance No. 149-09 authorizing approval of the Texarkana, Texas Personnel Policies Manual.
3. Consider Ordinance No. 151-09 authorizing the City of Texarkana, Texas, as a member of the Riverbend Water Resources District, to coordinate with the district to perform a regional water planning study.
4. Consider Ordinance No. 152-09 approving the Fiscal and Personnel Management Agreement between the City and the Texarkana MPO be approved as proposed and for a term ending December 30, 2015.
5. Consider Ordinance No. 153-09 authorizing the CEO/City Manager to enter into a contract with the Texas Department of State Health Services to provide Title X funding to the Reproductive Health program at the Center.
6. Consider Ordinance No. 154-09 authorizing the CEO/City Manager to enter into a contract with the Texas Department of State Health Services to provide Title XX funding to the Reproductive Health program at the Center.
7. Consider Ordinance No. 155-09 authorizing the CEO/City Manager to enter into a contract with the Texas Department of State Health Services to provide Title V funding to the Reproductive Health program at the Center.
8. Consider Ordinance No. 156-09 authorizing the CEO/City Manager to enter into a contract with the Texas Department of State Health Services to provide Title V Dysplasia funding to the Reproductive Health program at the Center.
9. Consider Ordinance No. 166-09 cancelling the regular scheduled council meeting on December.
- 10.
- 11.
12. Consider Ordinance No. 169-09 amending Chapter 33, Wrecker Services and Vehicle Impoundment, of the Code of Ordinances.

13. Consider Ordinance No. 170-09 authorizing the Texarkana, Texas water department (TWU) to enter into a contract with Pictometry International, Inc., for the purpose of providing professional services in acquiring digital aerial imagery for Bowie County, Texas, on behalf of the Bowie Central Appraisal District.
14. Consider Resolution No. 172-09 approving the financing by the Red River health Facilities Development Corporation of a health facility located within the boundaries of Texarkana, Texas.
15. Consider Ordinance No. 173-09 authorizing the CEO/City Manager to enter into an agreement with the City of Texarkana, Arkansas for Secretary/Receptionist services for the Criminal Investigation Division.
16. Consider Ordinance No. 174-09 authorizing the CEO/City Manager to enter into a contract with the City of Texarkana, Arkansas to renew the Emergency Management Coordinator services for the City of Texarkana, Arkansas.
17. Consider Ordinance No. 175-09 approving and authorizing the CEO/City Manager to enter into a contract with Holliday, Lemons, & Cox, P. C. to perform the City's Annual Audit.
18. Consider Ordinance No. 179-09 authorizing the CEO/City Manager to enter into a contract with the Texas Department of State Health Services to provide TB funding to the Reproductive Health program at the Center.
19. Consider Ordinance No. 180-09 awarding two bids and authorizing the CEO/City Manager to issue purchase orders to Artex Electric for generators for the City of Texarkana, Texas.

Councilmember Bruggeman pulled Item No. 10; Councilmember Norton pulled item No. 11.

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

The following Councilmembers voted:

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

Noes: None

Pulled Items:

1. Consider Ordinance No. 167-09 amending Chapter 11, Garbage, and Chapter 11A, Litter and Weeds, of the Code of Ordinances.

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

Amendment: In Section 11-12: Item No. 4, add verbiage "approved garbage container or cans up to 96 gallons."

The following Councilmembers voted:

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

Noes: None

2. Consider Ordinance No. 168-09 amending Chapter 21, Public Amusements, of the Code of Ordinances.

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

Amendment:"Permit fees for coin-operated machines may not exceed \$15 per machine per year up to \$100 maximum per year per premises in accordance with the Texas Occupations Code, Section 2153.451."

The following Councilmembers voted:

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

Noes: None

Action / Discussion Items

1. Discussion and consideration of Ordinance No. 123-09 (previously postponed on September 4, 2009 and October 26, 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 spoke on item.
Mayor Mayo declared the public hearing closed.

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

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

2. Discussion and consideration of Resolution No. 181-09 approving and authorizing publication of notice of intention to issue certificates of obligation (Series 2010) and resolving other matters incident and related thereto.

Mayor Mayo declared the public hearing open.
Dr. Sullivan 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 Bruggeman.

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

3. Discussion and consideration of Resolution No. 182-09 Declaring Expectation to Reimburse Expenditures With Proceeds of Future Debt and resolving other matters incident and related thereto.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

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

4. Public Hearing and consider Ordinance No. 157-09 renewing Specific Use Permit to allow continued location of a mobile home on Lots 4 & 5, Block 3, Greenwood Sunny Slope Addition, located at 3207 Austin Street. Rinaldo Arredondo, owner.

Mayor Mayo declared the public hearing open.
Shirley Jaster spoke on 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 by:

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

5. Public Hearing and consider Ordinance No. 158-09 rezoning Lot 1, Cross Pointe Subdivision, located at 4108 N. Kings Highway. Temporary General Retail to General Retail. Jerry Erie, Jr., Hampton Road Investments, owner. Bill Patton, agent.

Mayor Mayo declared the public hearing open.
Gene Irwin of Guaranty Bond Bank spoke.
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, Court
Noes:

6. Public Hearing and consider Ordinance No. 159-09 rezoning a 2.16 acre tract of land being Tract 113 of the George Brinlee HRS, A-18, located at 5103 McKnight Road. Single Family-1 to General Retail. Earl and LaJuana Williams, owner. Gary Grimes, agent. (A $\frac{3}{4}$ vote is required by City Council to approve this request due to P & Z denial)

Mayor Mayo declared the public hearing open.
Bryan McElhaney against approval.
George Moore against approval.
Mr. Anderson against approval.
Lynn Stevens against approval.
Keith Williams against approval.
Patrick Hill against approval.
Robert Poe for approval.
Benjamin Dennis against approval.
Randy Kendrick against approval.
Ann Talafero against approval.
Kirk Patton, representing Jasper Howard against approval.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by roll call:

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

7. Public Hearing and consider Ordinance No. 160-09 rezoning Lots 1 & 12, Block 9, South Texarkana Addition, located at 2202 S. Spruce Street. Agriculture to Single Family-3. Mary Helen Weaver, owner. Paulette Weaver, agent.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

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

8. Public Hearing and consider Ordinance 161-09 granting a Specific Use Permit to allow the location of a double wide HUD code manufactured home on Lots 1 & 12, Block 9, South Texarkana Addition, located at 2202 S. Spruce Street. Mary Helen Weaver, owner. Paulette Weaver, agent.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

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

9. Public Hearing and consider Ordinance No. 162-09 rezoning Lot 12, Block 113, City/Triggs Addition, located at 1022 Spruce Street. Commercial to Single Family-3. Patrick Hill, owner. Vanessa Bryant, agent.

Mayor Mayo declared the public hearing open.
Patrick Hill spoke on item.
Mayor Mayo declared the public hearing closed.

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

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

10. Public Hearing and consider Ordinance No. 163-09 rezoning an approximate 7.694 acre tract of land in the G. Brinlee HRS, A-18, being the future Lot 3, Block 2, Waggoner Creek Crossing South Addition, located on the south side of Walton Drive near University Avenue. Temporary General Retail to Commercial. Waggoner Creek Crossing, L.P., owner. Richard Reynolds, Reynolds Realty Management, Inc., agent.

Mayor Mayo declared the public hearing open.
Richard Reynolds spoke on this item.
Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:

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

Noes:

- 11.** Consider Ordinance No. 164-09 abandoning the right-of-way of Rose Street (street was never constructed). Michael Mayo, applicant.

Mayor Mayo declared the public hearing open.

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, Court

Noes:

- 12.** Consider Ordinance No. 165-09 abandoning an alley located in Block 9, South Texarkana, Addition, located south of Sayers Street and north of Boyce Lane. Mary Helen Weaver, applicant.

Mayor Mayo declared the public hearing open.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:

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

Noes:

- 13.** Consider Ordinance No. 171-09 placing the votes of the City of Texarkana, Texas on the official ballot for the election of the Board of Directors of the Bowie Central Appraisal District for the 2010-2011 term.

Mayor Mayo declared the public hearing open.

Mayor Mayo declared the public hearing closed.

A motion was made by Councilmember Court that this item be approved with Derrick McGary being nominee, seconded by Councilmember Ray.

The following Councilmembers voted by:

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

Noes:

- 14.** Consider Ordinance No. 176-09 authorizing City's purchase of real property for location of hotel and City-owned convention center; delegation of authority to CEO / City Manager and/or Chief Financial Officer on behalf of City to negotiate and sign purchase contract to purchase the real property, the authority to sign any necessary documents to effectuate the

closing of the purchase, and the authority to take any necessary action and sign any necessary documents to fund the purchase.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

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

15. Consider Ordinance No. 177-09 authorizing the establishment of a Tax Increment Financing Reinvestment Zone for the City of Texarkana, Texas.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

Amendment: Expanding the number of members on the board from 5 members to 9 members.

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

16. Consider Ordinance No. 178-09 authorizing the CEO/City Manager to execute a Memorandum of Understanding with the Housing Authority to provide commitment of City funds as a loan for the purchase of property to expand the Pecan Ridge development foot print.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

On Record: Council Expectation: Councilmember McGary "Council gives direction to staff and Housing Authority that they proceed with the original proposal to extend the footprint of the Pecan Ridge Subdivision and move forward as quick as possible."

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

17. Consider Resolution No. 183-09 finding that SWEPCO requested rate changes and charges within the City should be denied; approving cooperation with other cities served by SWEPCO; authorizing intervention at the Public Utility Commission and in appeals related to City action on SWEPCO's requested rate changes; hiring Austin law firm of Lloyd Gosselink to represent City; and requiring SWEPCO to reimburse City's reasonable rate case expenses.

Mayor Mayo declared the public hearing open.
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, Norton, Court
Noes:
Abstain: Councilman Bruggeman (former employee of Swepeco.)

- 18.** Consider Ordinance No. 184-09 authorizing City's use of the design/build method [Tex. Local Gov't Code § 271.119] for construction of City-owned convention center; delegating authority to CEO / City Manager and/or Chief Financial Officer on behalf of City to prepare request for qualifications, evaluate each offeror's statement of qualifications, rank proposals, selecting the design-build firm that submits the proposal offering the best value for the City per selection criteria and ranking evaluations, negotiating a contract with the selected offerer or next-ranked offerer(s), and signing the negotiated contract.

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

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

- 19.** Consider Ordinance No. 185-09 authorizing City entering into a management and services agreement and/or lease agreement with hotel developer or other entity or entities for daily management and operation of City-owned convention center; delegating authority to CEO / City Manager and/or Chief Financial Officer on behalf of City to negotiate, finalize, and sign management and services agreement and/or lease agreement [superseding Ordinance No. 150-09].

Mayor Mayo declared the public hearing open.
Mayor Mayo declared the public hearing closed.

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

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

Patrick Hill spoke regarding a house at 2123 Dewey Street.

Closed Session (9:10 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 to take any final action, decision, or vote on a matter deliberated in closed session.

NO ACTION TAKEN

Adjournment 9:45 p.m.

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

The following Councilmembers voted:

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

Noes: None

Councilmember Court was on conference phone with council during meeting.

Kerry Meredith, CITY SECRETARY

Stephen A. Mayo, MAYOR