

MINUTES
Special Meeting of the City Council
Municipal Building
West 3rd Street and Texas Boulevard
Texarkana, Texas
Monday, March 29, 2010

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 at 5:00 p.m.:

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 Conference Phone

Also present were: F. Larry Sullivan, CEO/City Manager, Kerry Meredith, City Secretary, Jerry Sparks, Shirley Jaster.

Invocation and Pledge

The Invocation and Pledge was given by Councilmember Bob Bruggeman.

Appointments to Boards and Commissions

A motion was made by Councilmember Bob Bruggeman that Ken Morehouse be appointed to the Electrical Board, seconded by Councilmember Derrick McGary.

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

Noes:

Absent: Court

Note: Recorder not working.

Consent Agenda Items

1. Consider approval of the minutes of the special meeting held on March 1, 2010.
2. Consider Resolution No. 064-10 authorizing the CEO/City Manager to pledge an in-kind match by giving access to certain easements for Ark-Tex Council of Governments for the purpose of a grant to provide a middle-mile project to deploy broadband infrastructure.
Dr. Sullivan clarified that the poles relative to SWEPCO are a case by case basis.

A motion was made by Councilmember McGary that the consent items be approved, seconded by Councilmember Veal-Gooch.

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

Noes:

Absent: Court

Action/Discussion Items

1. Consider Ordinance No. 062-10 amending PD-02-13(GR) for site plan approval to allow apartments on Lots 1 & 2, Block 4, Richmond Development 4th Addition, located at Arista Boulevard and Moores Lane. William Davis, owner.

Mayor Mayo declared the public hearing open.

Danny Proctor spoke against the item. He is concerned about the traffic and crime increase along with future maintenance. Mr. Proctor also stated that Mr. Davis' other properties have poor maintenance. Mr. Proctor brought pictures of the Three Fountains that Mr. Davis owns.

Carl Herberg spoke against the item. He is concerned about property values. Stated that all adjacent building owners are against the project.

Councilmember Ray wanted to know if it went to Planning and Zoning.

Shirley Jaster stated it did and that the property has been zoned to allow apartments since 2002. P&Z added stipulations about lighting and signage.

Dr. Sullivan spoke on the traffic.

Shirley explained the plans are in 2 phases.

Councilmember Bruggeman wanted to know the completion date.

Mr. Bill Davis said it would be end of this year for Phase 1.

Shirley Jaster spoke about parking on Arista Boulevard.

Mr. Proctor stated that Three Fountains has a bad roof and wanted to know if the City had manpower to enforce stipulations in the ordinance about maintenance.

Dr. Sullivan explained that if the stipulation were there, we could enforce it.

Mr. Davis explained the new roof will be going on at Three Fountains and a permit would be requested within the next two weeks and stated that he takes care of his properties. He has a lot of properties to keep up with.

Councilmember Norton asked about the fence on West side.

Councilmember Ray wanted to know if he has too many properties now to keep up with, as he states, how is he going to keep up with this one?

Mr. Davis stated he has property managers that take care of them and he has sold most of them. He is now down to one hotel and one apartment.

Councilmember Veal-Gooch asked about the maintenance.

Dr. Sullivan stated he had talked about the maintenance with Mr. Davis and he said it would be kept up.

Mr. Davis said that Three Fountains is being renovated and in the process of painting and landscaping. He bought the property because of zoning and wants to build them to last over 40 years; that is why he chose the upgraded materials. He is committed to maintain and keep up the property as long as he is living.

Councilmember McGary stated that the pictures show poor maintenance.

Mr. Davis said the Three Fountains apartments are for sale.

Councilmember Veal-Gooch wanted to know if we could add a maintenance addendum.

Shirley said she could try to come up with something but wasn't sure of the wording because the City hasn't done one before.

Carl Herberg said the plans show to be very nice; the price of property 2 years ago didn't show the probability of apartments being there.

Shirley said the salon opposed the apartments at the P&Z meeting. They were concerned about the traffic.

Mayor Mayo is afraid the apartments will look bad in 10 years.

Dr. Sullivan said the stipulations will last.

Councilmember McGary would like to postpone; Councilmembers Veal-Gooch and Norton agree.

Danny Proctor asked if council could stipulate that no Section 8 Housing be allowed since it is a high end facility. He thinks it should stay that way.

Councilmember Ray asked about the consequences of the delay.

Dr. Sullivan said it would cost money and construction time.

Mr. Davis would prefer to have a decision now.

Mayor Mayo declared the public hearing closed.

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

The following Councilmembers voted by:

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

Noes:

Absent: Court

2. Consider Ordinance No. 063-10 rezoning a 5.201 acre tract of land located in the B. Nix HRS, A-456 and Lot 2, Amended Texas Bank and Trust Minor plat, located at Cowhorn Creek Road and South Cowhorn Creek Loop Road. City of Texarkana, Texas, owner.

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 Bruggeman that the action item be approved, seconded by Councilmember McGary.

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

Noes:

Absent: Court

Closed Session 8:35 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):

<u>§ 551.071</u>	<u>Private consultation with the City Attorney</u>
§ 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

Adjournment

A motion was made by Councilmember Norton that this meeting be adjourned, seconded by Councilmember Bruggeman. 9:12 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