



Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Agenda - Monday, March 06, 2023 - 6:00 PM

*****REDISTRICTING WORKSHOP - 5:00 PM*****

Call to Order

Roll Call

Invocation given by Mayor Allen Brown

Pledge of Allegiance led by TWU Executive Director Gary Smith

CITIZEN COMMUNICATION

Please fill out a Citizen Communication Card with your name and contact information for the City Clerk's records.

A limit of five (5) minutes per person is allotted for citizens to express their concerns to the Board of Directors, with a maximum of fifty (50) minutes reserved for Citizens Communication. The Board of Directors cannot respond to citizens' concerns during this time.

Be respectful of the Board of Directors, city staff, and the public by refraining from abusive conduct, personal charges, or verbal attacks.

PRESENTATION(S)

1. Presentation of the City of Texarkana, Arkansas Employee Service Awards. (ADMIN)
2. Presentation of the proposed Municipal Auditorium HVAC System. (Admin) City Manager E. Jay Ellington

PUBLIC HEARING

3. Public Hearing concerning an Ordinance to rename a section of right of way that was cut off by Interstate 49 from Preston Street to Magee Drive. (Ward 3) (PWD-Planning) City Planner Mary Beck

NO ACTION to be taken by the Board of Directors at this meeting.

This ordinance will be presented to the Board of Directors as an ACTION ITEM on March 20, 2023.

4. Public Hearing concerning a Resolution of support for a request to be made to the Arkansas Highway Department (ARDOT) asking that the Highway 71S viaduct be named the Reverend Londell Williams Overpass. (PWD-Planning) City Planner Mary Beck

NO ACTION to be taken by the Board of Directors at this meeting.

This resolution will be presented to the Board of Directors as an ACTION ITEM on March 20, 2023.

CONSENT

5. Approval of the minutes of the rescheduled regular meeting February 21, 2023. (CCD) City Clerk Heather Soyars
6. Adopt a Resolution approving the reimbursement of \$14,000.00 to the Texarkana Regional Airport from American Rescue Act Funds. (FIN) Finance Director TyRhonda Henderson
7. Adopt a Resolution authorizing the City Manager to purchase one (1) M2-106 Freightliner Conventional Cab. (TWU) Executive Director Gary Smith
8. Adopt a Resolution authorizing the City Manager to enter into a contract with Plummer Associates, Inc., to develop a Master Plan of the water distribution system serving the Cities of Texarkana, Arkansas, and Texarkana, Texas. (TWU) Executive Director Gary Smith

REGULAR

9. Adopt a Resolution accepting the 2022 Public Facilities Board Annual Report. (Admin) City Manager E. Jay Ellington
10. Adopt an Ordinance authorizing the City Manager to enter into a contract with Springbrook Software for the purchase of financial software. (TWU) Executive Director Gary Smith
An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.
11. Adopt an Ordinance amending Chapter 24 – Subdivisions of the *City of Texarkana, Arkansas Code of Ordinances*, to delete Ordinance No. 227 permanently and set limits on road guarantee renewals. (PWD-Planning) City Planner Mary Beck
12. Adopt an Ordinance to rezone a tract of land located at 4000 E. 9th Street, from R-2 Single-family residential to C-3 Open display commercial zoning in order to build a retail business. (Ward 3) (PWD-Planning) City Planner Mary Beck

BOARD OF DIRECTORS' COMMENTARY

CITY MANAGER REPORT

NEXT MEETING DATE: Monday, March 20, 2023

ADJOURN

2023 City Calendar

The Wild Hare Celebration – Thursday, March 9th – 5PM – 2AM

Bike Night/Fundraiser – Thursday, March 23rd – 5PM – 2AM

Texarkana TOGA – 525 E. Broad Street - April 13th – 16th – 6AM – 2PM

Centennial Time Capsule/Sesquicentennial Festival – Downtown – April 14th – 15th

Penni's Purpose - Saturday, April 15th - 10AM - 8PM

Cinco De Mayo - Saturday, May 6th - 4PM - 2AM

Be Like CJ 5K - Saturday, May 20th - 7:30AM - 10:30PM

Sesquicentennial Ball – July 8th

Founders' Week Celebration – December 4th – 10th

Texarkana Rec Center Calendar

Ageless Grace - Mondays – 2PM – 3PM

Gym Open - Mondays, Wednesdays & Fridays – 8AM - 7PM & Saturdays - 8AM – Noon

Dance Fitness - Tuesdays - 6PM & Saturdays - 11AM



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE: Presentation of the City of Texarkana, Arkansas Employee Service Awards. (ADMIN)

AGENDA DATE: March 6, 2023

ITEM TYPE: Ordinance Resolution Other : Presentation

DEPARTMENT: City Clerk Department

PREPARED BY: Heather Soyars, City Clerk

REQUEST: Presentation of employee service awards.

EMERGENCY CLAUSE: N/A

SUMMARY: Employee Service Awards:

Romeo Cross	TAPD	20 Years
Cheryl L. Griffin	TWU	30 Years

EXPENSE REQUIRED: N/A

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** N/A

**RECOMMENDED
ACTION:** N/A

EXHIBITS: None



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE:	Presentation of the proposed Municipal Auditorium HVAC System. (Admin) City Manager E. Jay Ellington
AGENDA DATE:	March 6, 2023
ITEM TYPE:	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Presentation
DEPARTMENT:	Administration
PREPARED BY:	Heather Soyars
REQUEST:	Presentation of auditorium hvac system.
EMERGENCY CLAUSE:	N/A
SUMMARY:	Presentation of auditorium hvac system.
EXPENSE REQUIRED:	N/A
AMOUNT BUDGETED:	N/A
APPROPRIATION REQUIRED:	N/A
RECOMMENDED ACTION:	
EXHIBITS:	Presentation



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Public Hearing concerning an Ordinance to rename a section of right of way that was cut off by Interstate 49 from Preston Street to Magee Drive. (Ward 3) (PWD-Planning) City Planner Mary Beck

NO ACTION to be taken by the Board of Directors at this meeting.

This ordinance will be presented to the Board of Directors as an ACTION ITEM on March 20, 2023.

AGENDA DATE: 03/06/2023

ITEM TYPE: Ordinance Resolution Other : Public Hearing

DEPARTMENT: Public Works/Planning

PREPARED BY: Mary Beck

REQUEST: Public Hearing concerning an ordinance to rename a section of right of way that was cut off by Interstate 49 from Preston Street to Magee Drive.

EMERGENCY CLAUSE: None requested.

SUMMARY: The Planning Commission recommends approval. Currently Magee Drive has no outlet on the west end with the name Magee Drive. Actual addresses that would have to be changed consist of two residences and one church building. Signatures of two of those three were obtained. There was no opposition to this request and indications are it would be helpful to those looking for Magee Drive off Cooper Tire. All seventeen property owners of land abutting this section of right of way were notified of the request and invited to the Planning Commission review. The block ranges impacted are from the 3400 block of Preston Street to where it merges with 4300 Magee Drive, approximately 1900 linear feet.

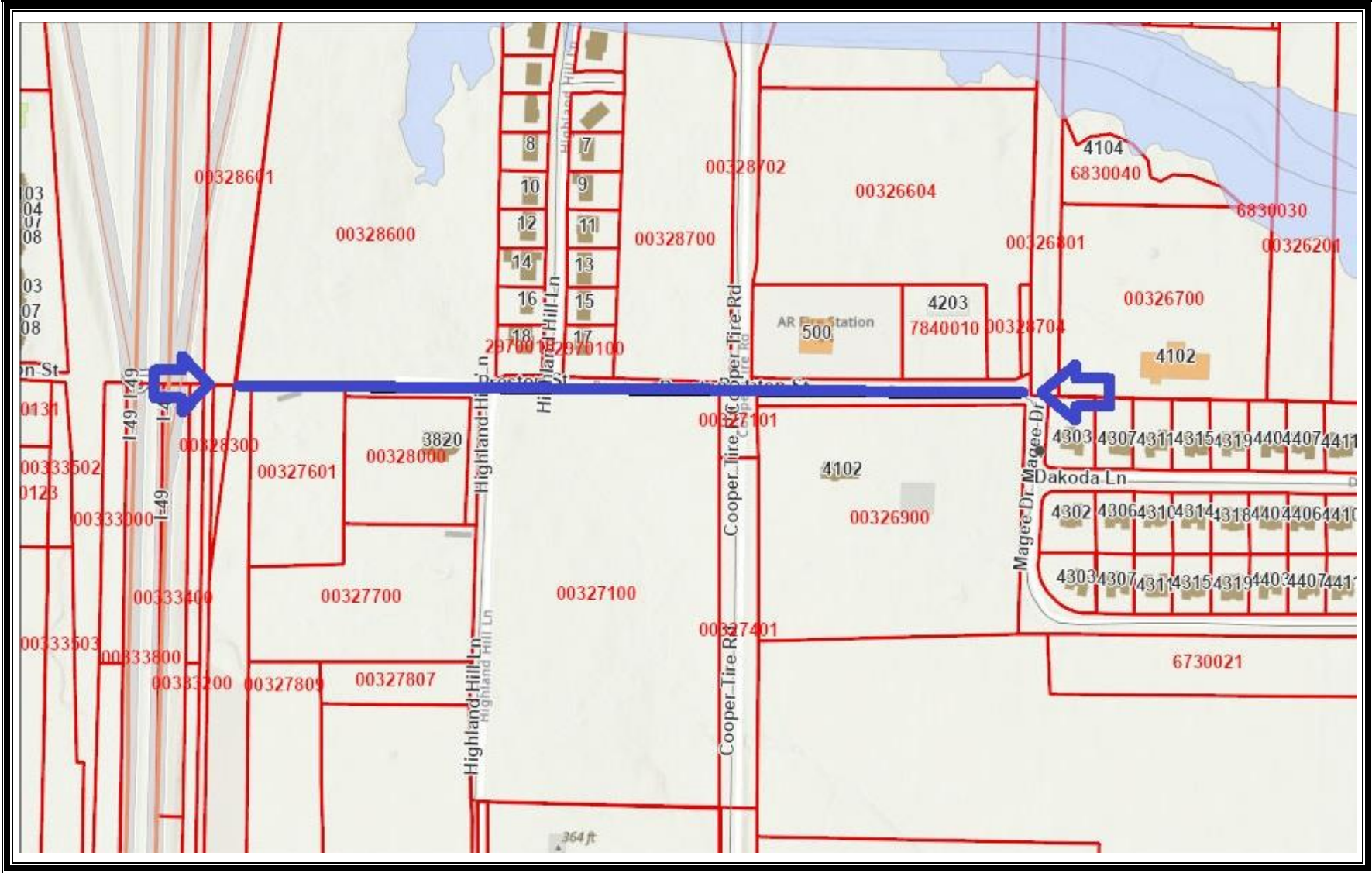
EXPENSE REQUIRED: 0

AMOUNT BUDGETED: 0

**APPROPRIATION
REQUIRED:** 0

**RECOMMENDED
ACTION:** Adopt an ordinance to rename the section of Preston Street east of Interstate 49 to Magee Drive.

EXHIBITS: Memo to City Manager, application for City Manager review, petition, location map.



Planning Commission review

Prepared by:
 Planning Division - Public Works Department
 City of Texarkana, Arkansas



CITY OF TEXARKANA ARKANSAS

DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

MEMORANDUM

TO: Jay Ellington, City Manager
FROM: Mary L. Beck, City Planner
DATE: February 16, 2023
SUBJECT: Board of Directors Agenda item for March 6, 2023 – Renaming recommendation – Request by Steven Hollibush, 1115 Garland Avenue, Texarkana, AR 71854, to rename a section of right of way separated by Interstate 49 from Preston Street to Magee Drive.

LEGAL DESCRIPTION:

The segment of Preston Street under consideration is located between Interstate 49 on the west to where it becomes Magee Drive on the east. The block ranges are from 3400 Preston Street to 4300 Magee Drive.

REASON FOR REQUEST:

To aid in delivery of goods and services and general transport.

EXISTING LAND USES:

Site: NA
North: Single-family dwellings, fire station, church, & undeveloped
East: Single-family dwellings
South: Single-family dwellings
West: Interstate 49

EXISTING ZONING:

Site: NA
North: M-1 Limited Manufacturing, R-2 Single-family residential, C-1 General retail commercial & O-1 Office quiet commercial
South: M-1 Limited Manufacturing, R-2 Single-family residential
East: R-2 Single-family residential
West: NA



www.cityoftexarkanaar.com

COMPATIBILITY WITH EXISTING ZONING:

The name of the street is not a factor for compatibility.

UTILITIES & TRANSPORTATION NETWORK:

Local :	Preston and Magee are local streets
Collector:	NA
Arterial:	NA
Water:	NA
Sewer:	NA
Fire hydrant:	Three fire hydrants are in the section impacted

CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board’s authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, January 29, 2023, edition of the Texarkana Gazette. Letters were mailed to seventeen (17) property owners adjacent to Preston Street.

OPPOSITION:

None to date

PLANNING COMMISSION CERTIFICATION:

The Planning Commission met on February 13, 2023, to review this request. On a motion to approve by Mr. Clyde (Boots) Thomas, seconded by Dr. Randall Hickerson, the motion passed. A roll call vote was 5-0 as two commissioners were absent.

Adger Smith	Yes
Anderson Neal	Absent
Bertha Dunn	Yes
Jason Dupree	Absent
Randall Hickerson	Yes
Clyde "Boots" Thomas	Yes
Mike Jones	Yes

ACTION REQUESTED BY CITY BOARD OF DIRECTORS:

To adopt an ordinance to change the name of the right of way on the east side of Interstate 49 from Preston Street to Magee Drive. *The Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.

Enclosure: Naming policy and petitions

**REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF TEXARKANA, ARKANSAS
February 13, 2023**

The Planning Commission of the City of Texarkana, Arkansas met in regular session on Monday, February 13, 2023, 6:00pm in the Board Room of the City Hall Building at 216 Walnut Street, Texarkana, Arkansas.

ITEM NO. 1: ROLL CALL – Roll call to determine if a quorum is present to conduct business. In attendance were Commissioner Dr. Randal Hickerson, Vice-Chairman Mike Jones, Commissioner Bertha Dunn, Commissioner Clyde “Boots” Thomas, and Commissioner Adger Smith. Commissioner Jason Dupree and Chairman Anderson Neal were absent. A quorum was determined to be present. Staff present were City Planner Mary Beck and Planning Secretary Jodie Dye who acted as recording secretary.

ITEM NO. 2: ADOPTION OF SUMMARIZED MINUTES – Adoption of the January 10, 2023 summarized minutes. Motion was made by Commissioner Bertha Dunn and seconded by Commissioner Clyde “Boots” Thomas to adopt the January 10, 2023 summarized minutes. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.

ITEM NO. 3. REZONING - Request by Dennis R. Sproveri, agent Mike Rozier Construction Co., Inc., PO Box 230, Carrollton, MS 38917, to rezone property from R-2 Single-family residential to C-3 Open-display commercial in order to construct a Dollar General Store. The property is located at 4000 E. 9th Street and is legally described as a part of the W1/2 NE NE of Section 28, T-15S, R-28-W, Texarkana, Miller County, Arkansas, containing 6.72 acres more or less.

City Planner Mary Beck explained there is a shopping center across the street. The property is near Cooper Tire Rd. and all adjoining properties on the north side are commercial. There is about 6 acres of property we are looking at but only 2 acres outside the floodplain that construction would be allowed on. Charlie Montgomery of Greenwood Realty located at 615 Puckett Ave Greenwood, MS. Mr. Montgomery is the realtor representing the contractor, Colton Jenkins, spoke to answer questions. Commissioner Boot Thomas asked about engineering and was told all engineering has been completed. Commissioner Adger Smith is concerned with the floodplain, as the plan shows the building will be somewhat into the floodplain. Raising the foundation which will displace the water. He does not want to cause problems with the water. Public Works Director Tyler Richardson spoke to explain the construction permit and floodplain permit will not be issued if the project engineering does not meet required specifications. Full review has not been submitted. Travis Phoenix a neighbor spoke. He is concerned with the water flooding his driveway, Public Works Director Tyler Richardson stated once he knows more about the plan for the water displacement. He will contact the resident and explain.

Motion was made by Commissioner Dr. Randall Hickerson and seconded By Commissioner Clyde “Boots” Thomas to approve the request. Motion

passed with a voice vote of 5-0 with no opposition and 2 absences.

ITEM NO. 4. PC 202003 **STREET RENAMING** - Conduct a public hearing on a request by City of Texarkana, Arkansas Ward three (3) Director Stephen Hollibush, 216 Walnut Street, Texarkana, AR 71854-6024, to rename the 3700-4200 blocks of Preston Street to Magee Drive. Preston Street was severed by construction of Interstate 49, is approximately .35 miles in length and merges into Magee Drive.

Commissioner Adger Smith excused himself for this item, he owns property near this item. City Planner Mary Beck explained there are 3 properties with Magee Dr. addresses. There are 17 addresses that abut this road and at some point, could be addressed to it. She believes this renaming would alleviate some confusion with deliveries. Staff has had no objections to this rename. Stephen Hollibush spoke to explain he had residents ask him to bring this forward. There will be advantages for fire and emergency. Commissioner Ager Smith and Travis Phoenix who both own properties in this area spoke in favor of this rename.

Motion was made by Commissioner and seconded By Commissioner Dr. Randall Hickerson to approve the request. Motion passed with a voice vote of 4-0 with no opposition, 2 absences and 1 commissioner excused himself for this item.

ITEM NO. 5. PC 202004 **PUBLIC STRUCTURE NAMING** – Conduct a public hearing on a request by Joe Denmon and Bertha Dunn, et. al., to name the Viaduct over train tracks in the approximate 100-700 block of East Street, aka, U.S. Highway 71S to: Reverend Londell Williams Overpass. A former Mayor and Director, Mr. Williams served the City of Texarkana as an elected official for thirty-seven years, and additionally served one year as volunteer staff at City Hall. His most impactful achievement resulted in the City's current form of government. He also was able to obtain a zip code for Arkansas independent from the Texas zip code.

City Planner Mary Beck stated there were 368 signatures in favor of this rename, 270 of those were Texarkana, AR residents. Joe Denmon spoke to show how Reverend Londell Williams was the only minority mayor ever elected to Texarkana. Londell Dell Wimley, the oldest daughter of the late Reverend Londell Williams said how much she appreciates this honor of her father, "he fought for this city and gave his life to better this city." An impactful part of her speech, "even if you didn't like him you respected him." Commissioner Clyde "Boots" Thomas stated he was critical to Texarkana and he is worthy of this honor. It was asked what the next step is, City Planner Mary Beck stated from here it would be taken before the board of directors and the highway department. Mary E. Williams, the widow of Reverend Londell Williams said thank you to everyone to helped put this together and let his legacy live on. Vice-Chairman Mike Jones stated how he served on the board of directors with Reverend Londell Williams and he was a good friend to all. Commissioner Bertha Dunn spoke of how this should show the younger generation, "you can make a difference, you just must make the right choices. He was in love with this city. Thank you to everyone who got signatures and everyone that helped

all along the way.” Reverend Reco Boyd, current pastor of Park Avenue Church remembers how he was a little boy when Reverend Londell Williams was his pastor, not only did he preach on Sundays he spoke of his love and passion for Texarkana, even from the pulpit. He wanted to make a difference. He is part of the legacy and history of this town. He deserved the honor. City Manager Jay Ellington said it is an honor to speak to honor Reverend Londell Williams, we need to carry this with us and continue his way of moving this city forward.

Motion was made by Commissioner Adger Smith and seconded by Commissioner Clyde “Boots” Thomas to approve the request. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.

- ITEM NO. 6. ORDINANCE REVISION** - Conduct a public hearing for an ordinance to permanently delete the suspended Ordinance No. 227 regarding subdivision regulations, Chapter 24, of the *Texarkana Municipal Code*. The ordinance would also set a limit on subdivision road completion guarantees to not be allowed to extend later than one year from the original due date, or for any such ongoing project currently operating under said guarantee contract, to not be allowed to extend later than one year from the date this ordinance is adopted.

City Planner Mary Beck stated this is the ordinance we have discussed at many meetings to make subdivision regulations.

Motion was made by Commissioner Clyde “Boots” Thomas and seconded By Commissioner Adger Smith to approve the request. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.

- ITEM NO. 7. DISCUSSION RELATED TO COMPLEHENSIVE PLAN** – City Manager Jay Ellington spoke to explain staff has reviewed with the advisory group and we should hear back in mid-March to show commission what we have been working on. City Manager Jay Ellington trusts that the commission will keep moving this forward after he is gone. He thanked the commission for all they do to make this a better city for the future.

- ITEM NO. 8. NEXT MEETING DATE** - March 14, 2023, 6 p.m.

- ITEM NO. 9. ADJOURNMENT**
Motion was to adjourn was made by Commissioner Clyde “Boots” Thomas and seconded By Commissioner Adger Smith to approve the request. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.



Minutes transcribed by Jodie Dye, Planning secretary

Attendees at Tuesday night meeting:

Pastor Reco L. Boyd

Pastor Londell Dell Wimley-Daughter of Rev. Williams

Rev. Otis Wimley

Mrs. Merry Williams-wife of Rev. Williams

Clara Louis

Cheryl Williams

Deacon Ray Adams

Deacon Theo Byrd

Ollie Davis

Theresa Montgomery

Shandrika Hall

Antoinette Scoggins

Edna Boyd

Joe Deniman



Petition Requirements for Naming/Renaming a City Facility

1. Requests to rename a street must include written support in the form of a petition containing more than 50% of the residents on that particular street.
2. Request to name a major facility other than a street must have written support in the form of a petition containing at least 100 verifiable signatures for consideration. (Major facilities include City buildings, parks, trails, honorary streets or sections of roadways, etc.)
3. Requests to name a minor facility must have written support in the form of a petition containing at least 50 verifiable signatures for consideration. (Minor facilities include rooms, pavilions, bridges, fountains, features, walkways; etc.)
4. All petitions must contain the name address, and signature of each person signing the petition.
5. All petitions must be accompanied by a sworn statement from the circulator of the petition attesting to the genuineness and validity of the signatures listed on the petition.



Petition Circulator Statement
for Naming/Renaming a City
Facility

Petition for: Preston Street - section I49 west to Magee Dr.
(Current Facility Name)

To be named: Magee Dr
(Proposed Name)

Property address or location description of facility: _____
Preston Street from I49 west to Magee Drive.

I, Steven Hollibush, do hereby certify that I am a _____
resident of the City of Texarkana, Miller County, Arkansas; my physical address is:

1115 Grand Ave TXK AR 71854

Each signature on the attached petition is genuine and was affixed thereto, on the date shown, in my presence, by a separate individual who declared at the time of signing to be a resident or business owner of the City of Texarkana, Arkansas.

(Signature of Petition Circulator) (Date)

CITY CLERK'S OFFICE
TEXARKANA, AR
DEC 28 2022
RECEIVED
By: _____


Sample Petition

NAME OF PETITIONER		ADDRESS	DATE
1	Print Name Adger Smith Signature <i>[Signature]</i>	Residence/Business Address (No P.O. Box) 3800 Preston St City Zip TXK 71854	Today's Date 12-21-22
2	Print Name Donna Smith Signature <i>[Signature]</i>	Residence/Business Address (No P.O. Box) 3800 Preston St City Zip TXK 71854	Today's Date 12/21/2022
3	Print Name Denny Johnson Signature	Residence/Business Address (No P.O. Box) 3820 Preston St City Zip TXK 71854	Today's Date
4	Print Name Jon Ellington - City of TXK, AR Signature <i>[Signature]</i>	Residence/Business Address (No P.O. Box) 4102 Preston St City Zip TXK 71854	Today's Date 12/28/22
5	Print Name Kessie Johns - Providence Bldg Signature <i>[Signature]</i>	Residence/Business Address (No P.O. Box) 4203 Preston St City Zip TXK 71854	Today's Date 12/21/22
6	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
7	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
8	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
9	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
10	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
11	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
12	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
13	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
14	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date
15	Print Name Signature	Residence/Business Address (No P.O. Box) City Zip	Today's Date

CITY CLERK'S OFFICE
TEXARKANA, AR

R
D
DEC 28 2022
RECEIVED
 By: *[Signature]*

Sample Petition

NAME OF PETITIONER		ADDRESS	DATE
1	Print Name <u>Bob Dawson</u> Signature 	Residence/Business Address (No P.O. Box) <u>4102 Preston St.</u> City Zip <u>Fayetteville, AR 71854</u>	Today's Date <u>02-04-23</u>
2	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
3	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
4	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
5	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
6	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
7	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
8	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
9	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
10	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
11	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
12	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
13	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
14	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____
15	Print Name _____ Signature _____	Residence/Business Address (No P.O. Box) _____ City Zip _____	Today's Date _____

Rec'd
2-13-2023
MB

City of Texarkana, Arkansas

Buildings, Facilities & Streets Naming Policy

1. PURPOSE.

The purpose of this policy is to establish a formal process for naming city-owned facilities, including, but not limited to, building (and portions thereof such as meeting rooms), parks, and other real property facilities. This policy shall also apply to renaming streets and roads, but not to the naming of newly constructed streets and roads, which must adhere to Sec. 2-2.5. – Fees for Services Rendered and Sec. 24-73. (e) – Streets, Alleys and Roads, of the *City of Texarkana, Arkansas Code of Ordinances*.

2. AUTHORIZATIONS.

The Board of Directors shall have final approval of all naming decisions and methods of recognition. The Board of Directors may create a committee or commission for the purpose of recommending naming nominations. Petitioners for name changes must be residents of the City of Texarkana, Arkansas in order for such petition to be considered.

3. OBJECTIVES.

- a. Provide name identification for City-owned buildings, structures, facilities, parks, streets and specified areas.
- b. Provide opportunity for the citizens of Texarkana and neighboring or affected property owners to have input into the process of naming City-owned facilities.
- c. Provide for the recommendation of commissions and committees, as appropriate.
- d. Ensure that control for naming of City-owned facilities rests with the Board of Directors.
- e. Establish guidelines for the methods of recognition.
- f. Allow for the potential to sell naming rights to facilities or properties by written agreement. Street name changes must adhere to Sec. 2-2.5. Fees for Services Rendered of the *City of Texarkana, Arkansas Code of Ordinances*.

4. QUALIFYING NAMES.

Names proposed for City buildings, facilities or streets should provide some form of individual identity related to:

- a. The geographic location of the facility
- b. An outstanding feature of the facility.
- c. The adjoining feature of the facility
- d. A recognized historical event, group, or individual.

- e. An individual or group who provided an exceptional service in the interest of the City of Texarkana.
- f. An individual, group or entity who contributed significantly to the acquisition or development of the facility.
- g. An individual, group or entity who provides land, capital or other resources for the acquisition, expansion, development, or redevelopment of the facility for the express purpose of attaching its name to the facility for a specific period of time through agreement with the Board of Directors.
- h. Street names shall conform to the rules set forth in Sec. 2-2.5. – Fees for Services Rendered and Sec. 24-73. (e) – Streets, Alleys and Roads, of the *City of Texarkana, Arkansas Code of Ordinances*.
- i. Naming facilities, buildings, or streets of individual persons shall comply with the provision of Arkansas Code Annotated §25-1-121.

5. NAMING PROCESS

- a. At the time a City facility or land is acquired, but before development occurs, the City Manager (or designated agent) will assign a temporary working name for the area, facility, or project.
- b. Once the development is initiated, the public and interested citizen groups will be invited to submit nominations by the way of press release, announcement, advertisement, or social media post soliciting nominations or a specified period of time, but not less than three days. The nominations shall be submitted to the Planning Commission.
- c. The Planning Commission shall select a name to recommend for the facility. The Commission's recommendation shall be publicized in a local newspaper for at least a four-week period and citizen comments shall be requested. All property owners adjacent to the facility to be renamed shall be specifically notified in writing of the pending name change during this period. The Commission shall consider all public comments received. No later than sixty days following the four-week public notice period and after considering all public comments received, the Commission shall finalize its recommendation to the Board of Directors. The Board of Directors shall consider the recommended name, and all other pertinent information, in determining the name for the facility.
- d. For the name of an individual (excluding historically significant individuals) to be considered, that person must have contributed significantly to the acquisition or development of the facility or the City. The nomination must be accompanied by a biographical sketch which shall provide evidence of contributions to the facility or the City. Facilities will not be named for living individuals unless the individual made a significant contribution as outline in 4F or 4G above.

6. RECOGNITION

- a. The methods of recognition shall be subject to approval by the Board of Directors. A commission making recommendation regarding a naming decision may also make recommendations regarding the methods of recognition.
- b. Recognition methods may include, but are not limited to:
 - i. Naming the facility or a portion of the facility named after a person, business, or other organization.
 - ii. Erecting a plaque or marker with the honoree's name at the facility.
 - iii. Displaying a sign acknowledging the honoree's donation or accomplishment.
 - iv. Methods of recognition shall not create a commercial appearance of the public facility. Such recognition shall complement the architectural style and appearance of the facility.

7. RENAMING A FACILITY

- a. The renaming of a facility is strongly discouraged. Efforts to change a facility name should be subject to the most critical examination so as not to diminish the original justification for the name or discount the value of prior contributors.
- b. Only those facilities named for geographic location, outstanding feature, or subdivision or neighborhood may be considered for renaming. Facilities named by deed restriction or other legally binding obligation cannot be considered for renaming unless the deed or other restriction so permits.
- c. Facilities named after individuals should not be changed unless it is found and determined by the Board of Directors that the individual's personal character is or was such that the continued use of their name for a facility would not be in the best interest of the community.
- d. In order for a facility to be considered for renaming, the following must occur:
 - i. The recommended name must qualify according to Section 5 of this policy.
 - ii. The nomination for renaming must come from the Planning Commission and be accompanied by a petition from citizens of Texarkana who are users of the particular facility.

8. RENAMING STREETS.

- a. The renaming of streets is strongly discouraged. Efforts to change a the name of a street should be subject to the most critical examination due to the factors related to commerce, public safety response, cost to the public for implementing the name change, and other economic implications or hardships to property owners along the street that might be associated with changing address designations.
- b. Streets named after individuals should not be changed unless it is found that the individual's personal character is or was such that the continued use of their name for a facility would not be in the best interest of the community.
- c. The nomination for renaming must come from the Planning Commission and be accompanied by a petition from citizens of Texarkana who are users of the particular facility.

- d. Petitions or request from residents of Texarkana related to changing the name of a City street shall be forwarded to the Planning Commission. Such petitions or requests shall include the names and contact information of all property owners along the street, including an indication as to whether or not they have been contacted about the proposed name change as well as an indication of whether or not they are in favor of the change. The Planning Commission will analyze the following:
 - i. The number of properties, parcels, structures, and/or addresses that would be affected by changing the name of the street, including definition of the number of residences and businesses.
 - ii. The number of intersections along the street that would require replacement of street signage and the estimated cost of materials and labor to make and install new signs to reflect the name change.
 - iii. Any issues regarding changing the street name in the 9-1-1 address database should be identified.
- e. The Planning Commission shall make a recommendation to the Board of Directors including all relevant information, and as to whether or not the petition or request to change the name of the street should be approved.
- f. The Board of Directors shall decide on the Planning Commission's recommendation. If the Board determines the name change should move forward, such decision shall be publicized in a local newspaper for at least a four-week period and citizen comments shall be requested. All property owners along the street to be renamed shall be specifically notified in writing of the pending name change during this period. The Board shall consider all public comments received. At any time following the four-week public notice period and after considering all public comments received, the Board may finalize the decision regarding renaming the street.
- g. Honorary or Historic designation of a City street. From time to time, the City may receive requests to place an honorary or historic designation upon a City street without officially changing the name of the street. Such requests shall be forwarded to the Planning Commission. The Planning Commission shall make a recommendation to the Board of Directors.
 - i. If the request is made to honor a particular individual, and the name meets the criteria as set forth in Section 4 herein, the Board of Directors may direct that an honorary sign topper be installed reflecting the honoree. Such honorary sign topper shall be smaller and of a different color than the official sign blades designating the official name of the street.
 - ii. If the request is made to honor a specific historic event, or perhaps the former name of the city street, the Board of Directors may direct that sign toppers be installed reflecting historic event or name. Such sign topper shall be small and of a different color than the official sign blades designating the official name of the street.
 - iii. Honorary or Historic designations of City streets are unofficial. They may be so designated for a specific time frame, or until further notice. Such designations may be removed at any time by action of the Board of Directors.

9. OTHER NAMING ALTERNATIVES

- a. Facilities that are donated to the City (or built upon land donated to the City) may be named by deed restriction of the donor. The naming and acceptance of the deed is subject to the recommendation of the Planning Commission and approval by the Board of Directors.
- b. Facilities within a larger facility (i.e., a playground at a park, a meeting room in a building, etc.) may be named separately from the main facility they are in, subject to the other requirements of this policy.

10. SELLING SPONSORSHIP/NAMING RIGHTS

The City may sell sponsorship or naming rights for City facilities to individuals or businesses with the intent of raising capital for the development and/or operations expense of City properties.

- a. A proposal to sell sponsorship or naming rights must be publicly solicited, and any interested party may submit a proposal for purchasing sponsorship or naming rights.
- b. Upon selecting a proposal, the City may negotiate a written agreement specifying the terms of payment and duration of the agreement.
- c. Any proposal agreement shall be publicized and offered for public comment for a period of two weeks. After such time, the Board of Directors may consider approval of the agreement.



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE:	Public Hearing concerning a Resolution of support for a request to be made to the Arkansas Highway Department (ARDOT) asking that the Highway 71S viaduct be named the Reverend Londell Williams Overpass. (PWD-Planning) City Planner Mary Beck NO ACTION to be taken by the Board of Directors at this meeting. This resolution will be presented to the Board of Directors as an ACTION ITEM on March 20, 2023.
AGENDA DATE:	03/06/2023
ITEM TYPE:	Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Other <input checked="" type="checkbox"/> : Public Hearing
DEPARTMENT:	Public Works/Planning
PREPARED BY:	Mary Beck

REQUEST:	Public Hearing concerning a resolution of support for a request to be made to the Arkansas Highway Department (ARDOT) asking that the Highway 71S viaduct be named the Reverend Londell Williams Overpass.
EMERGENCY CLAUSE:	None requested.

SUMMARY:	Recommendation by the Planning Commission following a public hearing to support the petition to name Hwy 71S viaduct the Reverend Londell Williams Overpass.
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EXPENSE REQUIRED:	0
AMOUNT BUDGETED:	0
APPROPRIATION REQUIRED:	0

RECOMMENDED ACTION:	Approve a resolution in support of the petition to name the Highway 71S viaduct the Reverend Londell Williams Overpass.
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EXHIBITS:	Memo to City Manager, Petitions, ARDOT guidelines, Planning Commission item minutes, supporting documents, map.
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**ARKANSAS DEPARTMENT OF TRANSPORTATION SIGNING POLICIES AND
GUIDELINES**

2014-023

WHEREAS, the Commission, by Minute Order No. 2009-033, adopted a policy for the monumenting and signing of commemorative highways and bridges; and

WHEREAS, Act 1225 of the 2013 Regular Session of the 89th General Assembly established regulations for the naming of public buildings, structures, or facilities; and

WHEREAS, these regulations necessitate a reVISION to the policy adopted by the Commission;

NOW THEREFORE, the following policy will be utilized for the monumenting and signing of commemorative highways and bridges:

A monument or sign may be requested by any person, group, agency, or jurisdiction, hereafter referred to as sponsor.

Highways and bridges may be named for persons, groups or themes provided:

- The individual meets the criteria established by A. CA. § 25-1-121.
- Documented support for the naming, acceptable to the Commission, is provided. This documentation may come in the form of resolutions from the governing body of the jurisdiction(s) in which the facility is located, or in other appropriate forms.
- A monument will be allowed as follows:
 - The supporting jurisdiction may furnish an appropriate metal plaque at no cost to the Department. The Department will mount the plaque, in an appropriate location, in a concrete mounting.
 - The location of the mounting will be determined by the Department in consultation with the sponsoring jurisdiction.
- A roadside sign will be allowed as follows:
 - The sponsoring jurisdiction may request a roadside sign permit from the Commission. This permit will be requested by letter to the Director of the Department of Transportation. The request will include the appropriate supporting resolution(s).
 - The sign request will require the approval of the Commission, by Minute Order, authorizing the Director to issue a sign permit.
 - The cost of the sign and installation of the sign will be the responsibility of the sponsoring jurisdiction.
 - The sign size, color, configuration and message will be as approved in the sign permit.
 - The number of signs will generally be limited to one sign in each direction near each end of the named section of highway or approach to the named bridge.
 - The sponsoring jurisdiction will be responsible for the maintenance of the permitted signs. Failure to properly maintain the sign will be cause for revocation of the sign permit.
- On highways which have previously been named for an individual, group or theme, the Commission may name a bridge, tunnel or specific section of the previously named route for another individual, group or theme, provided that all other appropriate provisions of this policy have been met or if otherwise deemed appropriate by the Commission.

25-1-121. Naming of public buildings, structures, airports, or facilities — Definition.

(a) As used in this section, "public funds" means any funds, moneys, receivables, grants, investments, instruments, real or personal property, or other assets, liabilities, equities, revenues, receipts, or disbursements belonging to, held by, or passed through an entity of the state or a political subdivision of the state.

(b) A building, structure, or facility paid for in whole or in part with public funds shall not be named for an individual living at the time of completion of the building, structure, or facility who, in the ten (10) years preceding the construction of the public building, structure, or facility:

(1) Was elected by qualified electors to a federal, state, county, or municipal office or held a federal, state, county, or municipal office; and

(2) Received a salary for his or her service in the federal, state, county, or municipal office.

(c) A municipal airport paid for in whole or in part with public funds shall not be named for an individual living at the time the municipal airport is named, if the individual:

(1) Was elected by qualified electors to a federal, state, county, or municipal office or held a federal, state, county, or municipal office; and

(2) Received a salary for his or her service in the federal, state, county, or municipal office.

(d) This section shall not apply to:

(1) A building, structure, airport, or facility that concerns an individual living at the time of completion of the building, structure, or facility and has historical significance, including without limitation that individual's birthplace;

(2) The naming of a building, structure, airport, or facility after an individual:

(A) Who is or has been a prisoner of war; or

(B) Who is:

(i) At least seventy-five (75) years of age; and

(ii) Retired; or

(3) A building, structure, airport, or facility for which at least fifty percent (50%) of the funds used to pay for the building, structure, airport, or facility are private funds.

(e) This section shall not be construed to prevent an entity receiving public funds from placing an individual's name upon a commemorative object, including without limitation a brick, used in a building, structure, airport, or facility, in exchange for a donation to the entity.

History

Acts 2013, No. 1225, § 2; 2017, No. 983, § 1.

**REGULAR MEETING OF THE PLANNING COMMISSION
CITY OF TEXARKANA, ARKANSAS
February 13, 2023**

The Planning Commission of the City of Texarkana, Arkansas met in regular session on Monday, February 13, 2023, 6:00pm in the Board Room of the City Hall Building at 216 Walnut Street, Texarkana, Arkansas.

ITEM NO. 1: ROLL CALL – Roll call to determine if a quorum is present to conduct business. In attendance were Commissioner Dr. Randal Hickerson, Vice-Chairman Mike Jones, Commissioner Bertha Dunn, Commissioner Clyde “Boots” Thomas, and Commissioner Adger Smith. Commissioner Jason Dupree and Chairman Anderson Neal were absent. A quorum was determined to be present. Staff present were City Planner Mary Beck and Planning Secretary Jodie Dye who acted as recording secretary.

ITEM NO. 2: ADOPTION OF SUMMARIZED MINUTES – Adoption of the January 10, 2023 summarized minutes. Motion was made by Commissioner Bertha Dunn and seconded by Commissioner Clyde “Boots” Thomas to adopt the January 10, 2023 summarized minutes. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.

ITEM NO. 3. REZONING - Request by Dennis R. Sproveri, agent Mike Rozier Construction Co., Inc., PO Box 230, Carrollton, MS 38917, to rezone property from R-2 Single-family residential to C-3 Open-display commercial in order to construct a Dollar General Store. The property is located at 4000 E. 9th Street and is legally described as a part of the W1/2 NE NE of Section 28, T-15S, R-28-W, Texarkana, Miller County, Arkansas, containing 6.72 acres more or less.

City Planner Mary Beck explained there is a shopping center across the street. The property is near Cooper Tire Rd. and all adjoining properties on the north side are commercial. There is about 6 acres of property we are looking at but only 2 acres outside the floodplain that construction would be allowed on. Charlie Montgomery of Greenwood Realty located at 615 Puckett Ave Greenwood, MS. Mr. Montgomery is the realtor representing the contractor, Colton Genkins, spoke to answer questions. Commissioner Boot Thomas asked about engineering and was told all engineering has been completed. Commissioner Adger Smith is concerned with the floodplain, as the plan shows the building will be somewhat into the floodplain. Raising the foundation which will displace the water. He does not want to cause problems with the water. Public Works Director Tyler Richardson spoke to explain the construction permit and floodplain permit will not be issued if the project engineering does not meet required specifications. Full review has not been submitted. Travis Phoenix a neighbor spoke. He is concerned with the water flooding his driveway, Public Works Director Tyler Richardson stated once he knows more about the plan for the water displacement. He will contact the resident and explain.

Motion was made by Commissioner Dr. Randall Hickerson and seconded By Commissioner Clyde “Boots” Thomas to approve the request. Motion

passed with a voice vote of 5-0 with no opposition and 2 absences.

ITEM NO. 4. PC 202003 **STREET RENAMING** - Conduct a public hearing on a request by City of Texarkana, Arkansas Ward three (3) Director Stephen Hollibush, 216 Walnut Street, Texarkana, AR 71854-6024, to rename the 3700-4200 blocks of Preston Street to Magee Drive. Preston Street was severed by construction of Interstate 49, is approximately .35 miles in length and merges into Magee Drive.

Commissioner Adger Smith excused himself for this item, he owns property near this item. City Planner Mary Beck explained there are 3 properties with Magee Dr. addresses. There are 17 addresses that abut this road and at some point, could be addressed to it. She believes this renaming would alleviate some confusion with deliveries. Staff has had no objections to this rename. Stephen Hollibush spoke to explain he had residents ask him to bring this forward. There will be advantages for fire and emergency. Commissioner Ager Smith and Travis Phoenix who both own properties in this area spoke in favor of this rename.

Motion was made by Commissioner and seconded By Commissioner Dr. Randall Hickerson to approve the request. Motion passed with a voice vote of 4-0 with no opposition, 2 absences and 1 commissioner excused himself for this item.

ITEM NO. 5. PC 202004 **PUBLIC STRUCTURE NAMING** – Conduct a public hearing on a request by Joe Denmon and Bertha Dunn, et. al., to name the Viaduct over train tracks in the approximate 100-700 block of East Street, aka, U.S. Highway 71S to: Reverend Londell Williams Overpass. A former Mayor and Director, Mr. Williams served the City of Texarkana as an elected official for thirty-seven years, and additionally served one year as volunteer staff at City Hall. His most impactful achievement resulted in the City's current form of government. He also was able to obtain a zip code for Arkansas independent from the Texas zip code.

City Planner Mary Beck stated there were 368 signatures in favor of this rename, 270 of those were Texarkana, AR residents. Joe Denmon spoke to show how Reverend Londell Williams was the only minority mayor ever elected to Texarkana. Londell Dell Wimley, the oldest daughter of the late Reverend Londell Williams said how much she appreciates this honor of her father, "he fought for this city and gave his life to better this city." An impactful part of her speech, "even if you didn't like him you respected him." Commissioner Clyde "Boots" Thomas stated he was critical to Texarkana and he is worthy of this honor. It was asked what the next step is, City Planner Mary Beck stated from here it would be taken before the board of directors and the highway department. Mary E. Williams, the widow of Reverend Londell Williams said thank you to everyone to helped put this together and let his legacy live on. Vice-Chairman Mike Jones stated how he served on the board of directors with Reverend Londell Williams and he was a good friend to all. Commissioner Bertha Dunn spoke of how this should show the younger generation, "you can make a difference, you just must make the right choices. He was in love with this city. Thank you to everyone who got signatures and everyone that helped

all along the way.” Reverend Reco Boyd, current pastor of Park Avenue Church remembers how he was a little boy when Reverend Londell Williams was his pastor, not only did he preach on Sundays he spoke of his love and passion for Texarkana, even from the pulpit. He wanted to make a difference. He is part of the legacy and history of this town. He deserved the honor. City Manager Jay Ellington said it is an honor to speak to honor Reverend Londell Williams, we need to carry this with us and continue his way of moving this city forward.

Motion was made by Commissioner Adger Smith and seconded by Commissioner Clyde “Boots” Thomas to approve the request. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.

ITEM NO. 6. ORDINANCE REVISION - Conduct a public hearing for an ordinance to permanently delete the suspended Ordinance No. 227 regarding subdivision regulations, Chapter 24, of the *Texarkana Municipal Code*. The ordinance would also set a limit on subdivision road completion guarantees to not be allowed to extend later than one year from the original due date, or for any such ongoing project currently operating under said guarantee contract, to not be allowed to extend later than one year from the date this ordinance is adopted.

City Planner Mary Beck stated this is the ordinance we have discussed at many meetings to make subdivision regulations.

Motion was made by Commissioner Clyde “Boots” Thomas and seconded By Commissioner Adger Smith to approve the request. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.

ITEM NO. 7. DISCUSSION RELATED TO COMPLEHENSIVE PLAN – City Manager Jay Ellington spoke to explain staff has reviewed with the advisory group and we should hear back in mid-March to show commission what we have been working on. City Manager Jay Ellington trusts that the commission will keep moving this forward after he is gone. He thanked the commission for all they do to make this a better city for the future.

ITEM NO. 8. NEXT MEETING DATE - March 14, 2023, 6 p.m.

ITEM NO. 9. ADJOURNMENT
Motion was to adjourn was made by Commissioner Clyde “Boots” Thomas and seconded By Commissioner Adger Smith to approve the request. Motion passed with a voice vote of 5-0 with no opposition and 2 absences.



Minutes transcribed by Jodie Dye, Planning secretary

Attendees at Tuesday night meeting:

Pastor Reco L. Boyd

Pastor Londell Dell Wimley-Daughter of Rev. Williams

Rev. Otis Wimley

Mrs. Merry Williams-wife of Rev. Williams

Clara Louis

Cheryl Williams

Deacon Ray Adams

Deacon Theo Byrd

Ollie Davis

Theresa Montgomery

Shandrika Hall

Antoinette Scoggins

Edna Boyd

Joe Deniman

Williams v. CITY OF TEXARKANA, ARKANSAS, 861 F. Supp. 756 (W.D. Ark. 1992)

U.S. District Court for the Western District of Arkansas - 861 F. Supp. 756 (W.D. Ark. 1992)

September 29, 1992

861 F. Supp. 756 (1992)

**Londell WILLIAMS; James Louis; Joyce Grissom; and Mattie Roberson,
Plaintiffs,**

v.

**The CITY OF TEXARKANA, ARKANSAS, a Public Body Corporate, et al.,
Defendants.**

Civ. No. 92-4001.

United States District Court, W.D. Arkansas, Texarkana Division.

September 29, 1992.

***757** John W. Walker, Mark Burnette, John W. Walker, P.A., Little Rock, AR, for plaintiffs.

Paul Lester Dickerson, Lavender, Rochelle, Barnette & Dickerson, Texarkana, AR, for City of Texarkana, Ark., Bobby Ferguson.

Paul Lester Dickerson, Lavender, Rochelle, Barnette & Dickerson, Texarkana, AR, P.A. Hollingsworth, Hollingsworth Law Firm, P.A., Little Rock, AR, for Bobby Ferguson, Danny Gray, Hubert Easley, Jim Nicholas, Nelson Shaw, Greg Giles.

Paul Lester Dickerson, Lavender, Rochelle, Barnette & Dickerson, Texarkana, AR, M. Brent Haltom, Lewisville, AR, for Miller County Ark. Election Com'n, David Orr, Lou Ann Dean, Margaret McRaney.

David J. Potter, Texarkana, TX, for Danny Jewell.

MEMORANDUM OPINION AND ORDER

HENDREN, District Judge.

Plaintiffs brought this action against the defendants alleging violation of § 2 of the Voting Rights Act as amended in the election of the City of Texarkana Board of Directors. On August 5th and 6th, 1992, this cause was tried to the Court. Post-trial briefs and motions have been filed, and the Court hereby enters its findings and conclusions as follows.

Stipulation

The parties entered into a stipulation which was accepted by the Court. Said stipulation provides:

1. Filed on January 2, 1991, this action was brought by African-American registered voters, James Louis, Joyce Grissom and Mattie Roberson, who reside within the physical boundaries of Miller County, City of Texarkana, Arkansas and a African-American member of the City of Texarkana, Arkansas, Board of Directors, Londell Williams. Named as defendants were the City of Texarkana, Arkansas, a Public Body Corporate; Bobby Ferguson, Mayor of the City of Texarkana, Arkansas; Members of the City of Texarkana, Arkansas, Board of Directors, Individually, and in their official capacities: Bobby Ferguson, Danny Gray, Hubert Easley, Jim Nicholas, Nelson Shaw, and Greg Giles; The Miller County, Arkansas Election Commission; The Members of the Miller County, Arkansas, Election Commission, in their official capacities: David Orr, Lou Ann Dean and Margaret McRaney.

2. The plaintiffs have brought this action pursuant to 42 U.S.C. § 1973 as amended seeking declaratory and injunctive relief. They allege that the at-large method of electing city directors effectively dilutes the voting power of African-Americans in Texarkana and excludes them from meaningful participation in the election of city directors. They [sic] plaintiffs ask the Court to enjoin the defendants from conducting any further at-large elections and to require the establishment of seven (7) single-member districts from which city directors will be elected.

***758** 3. At present, three members of the of the [sic] Board of Directors are elected at-large. Four members of the Board of Directors are elected from wards. Three wards are majority white and one is majority black. Position number one of the at-

large positions is designated as Mayor. Directors serve for staggered four-year terms (three are chosen at one election, and four are chosen at the subsequent election), but each must declare candidacy for the specific vacancy the candidate seeks to fill. A plurality vote determines the winner of each contest for the several vacancies.

4. The Court has jurisdiction over this cause pursuant to 28 U.S.C. § 1343.

5. The population of Texarkana is 22,631, 32% African-American and 68% white. The parties agree that the voting age population of Texarkana is approximately 27.6% African-American and 71.3 white. Based on the foregoing census data, the Court finds that this is a fact. The City of Texarkana and the City Board of Directors did not draw the ward boundaries or designate the at-large districts, nor do they have any authority to do so. Plaintiffs acknowledge that it is not the responsibility or duty of the Board of Directors to draw ward boundaries.

6. Texarkana is characterized in large part by segregated residential housing patterns. That is, many neighborhoods are substantially occupied by citizens of only one race. Approximately 72% of the African-American population of Texarkana lives in a identifiable geographic area referred to by the parties to this litigation as ward 2.

7. Although they possess a variety of political views, the African-American residents of ward 2 have tended to share certain common political, economic, and societal interests. That is, the African-American population has generally tended to comprise a cohesive and unified political force with respect to the predominant concerns of African-American residents.

8. Londell Williams is the only African-American to serve on the Texarkana board of Directors. He was appointed in 1978, ran unopposed in 1982 and 1986; and his opposition in 1988 was an African-American, John Gholston.

History

By way of history, the Court notes that the City of Texarkana has utilized the City Manager form of government pursuant to Act 99 of 1921, *Ark.Code Ann.* §§ 14-47-101 *et seq.* since the 1960s. Act 808 of 1977, *Ark.Code Ann.* § 14-42-202 provided, *inter alia*, that the majority of the members of the governing boards of Arkansas cities should be elected from single-member districts. Shortly after the

passage of said Act 808, the City of Texarkana went to its present four-three plan. The most recent legislation affecting city-manager forms of government (and therefore that of the City of Texarkana) was the City Manager Enabling Act of 1989 *Ark. Code Ann.* §§ 14-61-101 to XX-XX-XXX (Supp. 1991). This act ratified the various city-manager forms of government then in operation and provides cities with a variety of alternatives for structuring or re-structuring the city-manager form of government. The basic options are as follows:

- (1) All members of the board of directors are elected at-large;
- (2) An odd number of directors, with a number equal to one-half plus one elected by ward and the balance are elected at-large;
- (3) All but one member of the board of directors is elected by ward, with the mayor being elected at-large;
- (4) All members are elected by ward. *Ark.Code Ann.* § 14-61-107.

At the present time, as the parties have stipulated, the City of Texarkana uses option no. 2.

Arkansas law provides that the size of the board of directors of a city may be changed by ordinance of the board with two limitations: (a) the board must always contain at least five (5) members; and (b) the board must always contain an odd number of members. *Ark.Code Ann.* § 14-61-105.

An election among these statutorily permitted options may come about from petitions filed by electors, *Ark.Code Ann.* § 14-61-113, or by reference of an option selected ***759** by the board to the voters. *Ark.Code Ann.* § 14-61-114. Whatever the option being used, however, the directors (and where appropriate the mayor) are all selected by a plurality. *Ark, Code Ann.* § 14-61-112.

Finally, under *Ark.Code Ann.* § 14-61-109, the county board of election commissioners of a county has the right and responsibility to divide the territory of the city into the number of wards called for by the structure of government legally in place in the city and these wards or districts are to remain in place unless changed or modified by order of a court of competent jurisdiction. Once fixed by the county board of election commissioners, representatives for each ward and/or district are then elected.

Law and Standards

Before reviewing the evidence in this case, the Court finds it appropriate to set out the applicable law and relevant legal standards to be considered when determining whether § 2 of the Voting Rights Act as amended has been violated. Section 2, as amended, of the Voting Rights Act, 42 U.S.C. § 1973, states:

(a) No voting qualification or prerequisite to voting or standard practice, or procedure shall be imposed or applied by any State or political subdivision in a manner which results in a denial or abridgement of the right of any citizen of the United States to vote on account of race or color, or in contravention of the guarantees set forth in Section 1973b(f) (2) of this title, as provided in subsection (b) of this section; (b) a violation of subsection (a) is established if, based on the totality of circumstances, it is shown that the political processes leading to nomination or election in the State or political subdivision are not equally open to participation by members of a class of citizens protected by subsection (a) of this section in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice. The extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered: *Provided*, That nothing in this section establishes a right to have members of a protected class elected in numbers equal to their proportion in the population.

All parties agree that the seminal case for analysis of vote dilution claims is *Thornburg v. Gingles*, [478 U.S. 30](#), 106 S. Ct. 2752, 92 L. Ed. 2d 25 (1986). The Supreme Court interpretation of the Voting Rights Act in *Gingles* has been referred to by an Arkansas federal district court as establishing a "rather uncompromising structure for the application of the law in vote-dilution cases." *Smith v. Clinton*, [687 F. Supp. 1310](#), 1313 (E.D.Ark. 1988) *remedy adopted, id.* at 1361, *aff'd mem.*, 488 U.S. 988, 109 S. Ct. 548, 102 L. Ed. 2d 576 (1988).

Violation of § 2 can be proved by showing discriminatory effect alone. *Gingles*, 478 U.S. at 43-44, 106 S. Ct. at 2762-63. Further, the Supreme Court in *Gingles* stated:

Subsection 2(b) establishes that § 2 has been violated where the "totality of circumstances" reveal that "the political processes leading to nomination or

election ... are not equally open to participation by members of a [protected class] ... in that its members have less opportunity than other members of the electorate to participate in the political process and to elect representatives of their choice." While explaining that "[t]he extent to which members of a protected class have been elected to office in the State or political subdivision is one circumstance which may be considered" in evaluating an alleged violation, § 2(b) cautions that "nothing in [Section 2] establishes a right to have members of a protected class elected in numbers equal to their proportion in the population."

Id. at 43, 106 S. Ct. at 2762.

The Supreme Court in *Gingles* reviewed the Senate Report which accompanied the 1982 amendment, wherein the Senate elaborated on the nature of § 2 violations and on the proof required to establish these violations. The Court stated that the "right" question is whether "as a result of the challenged practice or structure plaintiffs do not have an equal opportunity to participate in the political processes and to elect candidates ***760** of their choice." *Id.* at 44, 106 S. Ct. at 2763. (footnote and citation omitted). The Court then discussed the following factors suggested by the Senate Judiciary Committee Report which typically may be relevant to a § 2 claim:

the history of voting-related discrimination in the State or political subdivision; the extent to which voting in the elections of the State or political subdivision is racially polarized; the extent to which the State or political subdivision has used voting practices or procedures that tend to enhance the opportunity for discrimination against the minority group, such as unusually large election districts, majority vote requirements, and prohibitions against bullet voting; the exclusion of members of the minority group from candidate slating processes; the extent to which minority group members bear the effects of past discrimination in areas such as education, employment, and health, which hinder their ability to participate effectively in the political process; the use of overt or subtle racial appeals in political campaigns; and the extent to which members of the minority group have been elected to public office in the jurisdiction. The Report notes also that evidence demonstrating that elected officials are unresponsive to the particularized needs of the members of the minority group and that the policy underlying the State's or the political subdivision's use of the contested practice or structure is tenuous may have probative value. The Report stresses, however, that this list of typical factors is neither comprehensive nor exclusive. While the enumerated factors will often be pertinent to certain types of § 2 violations, particularly to vote dilution claims, other

factors may also be relevant and may be considered. Furthermore, the Senate Committee observed that "there is no requirement that any particular number of factors be proved, or that a majority of them point one way or the other." Rather, the Committee determined that "the question whether the political processes are 'equally open' depends upon a searching practical evaluation of the 'past and present reality,'" and on a "functional" view of the political process.

Id. at 44-45, 106 S. Ct. at 2763-64 (citations and footnotes omitted).

In evaluating the past and present reality of whether the political processes are "equally open," in the context of vote-dilution cases, the evaluation is shaped by consideration of three circumstances:

First, the black voters must show that their numbers are sufficiently large and geographically compact to constitute a majority in a single-member district. *Second*, the plaintiffs must show that the group to which they belong is politically cohesive. *Third*, the black voters must show that "the white majority votes sufficiently as a bloc to enable it in the absence of special circumstances, such as the minority candidate running unopposed ... usually to defeat the minority's preferred candidate." The latter two of these factors may be demonstrated by a showing that voting in the jurisdiction is highly racially polarized.

Smith, 687 F.Supp at 1314-1315, citing *Gingles* (citations omitted).

The Court in *Gingles* recognized that multi-member districts and at-large voting schemes may "operate to minimize or cancel out the voting strength of racial [minorities in] the voting population." *Gingles*, 478 U.S. at 47, 106 S. Ct. at 2764. (citation and footnote omitted). However, they are not *per se* violative of minority voters' rights. *Id.* at 48, 106 S. Ct. at 2765. Plaintiffs must prove that the use of a multi-member electoral structure "operates to minimize or cancel out their ability to elect their preferred candidates." *Id.*

Plaintiffs say the four-three system now in place in Texarkana violates § 2 of the Voting Rights Act by effectively diluting the voting power of the blacks in Texarkana. Plaintiffs do not claim that with almost one-third (1/3) of the population (32%), the blacks in Texarkana should have one-third (1/3) of the seats on the seven-member board (*i.e.*, at least two of seven). However, they do say that with the large concentrations of blacks in geographically compact areas of the cities, their voting power is diluted by the provision for the election of three at-large board members.

***761 Number and Geographical Location of Black Voters**

In addressing the first factor required by *Gingles* (whether black voters can show that their numbers are sufficiently large and geographically compact to constitute a majority in a single-member district), the Court notes that plaintiffs' uncontroverted evidence establishes that black minority voters are sufficiently numerous and geographically compact to constitute a majority in at least one (1) of the four (4) wards presently extant. As earlier stipulated, approximately 72% of the black population of Texarkana lives in an identifiable geographic area referred to as ward 2 under the City's existing four wards. Further, the uncontroverted testimony supported this stipulated evidence.

Accordingly, the Court finds that plaintiff has presented sufficient proof for the Court to conclude that the minority population is sufficiently geographically concentrated to constitute a majority in one or more single member district(s).

Black Minority Bloc Voting

Considering the second factor required by *Gingles* (whether the black minority is politically cohesive), the Court heard extensive testimony from plaintiffs' expert, James Russell Lynch, a research specialist with eleven years' experience at the University of Arkansas at Little Rock (UALR). Mr. Lynch testified as to his educational background and his work in demographics. He obtained official data on voting statistics for Texarkana from UALR which is the official custodian for such data.

With respect to specific elections in Texarkana, Mr. Lynch reviewed the data (based upon 1980 census figures) to determine: (a) the Black Voting Age Population (BVAP); (b) the percent of the total vote cast by blacks; (c) the percent of the total vote cast by whites; (d) results of the black and white vote on black versus white candidates in each precinct; and (e) whether there was a correlation between the race of the voter and that of the candidate for whom he or she voted.

Six elections occurring in Texarkana during the period extending from 1984 through 1991 were analyzed by Mr. Lynch and made the subject of charts which were introduced into evidence.

Mr. Lynch's technique employed the so-called correlation and regression analysis which reflects the relationship between two variables. In this type of analysis, the

"r" may range from 0.0 (indicating the two variables are independent) to +1.0 (indicating perfect correlation of the two variables in a positive direction) or, the "r" could range from 0.0 to -1.0 (indicating perfect correlation of the two variables in a negative direction). (See Note 1, Plaintiff's Exhibit 5, attached hereto).

By squaring the correlation figure to produce "r²", Mr. Lynch asserts that the resulting figure (termed "coefficient of determination") *explains* the variance in one variable when it is associated with a second variable. (See Note 2, Plaintiff's Exhibit 5). In other words, it is asserted that "r²" explains the proportion of variation in a candidate's support accounted for by the racial composition of a precinct.

With respect to black voters, Mr. Lynch considered the percentage of blacks in a precinct with the percentage of blacks that voted for the black candidate in the black/white race. A value of "r" was then assigned to the correlation between the two numbers.

The first election analyzed by Mr. Lynch was the 1984 city director election between a black (Griffin) and a white (Gray) which was won by the white. (See page 1 of Plaintiff's Exhibit 3, attached hereto). The analysis produced an "r" of .987 and an "r²" of .974. The analysis indicates, according to Lynch, that as the percentage of blacks in a precinct increases, the percentage of vote for the black candidate increases in nearly the identical proportion (.987). If the correlation was exact, then the "r" would be 1.0. Similarly, the "r²" value of .974 indicates that race would explain approximately 97 percent of the variation in the vote for the black. (See Plaintiff's Exhibit 4, attached hereto).

The second election analyzed by Mr. Lynch was the 1985 school director election between a black (Burse) and a white (Harrelson) which was also won by the white (see ***762** page 2 of Plaintiff's Exhibit 3, attached hereto).^[1] The analysis indicates an "r" of .964 and an "r²" of .930 with respect to black voting. This indicates that there is a very high correlation between the size of the black population and the size of the vote received by the black candidate.

The third election analyzed was the 1989 school director election between a black (Larry) and a white (Sperry) which was won by the white. (See page 3 of Plaintiff's Exhibit 3, attached hereto). The analysis of this election revealed an "r" of .851 and an "r²" of .75 with respect to the black vote. Again, these numbers indicate a direct positive correlation between the number of blacks voting and the number of votes received by the black candidate.

The fourth election analyzed was the 1991 school director election between a black (Larry) and two whites (Cherry and Davis). (See page 4 of Plaintiff's Exhibit 3, attached hereto). The analysis indicates that with respect to black participation, the "r" was .933 and the "r²" was .871. This indicates, as in the previous cases, a direct positive correlation between the number of black voters and the number of votes received by the black candidate.

The fifth race analyzed was the 1991 school director runoff race between the black (Larry) and the white (Davis) which was won by the white. (See page 5 of Plaintiff's Exhibit 3, attached hereto). Here, with respect to black voters, the "r" was .942 and the "r²" was .87. (See Plaintiff's Exhibit 4, attached hereto). Here again, there was a direct positive correlation between the number of black voters and the number of votes received by the black candidate.

Finally, the sixth race analyzed was the 1991 school director contest between a black (Garrison) and a white (Bryant) which the white won. (See page 6 of Plaintiff's Exhibit 3, attached hereto). The analysis indicated an "r" of .908 and a "r²" of .824 with respect to black voters, which again indicates a direct positive relationship between the number of black voters and the number of votes received by black candidates.

Based upon the raw data reflected by his analysis, (Plaintiff's Exhibit 3) and the correlation analysis reflected by Plaintiff's Exhibit 4, Mr. Lynch concluded that black voters vote in bloc in a very consistent and predictable way. He said the correlations are statistically significant in every race and concluded there had been racially polarized voting in all six of the elections analyzed with respect to the black voters.

White Majority Bloc Voting

Mr. Lynch considered these same six races from the standpoint of white voter participation to determine whether or not the white voters had consistently voted in bloc in the races. With respect to white voters, Mr. Lynch considered the percentage of whites in a precinct with the percentage of whites who voted for the white candidate in the black/white race. The value of "r" was then assigned to the correlation between the two figures.

Plaintiff's Exhibit 5 shows the results of this analysis and, here again, the "r" and "r²" factors clearly indicate that whites have voted in bloc in the races in question. Mr. Lynch concluded that, based on the races analyzed, white voters vote as a bloc

and are usually able to defeat the black candidates. This happened in all races analyzed with the exception of the initial 1991 school director race (the fourth race analyzed) which was between one black candidate (Larry) and two white candidates (Cherry and Davis) which resulted in a runoff election between the black and one of the whites (Davis).

The data compiled by Mr. Lynch indicated that in each of the six elections analyzed, a statistically significant correlation exists between the support for the black candidate in a precinct group and the percentage of the voting age population in the precinct that is black. The higher the percentage of black *763 voting age population, the higher the vote percent for the black candidate. The analogous correlation exists in the white precincts, indicating white bloc voting.^[2] The degree of polarization as measured by the "r" and "r2" presented for the Texarkana city board of directors and school board elections ("r" values for black voting data ranged from .851 to .987, and "r2" values range from .725 to .974) is at least as great as similar figures in *Gretna* and *Campos*.

Based upon his analysis, Mr. Lynch concluded that black bloc voting and white bloc voting has occurred in Texarkana in a severe and chronic way and that racial polarization was in voting in all races from 1984 to last year's election.

The Court notes that the only election contests Mr. Lynch analyzed were those involving black versus white candidates and that he made no attempt to analyze the voting patterns of either black or white voters in contests involving only white candidates. In *Smith v. Clinton*, [687 F. Supp. 1310](#) (E.D.Ark.1988), *remedy adopted*, *id.* at 1361, *aff'd mem.* 488 U.S. 988, 109 S. Ct. 548, 102 L. Ed. 2d 576 (1988), the plaintiffs objected to proof offered by defendants with respect to races *other* than between black and white candidates, saying that only evidence involving races between black and white candidates can be considered. Concerning that objection, the Court said:

We assume without deciding that all of the evidence offered by the defendants is admissible and properly to be considered. We make this assumption because the result in this case would be the same either way.

First, we believe it is proper to give considerable weight to the evidence of polarization in elections between black and white candidates. In *Thornburg*, the Supreme Court relied heavily on such evidence. Further, in a functional assessment

of the political process, one of the most important factors is the extent to which members of the minority group have been elected to office in the jurisdiction. Whether our assessment of the political realities in Crittenden County is expressed in terms of "black candidates" or "candidates preferred by black voters," our conclusion is still that "minority group members prefer certain candidates whom they could elect were it not for the interaction of the [multi-member] structure with a white majority that votes as a significant bloc for different candidates."

Second, the most probative indication of vote dilution stemming from the multi-member structure of the district is the results of the State Representative elections. This case is about a particular electoral structure and its effect on minority participation. Certainly, there is evidence that white candidates preferred by black voters sometimes win in elections involving only whites. The evidence of polarized voting in State Representative elections involving blacks against whites is so strong, however, that it cannot be overcome even when all reasonable inferences are accorded to the evidence of elections involving only white candidates."

Id., 687 F. Supp. at 1316-1317 (citations omitted).

This Court can only speculate as to what the evidence might have shown had either party presented same with respect to elections involving only whites. It might reasonably be supposed, however, that had learned counsel believed that such evidence would be probative it would have been presented certainly it would have been proffered by defendants if considered strong enough to overcome the black/white evidence offered by plaintiffs. In the absence of any evidence concerning white only elections and in view of the strong evidence of polarized voting in black/white elections, this Court believes the case is made on this point and holds that ***764** there is racially polarized voting in the elections relative to the Board of Directors of the city of Texarkana despite the possible fact that blacks and whites may often prefer the same candidate in races involving only whites.

In their post-trial briefs, city defendants agree that black residents of wards 1 and 2 have tended to share certain common political, economic and societal interests, and that they generally "bloc" voted for the black candidate for city director in the only race involving one black candidate and one white candidate. (1984 Griffin-Gray City director Election). Defendants contend, however, that "this phenomenon, black bloc voting," is not absolute, pointing to the 1988 race for State Representative where Dowd, the white candidate, defeated Keener, the black candidate, for the

District 94 position in wards 1 and 2. The correlation coefficients and precinct data persuasively indicate otherwise.

Mr. Londell Williams, a plaintiff, was appointed to the city board of directors in 1978, has never had a white opponent, and when he was opposed by a black candidate, was an incumbent. Urgings that Mr. Williams' experience refutes the contention that blacks are unable to elect a black to the board are unpersuasive precisely because of his experience as stated above. He has had the advantages of appointment and incumbency and the lack of a white opponent. Accordingly, the Court is of the opinion that Mr. Williams' experiences do not support the notion that minority voters have the ability to elect representatives of their choice in at-large elections in Texarkana.

Defendants attempt to explain the bloc voting by referring to other factors, such as name recognition, reputation, political philosophy, stand on various issues, age, and experience, arguing that these factors play a dominant role in the voting of the other two wards when the choice is between a black candidate and one or more white candidates. However, these arguments are based principally on speculation, and the Court did not hear sufficient evidence to warrant such a conclusion.

Defendants point to the language in the statute which provides that "nothing in [§ 2] establishes a right to have members of a protected class elected in numbers equal to their proportion in the population." *Gingles*, 478 U.S. at 43, 106 S. Ct. at 2762; 42 U.S.C. § 1973(b). However, in this case, proportional representation has never been achieved. Although not an entitlement, proportional representation is a factor which may be considered in determining whether a violation of § 2 has occurred. 42 U.S.C. § 1973(b).

Defendants argue that Mr. Lynch failed to take into account the fact that the city board directors are elected by plurality vote. The Court is not persuaded that this difference would require a different result in this voting rights analysis, especially in light of this Court's obligation to conduct a "searching practical evaluation of the `past and present reality,'" and a "functional" view of the political process." *Gingles*, 478 U.S. at 45, 106 S. Ct. at 2764.

Defendants refer to the other factors the Senate Report suggested be considered in support of their position, and the Court has considered those factors. It should be noted that plaintiffs are not required to prove the existence of any certain number of the factors listed, nor are they required to show that a majority of the factors "`point one way or the other.'" *Id.*

Regarding these other factors, defendants concede that Arkansas and Texarkana have a history of official race discrimination, but argue that most of this history can be dismissed or minimized on the ground that it occurred so long ago that its effects have by now disappeared almost completely. The Court cannot comfortably embrace that argument in view of the facts which have been presented to the Court regarding the results of the elections over the past few years. However, the evidence presented, for the most part, shows a communal desire, among both blacks and whites, to achieve fair government representation for all without the taint of past inequities based on race. No evidence was presented indicating that racial campaign tactics have been employed and no suggestion is made that the vote dilution occurring under the present system of government ***765** is the result of intentional or institutionalized discriminatory practices.

In summary, the Court believes that the second and third *Gingles* factors (black bloc voting ineffectual to elect blacks' preferred candidate and white block voting capable of defeating blacks' preferred candidate) have both been established by plaintiff's proof particularly that in the form of their expert's testimony which showed that voting in the city had been highly racially polarized.

In further support of their contentions, plaintiffs assert that the city board has not been responsive to the needs and concerns of the city's minority population. The Court heard evidence concerning issues involving: a dangerous railroad crossing problem; health hazards surrounding a "bird droppings" cleanup; the renovation (or lack of renovation) of an old public swimming pool and the location of a proposed new public swimming pool; and the dismissal of a black (Joyce Grissom) from the city's civil service commission.

In all of these issues except that involving Joyce Grissom, the Court believes the essential culprit is the same encountered by most cities in this country lack of sufficient money to address all of the city's problems. These issues involve both black and white citizens although they perhaps have greater immediate impact on the blacks. As is always the case where an important issue cannot be easily resolved, there are charges and counter charges as to what should have been done and by whom and with what in order to solve these issues. This Court is unwilling to substitute its judgment on each of these issues, based only upon the proof heard in this case, for that of the representatives of the citizens of Texarkana, where it appears that a great deal of time and energy has been expended by the city board and others in trying to deal with them.

With respect to the Joyce Grissom dismissal, there obviously was and is a difference of opinion as to the circumstances surrounding Ms. Grissom's departure from the civil service commission. However, the Court cannot say that this incident, whatever the true facts concerning it are, proves a lack of responsiveness on the part of the existing city board to the needs and concerns of the minority population of Texarkana.

Mr. Lynch presented evidence of significant socio-economic and educational disparities between blacks and whites which have a continuing effect on the minority's access to the political process. According to the 1990 census, per capita income for blacks in Miller County was approximately 50% of the per capita income for whites. Roughly 2½ times more whites were employed than blacks, and yet slightly more blacks drew unemployment than whites (55.3% to 41.9%). Only about 26.6% of the population who graduated from high school were black, while 71.3% were white. No blacks are represented in the category of family income above \$75,000.00 per year, while 358 white families have this level of income. While the Court takes due note of this evidence and could speculate as to its impact on access of blacks to participation in the political process, the actual *result* of the challenged structure and not the causes of same must define the Court's findings under *Gingles*.

Based upon the evidence offered by the parties, the Court finds there is racially polarized voting in the city of Texarkana city board elections; that black voters in the city usually vote cohesively in a bloc or as a unit; and that white voters have the strength and inclination under the present 4-3 system to frustrate the choices of black voters with respect to all three at large positions and with respect to three of the four ward positions. Thus, pursuant to the precepts of *Gingles*, the court finds that the present four-three structure for the election of the city board of Texarkana deprives black citizens of the city of an equal opportunity to participate in the political process and to elect candidates of their choice.

Having so found, the Court must now address possible remedies and the respective responsibilities of the parties for the implementation of same.

To further that address, it is useful to now dispose of the post-trial motion made by *766 defendant Miller County Election Commission (the Election Commission).

The Election Commission's Motion For Directed Verdict contends, *inter alia*, that plaintiffs' evidence didn't support their complaint; that plaintiffs didn't meet the requirements of *Gingles*; and, in the alternative, that if plaintiffs did establish a

violation of § 2 of the Voting Rights Act, the Election Commission is not responsible for such violation since it had complied with applicable law in the performance of its role relative to the process in place for the election of the governing board of the City of Texarkana.

The first two (2) contentions are obviously without merit in view of the Court's findings hereinabove stated. The Court believes the third contention is sound for the following reasons:

1. *Ark.Code Ann.* § 14-61-107 provides, *inter alia*, that the *city* using the management form of government may choose one of several options as a method to select a board of directors. The Court has not found, nor has any party cited, any statutory provision giving the Election Commission or any other entity the right to choose such method.

2. *Ark.Code Ann.* § 14-42-202(c) (1) (A) provides, as follows:

The county board of election commissioners of the county shall divide the territory of each city, as defined in this section, into a number of districts or wards having substantially equal population, according to the most recent federal census of population in each city, equal to the number of members of the governing board to be elected from districts as defined in this section.

3. While plaintiffs do argue that ward 2 contained an unnecessarily large black population, there is no evidence that this condition was the result of an attempt on the part of the Election Commission to effectively dilute black voting strength. Rather, it might just as validly be supposed that the condition was intended and thought to be desirable to insure that the resultant voting strength in this one of four wards would be sufficient to give blacks a reasonable chance to elect the candidate of their choice. The real problem addressed by plaintiffs in this suit and the proper basis for their success is the effect of the three at-large seats in the 4-3 scheme. The actions of the Election Commission (as mandated by Arkansas law) would have had no impact on these three seats.

4. It therefore follows that, in the absence of any evidence that anything the Election Commission did or failed to do *caused* the situation resulting in the violation of Section 2 of the Voting Rights Act, plaintiffs' cause of action against the Election Commission is without merit and plaintiffs are now entitled to no relief as against it.

Understanding and believing that as and when a proper structure for board membership and a proper process for selection of board members are both put in place as a result of this litigation, the Election Commission will still be obliged to divide the territory of the city into the proper number of districts or wards in accordance with *Ark. Code Ann. § 14-42-202(c) (1) (A)*, the Court nevertheless declines to dismiss the Election Commission from the case and chooses to retain jurisdiction over it pending final implementation of the remedies mandated herein.

At the close of the case, the city of Texarkana renewed its Motion for Summary Judgment and interposed its Motion to Dismiss Plaintiffs' complaint as to the City. In view of the Court's findings set out above, both motions must be denied.

Finding, as it has, that the present 4-3 plan for election of board members violates § 2 of the Voting Rights Act, the Court is obliged to direct that the said present plan be abandoned; that the present board members cease to be such; that a new nonviolative plan be put in place; that the city's population be duly reapportioned in accordance with the new plan and in compliance with both Arkansas and Federal law particularly the Voting Rights Act; and that new board members be duly elected for service under the said new plan.

***767** The Court notes that plaintiffs presented, through their expert witness James Russell Lynch, a proposed seven (7) member single district plan as an alternative to the present plan being struck down by the Court. Mr. Lynch acknowledged he was not familiar with the *Gingles* case and therefore was not representing that his plan exactly comported with the guidelines set out therein. He stated, rather, that in preparation of the plan, he gave attention to five (5) factors:

1. The long-time legal standard of one-man, one-vote;
2. Non-dilution of minority voting strength;
3. Development of compact and contiguous districts;
4. Recognizable boundaries;
5. Facilitation of elections i.e. identifying most feasible polling places.

Mr. Lynch said his plan, based upon the 1990 census figures for Texarkana, would feature two (2) of the seven (7) districts with minority populations of 60.5% and 60.1%, respectively, and a third district having a "substantial impact" minority population of 45.8%.

Defendants did not and do not argue that such a seven (7) member single district plan is not feasible. Rather, defendants argue plaintiffs did not prove that, under the present 4-3 plan, blacks have had less opportunity than other citizens to participate in the political process in Texarkana and to elect city directors of their choice.

While the Court agrees with defendants that there was no evidence presented showing the existence of racial appeals in campaigns and that there is alive and well in Texarkana a spirit of cooperation and mutual respect among many of both races, the Court is compelled to conclude, as it has, that the *result* of the utilization of the present 4-3 plan is that blacks have less opportunity to participate in the political process relative to the election of city board members in the city of Texarkana.

This Court does not now express any view as to the relative merits of the plan proposed by plaintiffs as compared to any other plan which might be developed.

While the role of this Court is not to govern the city of Texarkana nor to supervise that government over an extended period of time, it must nevertheless see to it that a proper remedy for the § 2 violation is crafted and implemented.

Accordingly, the defendant City of Texarkana, the defendant members of the present City Board of that City and plaintiffs are ordered to submit to the Court and to the defendant Miller County Election Commission, on or before October 15, 1992, proposed plans for structuring the City of Texarkana's manager form of government and the election of the board members thereof.

Upon receipt of such plan or plans, the Miller County Election Commission is directed to prepare proposed reapportionment data responsive to each such plan so submitted which would reflect the proper discharge of the Election Commission's duties with respect to each plan under both Arkansas and Federal law as well as under the findings of this Court in this case should such plan be selected and implemented. The product of the Election Commission's preparation efforts shall be forwarded to the Court, with copies to plaintiffs and all defendants, on or before November 1, 1992.

This Court will convene on November 6, 1992, to consider these plans and attendant data.

In order to avoid unnecessary disruption of the governmental affairs of the City of Texarkana, the Court hereby stays, pending further Order of this Court, those portions of its Order which would direct (1) that the present form of government in the City of Texarkana be abandoned; and (2) that the present members of the city board cease to be such.

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EXHIBIT 3

1984 Griffin-Gray City Director Election		
Precinct	Black VAP Percent Percent Vote for Gray	Percent Vote for (Black Candidate)
2B	94.6 8.7	91.3
2C	80.8 21.2	78.8
2A, 3A	32.3 61.7	38.3

1B	65.6	17.5	34.4
1C	70.3	16.6	29.7
3B	81.4	11.0	18.6
4A, 4B	81.4	9.0	18.6
1A	73.5	7.6	26.5
3D	88.9	5.4	11.1
3C	83.0	1.2	17.0

1989 Larry-Sperry School Director Election

Precinct	Black VAP Percent	Larry Vote Percent
Sperry Vote Percent		
(White Candidate)		(Black Candidate)

2B	18.-	96.1	81.5
2C	23.8	63.5	76.7
2A, 3A	48.-	42.5	51.3
1B	52.8	37.1	47.2
1C	43.4	30.8	56.6
1A	37.5	20.4	62.5
4A, 4B	69.9	13.6	30.1
3B	57.8	9.8	42.2
3D	59.0	5.2	41.0
3C	55.8	4.8	44.2

Director Election 1991 Larry-Cherry/Davis School

Precinct	Black VAP Percent	Percent Vote for Larry	Percent Vote for Cherry/Davis	Percent Vote for (Black Candidate)
	(White Candidate)			
2B	96.1	4.8		95.2
2C	63.5	7.6		92.4
2A, 3A	42.5	58.6		41.4
1B	37.1	60.3		39.7
1C	30.8	82.2		17.8
1A	20.4	87.5		12.5
4A, 4B	13.6	81.1		18.9

3B	78.8	9.8	23.2
3D	86.3	5.2	13.7
3C	92.6	4.8	7.4

1991 Larry-Davis School Run-Off Election

Precinct	Davis Vote Percent	Black VAP Percent	Larry Vote Percent
			(Black Candidate)
			(White Candidate)
2B	2.3	96.1	97.7
2C	3.6	63.5	96.4
2A, 3A	45.6	42.5	54.4
1B	62.9	37.1	37.1

1C	81.6	30.8	18.4
1A	76.2	20.4	23.8
4A, 4B	80.5	13.6	19.5

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1991 Larry-Davis School Run-Off Election			
Precinct	Davis Vote Percent	Black VAP Percent	Larry Vote Percent
	(White Candidate)		(Black Candidate)
3B	82.8	9.8	17.2
3D	88.8	5.2	11.2

Precinct	Black VAP Percent	Bryant Vote Percent	Garrison Vote
3C	4.8	87.7	12.3
1991 Garrison-Bryant School Director Election			
Precinct	Black VAP Percent	Bryant Vote Percent	Garrison Vote
			(Black Candidate)
			(White Candidate)
2B	96.1	10.0	90.0
2C	63.5	0.0	100.0
2A, 3A	42.5	57.6	42.4
3B	9.8	80.0	20.0
3D	5.2	80.8	19.2

TEXARKANA, ARKANSAS
SUMMARY OF POLARIZED
VOTING PATTERNS
Black VAP Percent in Precinct
with
Black Candidate Vote Percent In

Precinct	Correlation	
	Coefficient	R square
Statistically Election Significant? 1984 City Director Griffin-Gray	.987	.974
Yes 1985 School Director Bursey-Harrelson	.964	.930
Yes 1989 School Director Larry-Sperry	.851	.725
Yes 1991 School Director Larry-Cherry/Davis	.933	.871
Yes 1991 School Director Larry-Davis (Runoff)	.942	.887
Yes 1991 School Director Garrison-Bryant	.908	.824

1 The Correlation Coefficient (the "r" statistic) measures the *strength* of a relationship between two variables. The "r" may range from 0.0 (the two variables are independent) to + 1.0 (the two variables are perfectly correlated in a positive direction). Also, "r" may range from 0.0 to - 1.0, a value which indicates perfect correlation in a negative direction (inverse correlation). See: Buchanan, William. *Understanding Political Variables*, 4th Edition (New York: MacMillan Publishing Co., 1988) p. 290.

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2 R-square is a meaningful statistic because it *explains* the variance in one variable when it is associated with a second variable. For example, in the 1991 Larry-Davis Run-off election, the Black VAP variable

explains 88 percent of the variance (change) in the vote for Larry. See: *Ibid.*, p. 288-290.

3 The F statistic was used to test whether the values of "r" and "R Square" were due to chance. The F value was found to be statistically significant. This means that the probability of the results found ("r" and "R Square") occurring by chance is less than 1 in 20. See: *Ibid.*, p. 96-97.

EXHIBIT 5
TEXARKANA, ARKANSAS
SUMMARY OF POLARIZED
VOTING PATTERNS

White VAP Percent in Precinct
with

White Candidate Vote Percent In

Precinct

Correlation

Statistically
Election
Significant?

Coefficient

R square

1984 City Director
Griffin-Gray

.987

.974

Yes

1985 School Director
Burse-Harrelson

.964

.930

Yes

1989 School Director
Larry-Sperry

.851

.725

Yes

1991 School Director
Larry-Cherry/Davis

.933

.871

Yes

1991 School Director
Larry-Davis (Runoff)

.942

.887

Yes

1991 School Director
Garrison-Bryant

.908

.824

Yes

1 The Correlation Coefficient (the "r" statistic) measures the strength of a relationship between two variables. The "r" may range from 0.0 (the two variables are independent) to + 1.0 (the two variables are perfectly correlated in a positive direction). Also, "r" may range from 0.0 to - 1.0, a value which

indicates perfect correlation in a negative direction (inverse correlation). See: Buchanan, William.

Understanding Political Variables, 4th Edition (New York: MacMillan Publishing Co., 1988) p. 290.

2 R-square is a meaningful statistic because it *explains* the variance in one variable when it is associated with a second variable. For example, in the 1991 Garrison-Bryant election, the White VAP variable *explains* 82 percent of the variance (change) in the vote for Bryant. See: *Ibid.*, p. 288-290.

3 The F statistic was used to test whether the values of "r" and "R Square" were due to chance. The F value was found to be statistically significant. This means that the probability of the results found ("r" and "R Square") occurring by chance is less than 1 in 20. See: *Ibid.*, p. 96-97.

NOTES

[1] Although testimony indicated that school board elections encompass rural areas not encompassed in the city board elections, Mr. Lynch testified that of the two majority black wards in the school board elections, neither are in rural areas. The Court therefore finds the school district elections to be relevant elections in this case because these elections are also local in nature, and confirm the data obtained in the only city board election that was appropriate to analyze.

[2] The Court agrees with plaintiffs that Mr. Lynch's analysis, a bivariate regression analysis, provides the same detailed statistical basis for a finding of political cohesion that the Supreme Court and other courts have relied upon. *Gingles*, 478 U.S. at 52-53, 106 S.Ct. at 2767-67; *see also*, *Campos v. City of Baytown*, 840 F.2d 1240, 1245-1246, & n. 9, *aff'd en banc*, 849 F.2d 943 (5th Cir. 1988), *cert. denied*, 492 U.S. 905, 109 S. Ct. 3213, 106 L. Ed. 2d 564 (1989); *Citizens for a Better Gretna v. City of Gretna*, 834 F.2d 496, 499-500, n. 7 and 8 (5th Cir. 1987), *cert. denied*, 492 U.S. 905, 109 S. Ct. 3213, 106 L. Ed. 2d 564 (1989).



Petition Circulator Statement
for Naming/Renaming a City
Facility

Petition for: UN-NAMED
(Current Facility Name)

To be named: REVEREND LONDELL WILLIAMS OVERPASS
(Proposed Name)

Property address or location description of facility: CURRENTLY REFERRED
TO AS TEXARKANA VIADUCT

I, BERTHA DUNN, do hereby certify that I am a
resident of the City of Texarkana, Miller County, Arkansas; my physical address is:

2704 E. 15th Street

Each signature on the attached petition is genuine and was affixed thereto, on the date shown, in my presence, by a separate individual who declared at the time of signing to be a resident or business owner of the City of Texarkana, Arkansas.

Bertha Dunn
(Signature of Petition Circulator)

8-08-22
(Date)

CITY CLERK'S OFFICE
TEXARKANA, AR
AUG - 8 2022
RECEIVED
By: [Signature]

Connection to facility: THROUGHOUT THE YEARS THIS VIADUCT AND STREET SERVED AS A MEMORDRABLE PATH CONNECTING WARD 3 WITH DOWNTOWN TEXARKANA. FOR MANY IT REPRESENTED A PATHWAY TO THE MOVIE THEATER, SHOPPING OR JUST A VISIT WITH FRIENDS ON THE OTHER SIDE OF TOWN.

Reason for nomination: RECOGNITION OF HISTORIC, LOYAL, DEDICATED, AND LONGTIME SERVANT TO THE CITY OF TEXARKANA ARKANSAS.

Additional information: REV WILLIAMS PERSISTENCE WAS INSTRUMENTAL IN TEXARKANA, ARKANSAS BEING ASSIGNED THE "71" ZIP CODE INSTEAD OF THE LONG HELD "75" ZIP CODE

Please attach any additional information to be considered in the evaluation of the naming request.



The completed petition is attached to this application. Please see petition requirements.

Betha Dunn

Signature of Applicant

8-08-22

Date

Please indicate below which criteria will be met with the proposed name (check all that apply):

- The name preserves the geographic, environmental (relating to natural or physical features), historic or landmark connotation of particular significance to the area in which the land or facility is located, for the City as a whole.
- The name is in honor of an individual, family, or organization that donated money for the purchase, construction, renovation, or maintenance and/or provided major and lasting services or in-kind contributions to the purchase, planning, development, renovation, or maintenance of the land and/or facility.
- The name recognizes a current or past elected or appointed official or an individual who:

(check at least 3 criteria below)

- Was/is a dedicated supporter of the community
- Has made a lasting and significant contribution to the City
- Has made substantial contributions to the betterment of the specific facility or area
- Has had a positive impact on the lives of Texarkana residents
- Has demonstrated a servicer record of volunteerism in Texarkana for 10 plus years

Please provide the following information regarding the proposed individual to be honored:

Biographical information: REVEREND (REV) LONDELL WILLIAMS SERVED THE GOVERNING BODY OF TEXARKANA, ARKANSAS FOR THIRTY SEVEN (37)^{MA} YEARS, BEING THE FIRST BLACK AND ONLY BLACK EVER IN TEXARKANA ARKANSAS AND TEXAS TO HOLD THIS POSITION. MB

ARKANSAS.

Civic involvement: REV WILLIAMS SERVED AS JURY COMMISSIONER FOR MILLER, HEMPSTEAD, LAFAYETTE, AND HOWARD COUNTIES. REV WILLIAMS SERVED AS PASTOR, PARK AVENUE BAPTIST CHURCH, FOR OVER FORTY FOUR (44) YEARS. REV WILLIAMS WAS A GRAND MASTER AND MASTER MASON FOR THE BRONZEVILLE LODGE AF&AM LODGE 83 AND A MEMBER OF THE TEXARKANA MINISTERIAL ALLIANCE.



CITY OF TEXARKANA ARKANSAS

DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

MEMORANDUM

TO: Jay Ellington, City Manager
FROM: Mary L. Beck, City Planner
DATE: February 14, 2023
SUBJECT: Board of Directors Agenda item for March 6, 2023 – Request to support a petition naming Hwy 71S viaduct Reverend Londell Williams Overpass.

LEGAL DESCRIPTION:

100-700 block of East Street, aka, U.S. Highway 71S

REASON FOR REQUEST:

Citizens wish to honor a previous elected official and community activist for his impact on local government and other accomplishments and are petitioning the Arkansas Highway & Transportation Department (ARDOT) to name the Highway 71S viaduct Reverend Londell Williams Overpass.

Areas considered in recommendation:

- ***Is the naming choice significant to the present or historic development of the community?***
 1. *The present form of municipal government for the City of Texarkana, Arkansas, is a result of legal action taken by Pastor Williams to challenge the local election board in order to have a more representative method to elect officials.*
- ***Is the petition for naming suited to the location or structure in particular?***
 2. *The Viaduct extends over an area served by and associated with Pastor Williams in his role of a minister and Ward 3 that he represented as a City Director.*
- ***Is the naming choice based on achievement that is a positive influence for local citizens and/or tourists to the City?***
 3. *The naming choice proposed represents actions taken by an individual and others in a peaceful, lawful, manner to right unfair and/or illegal conditions for needed changes.*



www.cityoftexarkanaar.com

- **What documentation supports the petition?**
 4. *Copies of the court order resulting from the legal actions, numerous petitions, support the request and other statements.*
- **Has the petition been vetted through current policies or required procedures?**
 5. *Indications are that all policies and procedures required to vet the petition have been followed.*

UTILITIES & TRANSPORTATION NETWORK:

Local : NA

Collector: NA

Arterial: East Street (Hwy 71S)

Water: NA

Sewer: NA

Fire hydrant: NA

CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, noting in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, January 29, 2023, edition of the Texarkana Gazette.

Additionally, the Arkansas Highway Department (ARDOT) will need to approve the request if the Board recommends naming the viaduct. Currently there is no name assigned to this structure.

OPPOSITION:

None received to date.

SUPPORT: Petitions on thirty pages recommending the naming as required by ARDOT, users of the viaduct signatures were three hundred sixty-eight (368), residents of Texarkana, Arkansas, two hundred seventy (270). Meeting minutes attached.

PLANNING COMMISSION CERTIFICATION:

The Planning Commission met on February 13, 2023, to review this request. On a motion to approve by Mr. Adger Smith, seconded by Mr. Clyde (Boots) Thomas, the motion passed. A roll call vote was 5-0 as two commissioners were absent.

Adger Smith	Yes
Anderson Neal	Absent
Bertha Dunn	Yes
Jason Dupree	Absent
Randall Hickerson	Yes
Clyde "Boots" Thomas	Yes
Mike Jones	Yes

ACTION REQUESTED BY CITY BOARD OF DIRECTORS:

To adopt a resolution supporting a petition to the Arkansas Highway Department of Transportation (ARDOT) to name the Hwy 71S viaduct the Reverend Londell Williams Overpass.

Texarkana Gazette obit

The Rev. Londell "Kingfish" Williams, 81, of Texarkana, Ark., died Monday, July 10, 2017, at his home.

Mr. Williams was born April 23, 1936, in Texarkana. He was retired from the Social Security Office, former mayor and assistant mayor of Texarkana, Ark., former jury commissioner with Miller, Hempstead, Lafayette and Howard counties and former member of Texarkana, Ark., City Council. He was pastor of Park Avenue Missionary Baptist Church, a Master Mason with Bronzeville Lodge AF & AM Lodge 83, a member of Ministerial Alliance and an Army veteran.

Survivors include his wife, Mary E. Williams of Texarkana; two daughters and sons-in-law, Londell G. and Otis Wimley and Marian L. and Andre Watson of Texarkana; four grandchildren, Nicholas Watson, Millie Henderson, Christopher Watson and Joshua Watson of Texarkana; and a number of other relatives.

Services will be 11 a.m. today at Mount Grove Baptist Church with the Revs. Kenneth Reid and Reginald Reid officiating. Burial with military rites will be in Chapelwood Memorial Gardens Cemetery under direction of Lyles Funeral Home.



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE:	Approval of the minutes of the rescheduled regular meeting February 21, 2023. (CCD) City Clerk Heather Soyars
AGENDA DATE:	March 6, 2023
ITEM TYPE:	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Minutes
DEPARTMENT:	City Clerk Department
PREPARED BY:	Heather Soyars, City Clerk
REQUEST:	Approval of meeting minutes.
EMERGENCY CLAUSE:	N/A
SUMMARY:	Approval of meeting minutes
EXPENSE REQUIRED:	N/A
AMOUNT BUDGETED:	N/A
APPROPRIATION REQUIRED:	N/A
RECOMMENDED ACTION:	The City Clerk recommends Board approval.
EXHIBITS:	Meeting minutes.



Rescheduled Regular Meeting of the Board of Directors

City of Texarkana, Arkansas
216 Walnut Street

Minutes - Tuesday, February 21, 2023 - 6:00 PM

Mayor Allen Brown called the meeting to order at 6:00 PM.

PRESENT: Mayor Allen Brown, Assistant Mayor Ward 1 Terry Roberts, Ward 2 Director Laney Harris, Ward 3 Director Steven Hollibush, Ward 4 Director Ulysses Brewer, and Ward 5 Director Danny Jewell.

ALSO PRESENT: Interim City Attorney Joshua Potter, City Clerk Heather Soyars and Deputy City Clerk Jenny Narens.

ABSENT: Ward 6 Director Jeff Hart and City Manager Jay Ellington.

Invocation given by Director Steven Hollibush.

Pledge of Allegiance led by Public Works Director Tyler Richards.

CITIZEN COMMUNICATION

Yolonda Johnson wanted the house located at 1705 Hickory removed from the demolition list. She said her son was moving back to town and wanted to take over the house.

Bill Edwards, Vicky Lane, spoke about the trash and brush located around Chubby Checks. He also said how busy Garland Avenue was and wanted to know if speed bumps could be placed on the street.

Juanita Harris invited the Board of Directors and all the citizens to come out and support the 4th Annual Teachers Supporting Teachers Fundraising Event located at Crossties, March 4, 2023, at 6:30 PM.

Charles Santifer wanted his house located on 1610 Harner removed from the demolition list. He said there was a potential buyer for the house and if it were not sold, he would demolish it.

Laney Harris, read a statement regarding 2023 Black History Month. He also said he would like to see something in place for rebuilding some of the houses, not just demolishing them. Director Harris wanted to know what the City was going to do about Ingrahm Pool.

Rebecca Garcia said she was given the house located at 1914 Dudley Street, and she wanted to know if she could have more time before it was demolished.

PRESENTATION(S)

1. Freedom of Information Act presentation. (Admin) Interim City Attorney Joshua Potter

CONSENT

Director Hollibush made the motion to adopt the Consent agenda, Seconded by Assistant Mayor Roberts. The motion carried and the following items were approved:

2. Approval of the minutes of the regular meeting February 6, 2023. (CCD) City Clerk Heather Soyars
3. Resolution No. 2023-12 made a correction on the term date for the Historic District Commission – Greg Gallagher. (CCD) City Clerk Heather Soyars

REGULAR

4. Resolution No. 2023-13 of the Board of Directors of the City of Texarkana, Arkansas, and the City Council of the City of Texarkana, Texas support the Texarkana Metropolitan Planning Organization 2023 RAISE Grant application for the State Line corridor improvements. (PWD) Public Works Director Tyler Richards

After a brief discussion, the motion to adopt the resolution made by Director Harris, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the resolution adopted.

5. Consider the following action concerning substandard structures:

Conduct a Public Hearing regarding the demolition of twenty-nine (29) substandard structures.

Mayor Brown opened the Public Hearing.

Public Works Director Tyler Richards gave a PowerPoint presentation of the substandard structures to be condemned.

Mayor Brown asked if anyone would like to speak for or against this item.

No one came forward.

Mayor Brown closed the Public Hearing.

Resolution No. 2023-14 condemned twenty-nine (29) substandard structures for demolition. (PWD) Public Works Director Tyler Richards

[1001 Prince, 409 MLK, 709 Cleveland, 77 Wellington, 4104 Pinson, 115 E 19th, 1518 County, 2012 N Rondo, 1110 Hays, 1006 Grim, 1507 Eugenia, 2003 Pearl, 1821 Dudley, 1914 Dudley, 1202 Prince, 512 Demorse, 120 Eastside, 907 Ida, 1610 Harner, 904 Euclid, 309 Laurel, 310 E 14th, 919 E 14th, 2600 Locust, 1705 Hickory, 1524 Hickory, 3500 Central, 403 Hickory, and 403 Pecan.]

Motion to adopt the resolution and read just the addresses only made by Director Hollibush, Seconded by Assistant Mayor Roberts.

Mayor Brown asked if anyone would like to speak for or against this resolution.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the resolution adopted.

6. Ordinance No. 6-2023 waived competitive bidding; authorized the City Manager to purchase a 2022 Ford F-250 Truck. (PWD) Public Works Director Tyler Richards

After a brief discussion, the motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Assistant Mayor Roberts, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Brewer, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Hollibush, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the ordinance was read the third time in abbreviated form.

Motion to adopt the ordinance made by Director Hollibush, Seconded by Director Brewer.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

Motion to enact the emergency clause made by Assistant Mayor Roberts, Seconded by Director Brewer.

Mayor Brown asked if anyone would like to speak for or against the emergency clause.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the emergency clause enacted.

7. Ordinance No. 7-2023 waived competitive bidding for the purchase of new self-contained breathing apparatus equipment. (TAFD) Fire Chief David Fletcher

After a brief discussion, the motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Assistant Mayor Roberts, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Hollibush, Seconded by Director Brewer.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Brewer, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the ordinance was read the third time in abbreviated form.

Motion to adopt the ordinance made by Director Hollibush, Seconded by Assistant Mayor Roberts.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

Motion to enact the emergency clause made by Assistant Mayor Roberts, Seconded by Director Brewer.

Mayor Brown asked if anyone would like to speak for or against the emergency clause.

No one came forward.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the emergency clause enacted.

BOARD OF DIRECTORS' COMMENTARY

Director Hollibush said the Mardi Gras parade this past weekend was a success and thanked everyone who attended. He said there would be a community meeting held March 2, 2023, at 5:00 PM located at the Iron Mountain Center, regarding Tri-State Iron and Metal. Director Hollibush said there would be a Tri-State Iron and Metal representative there to answer any questions the citizens had.

EXECUTIVE SESSION

The Board of Directors entered Executive Session at 7:25 PM.

The Mayor reconvened the meeting at 7:42 PM, and the following action was taken:

8. Resolution No. 2023-15 appointed Jason Dupree to the Board of Adjustment. (CCD) City Clerk Heather Soyars

Motion to adopt the resolution made by Director Hollibush, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the Mayor declared the resolution adopted.

NEXT MEETING DATE: Monday, March 6, 2023

ADJOURN

Motion to adjourn made by Director Hollibush, Seconded by Assistant Mayor Roberts.

Voting Yea: Mayor Brown, Assistant Mayor Roberts, Director Harris, Director Hollibush, Director Brewer, and Director Jewell.

The motion carried 6-0 and the meeting adjourned at 7:44 PM.

APPROVED this the 6th day of March 2023.

Allen L. Brown, Mayor

Heather Soyars, City Clerk



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt a Resolution approving the reimbursement of \$14,000.00 to the Texarkana Regional Airport from American Rescue Act Funds. (FIN)
Finance Director TyRhonda Henderson

AGENDA DATE: 03/06/2023

ITEM TYPE: Ordinance Resolution Other :

DEPARTMENT: Finance Department

PREPARED BY: TyRhonda Henderson, Finance Director

REQUEST: Approving the reimbursement of \$14,000.00 to the Texarkana Regional Airport

EMERGENCY CLAUSE: N/A

SUMMARY: The American Rescue Act Fund was approved by the City of Texarkana, Arkansas Board of Directors on December 20, 2021, with resolution 2021-65. This budget allocated \$972,090 in 2021 and the remaining \$656,637 in 2022. Of the total \$1,628,727, \$280,786.30 has been spent. The purpose of this agenda item is to approve the reimbursement of \$14,000.00 to the Texarkana Regional Airport for engineering services in connection with the Landside Development. As this would be considered a general governmental service, it is eligible for reimbursement due to the City receiving less than \$10 million from the American Rescue Plan Act.

EXPENSE REQUIRED: \$14,000.00

AMOUNT BUDGETED: \$14,000.00

**APPROPRIATION
REQUIRED:** \$0

**RECOMMENDED
ACTION:** City Manager and staff recommend approval

EXHIBITS: Resolution and invoice

RESOLUTION NO. _____

WHEREAS, allocated American Rescue Plan Act (ARPA) Funds remain available for use in accordance with applicable law and restriction; and

WHEREAS, of the total ARPA funds allocated, \$1,628,727.00, the total spent to date is \$280,786.30; and

WHEREAS, an eligible use of a portion of such funds is to reimburse the Airport Authority for \$14,000.00 incurred in connection with Landside Development; and

WHEREAS, the City Manager and staff recommend approval;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City of Texarkana, Arkansas, that the reimbursement described herein is approved.

PASSED AND APPROVED this 6th day of March, 2023.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney

Texarkana Regional Airport Authority
 Paul Mehrlich, Executive Director of Aviation
 201 Airport Drive
 Texarkana, AR 71854

Invoice number 225712-011
 Date 02/07/2023

Project **225712 Texarkana Regional Airport
 Landside Development - Design Only**

Billing Period: January 1, 2023 through January 31, 2023

Engineering services in connection with the above referenced project in accordance with our agreement and Work order #3.

PRELIMINARY DESIGN & REPORTS

Contract Amount	28,750.00		
Percent Complete	90.43		
Prior Billed	26,000.00		
Total Billed	26,000.00		
		Current Billed	0.00

GRANT ADMINISTRATION

Contract Amount	7,500.00		
Percent Complete	29.33		
Prior Billed	2,200.00		
Total Billed	2,200.00		
		Current Billed	0.00

TOPOGRAPHIC SURVEY

Contract Amount	24,500.00		
Percent Complete	100.00		
Prior Billed	24,500.00		
Total Billed	24,500.00		
		Current Billed	0.00

ENVIRONMENTAL COORDINATION

Contract Amount	12,500.00		
Percent Complete	84.80		
Prior Billed	10,600.00		
Total Billed	10,600.00		
		Current Billed	0.00

GEOTECHNICAL INVESTIGATION

Contract Amount	20,275.00		
Percent Complete	100.00		
Prior Billed	20,275.00		
Total Billed	20,275.00		
		Current Billed	0.00

ENGINEERING DESIGN DOCUMENTS

Contract Amount	263,975.00
Percent Complete	80.01
Prior Billed	197,211.30
Total Billed	211,211.30

Current Billed	14,000.00
Total	14,000.00

Invoice total **14,000.00**

Invoice Summary

Description	Contract Amount	Prior Billed	Total Billed	Current Billed
PRELIMINARY DESIGN & REPORTS	28,750.00	26,000.00	26,000.00	0.00
GRANT ADMINISTRATION	7,500.00	2,200.00	2,200.00	0.00
TOPOGRAPHIC SURVEY	24,500.00	24,500.00	24,500.00	0.00
ENVIRONMENTAL COORDINATION	12,500.00	10,600.00	10,600.00	0.00
GEOTECHNICAL INVESTIGATION	20,275.00	20,275.00	20,275.00	0.00
ENGINEERING DESIGN DOCUMENTS	263,975.00	197,211.30	211,211.30	14,000.00
Total	357,500.00	280,786.30	294,786.30	14,000.00

Approved by:

Matthew R. Vinyard
 Project Manager, P.E.



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE: Adopt a Resolution authorizing the City Manager to purchase one (1) M2-106 Freightliner Conventional Cab. (TWU) Executive Director Gary Smith

AGENDA DATE: March 6, 2023

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Texarkana Water Utilities

PREPARED BY: Gary Smith, P.E., Executive Director

REQUEST: Resolution authorizing the City Manager to purchase (1) M2-106 Freightliner Conventional Cab

EMERGENCY CLAUSE: None needed.

SUMMARY: Texarkana Water Utilities needs to urgently replace a 2000 International Dump truck. It was determined that the most cost-effective option is to purchase one (1) M2-106 Freightliner Conventional Cab through the HGAC BuyBoard in an amount not to exceed \$145,995.50 with the Arkansas portion being \$54,660.55. This price includes the BuyBoard applicable fees. HGAC is a self-funded government organization, that partner with government entities. Purchase from the BuyBoard meets all bidding requirements.

EXPENSE REQUIRED: \$145,995.05

AMOUNT BUDGETED: \$145,995.05

APPROPRIATION REQUIRED: \$54,660.55

RECOMMENDED ACTION: The vehicle is budgeted in the Utility's 2022-2023 Budget in the Equipment Acquisition Fund for \$105,000.00; the balance of \$40,995.05 is available in the Equipment Acquisition Fund.

EXHIBITS: Resolution and ATTH 01 Contract Pricing Worksheet

RESOLUTION NO. _____

WHEREAS, Texarkana Water Utilities (TWU) requests approval to authorize the City Manager to purchase one (1) M2-106 Freightliner Conventional Cab through the Houston-Galveston Area Council BuyBoard (HGACBuy) in an amount not to exceed \$145,995.50 with the Arkansas portion being \$54,660.55; and

WHEREAS, \$145,995.05 includes the HGACBuy applicable fees; and

WHEREAS, purchase from this source meets all bidding requirements and the funds were budgeted and are available for purchase of this equipment in the Utility's Equipment Acquisition Fund; and

WHEREAS, the City Manager and TWU staff recommend approval;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City of Texarkana, Arkansas, that the City Manager is authorized to buy one (1) M2-106 Freightliner Conventional Cab through HGACBuy in an amount not to exceed \$145,995.50 with the Arkansas portion being \$54,660.55.

PASSED AND APPROVED this 6th day of March, 2023.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney



CONTRACT PRICING WORKSHEET
For MOTOR VEHICLES Only

Contract No.: HT06-20

Date Prepared: 2/17/2023

This Worksheet is prepared by Contractor and given to End User. If a PO is issued, both documents MUST be faxed to H-GAC @ 713-993-4548. Therefore please type or print legibly.

Buying Agency:	TEXARKANA WATER UTILITIES	Contractor:	Houston Freightliner
Contact Person:		Prepared By:	Adam Neuse
Phone:		Phone:	713-580-8148
Fax:		Fax:	
Email:		Email:	adam.neuse@houstonfreightliner.com

Product Code:	D6	Description:	M2-106, Conventional Cab, SBFA, TRA (PRL-20M)
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A. Product Item Base Unit Price Per Contractor's H-GAC Contract: 79086

B. Published Options - Itemize below - Attach additional sheet(s) if necessary - Include Option Code in description if applicable.
(Note: Published Options are options which were submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
252" Wheelbase	1034	LH/RH Electric Door Locks	74
DD8 350 HP 1050 LB FT TQ ENGINE	10482	Basic High Back Air Driver Seat	159
3000 RDS AUTOMATIC TRANSMISSION	5089	Battery Disconnect MTD LH of Driver Seat	150
DA-F-18.0-5 18,000 LB FRONT AXLE	1665	Positive and Negative Jump Starts Mtd on Frame Next to Starter	69
18,000 LB TAPERLEAF FRONT SUSPENSION	1071	Compression Brake	1930
MT-40-14X 40,000 LB REAR AXLES	442	AM/FM/WB Radio with Bluetooth	368
40,000 LB AIRLINER REAR SUSPENSION	954		
4S/4M ABS with Traction Control with Hill Start	795		
Dual West Coast Bright Finish Heated Mirrors	105		
LH/RH 8" Bright Convex Fender Mirrors	104	Special LEDWELL 12_14 YD Box Dump	32778.05
Adjustable Steering Column	359	Subtotal From Additional Sheet(s):	
LH/RH Electric Windows	164	Subtotal B:	57792.05

C. Unpublished Options - Itemize below / attach additional sheet(s) if necessary.
(Note: Unpublished options are items which were not submitted and priced in Contractor's bid.)

Description	Cost	Description	Cost
LH 90 Gallon Fuel Tank	284		
Michelin X Works Z 315/80R22.5 20 Ply Radial Front Tires	708	Subtotal From Additional Sheet(s):	0
		Subtotal C:	992

Check: Total cost of Unpublished Options (C) cannot exceed 25% of the total of the Base Unit Price plus Published Options (A+B). **For this transaction the percentage is:** 1%

D. Total Cost Before Any Applicable Trade-In / Other Allowances / Discounts (A+B+C)

Quantity Ordered:	1	X Subtotal of A + B + C:	137870.05	=	Subtotal D:	137870.05
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E. H-GAC Order Processing Charge (Amount Per Current Policy) **Subtotal E:** 1000

F. Trade-Ins / Special Discounts / Other Allowances / Freight / Installation / Miscellaneous Charges

Description	Cost	Description	Cost
Standard Destination Charge	3375		
23MY/22CY Priductoin Surcharge	3750		
		Subtotal F:	7125

Delivery Date: **G. Total Purchase Price (D+E+F):** 145995.05



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt a Resolution authorizing the City Manager to enter into a contract with Plummer Associates, Inc., to develop a Master Plan of the water distribution system serving the Cities of Texarkana, Arkansas, and Texarkana, Texas. (TWU) Executive Director Gary Smith

AGENDA DATE: March 6, 2023

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Texarkana Water Utilities

PREPARED BY: Gary Smith, P.E., Executive Director

REQUEST: Resolution authorizing the City Manager to enter into a contract with Plummer Associates, Inc., to develop a Master Plan of the water distribution system serving the Cities of Texarkana, Arkansas, and Texarkana, Texas.

EMERGENCY CLAUSE: N/A

SUMMARY: The Arkansas Department of Health requires a Master Plan of a water system be completed every 10 years. Texarkana Water Utilities annually advertises a request for Statements of Qualifications (SOQ) and performance data for engineering, architectural, land surveying, geographic information system and related services and did so this fiscal year on January 16, 2023. Firms submitting in the prior year were given the chance to renew their statement of qualification from the previous year's request and new firms were invited to submit. Thirteen (13) firms responded to the request for annual statements. Nine (9) engineering, one (1) engineering/architectural, one (1) surveying, one (1) soils laboratory, and one (1) geographic information system responded to this year's annual request. Plummer Associates, Inc., were chosen from this group. A Master Plan is an excellent tool for long term planning for drinking water services, firefighting capabilities, and economic development. Utility staff believes Plummer Associates, Inc., to be the best suited to perform this work of those submitting SOQ's. This firm uses the current modeling software owned by the Utility and performed the last Master Plan for the Utility in 2008. The proposed contract is for \$301,458.00 with the Arkansas portion of the project not to exceed \$112,865.88. Engineering staff has reviewed the engineering fee and has determined that it is within the acceptable engineering fee range for this type of project. Funds are budgeted in the Texarkana Water Utilities 2022-2023

Budget in the Arkansas Capital Improvement Fund in the amount of \$112,865.88.

EXPENSE REQUIRED: \$112,865.88

AMOUNT BUDGETED: N/A

**APPROPRIATION
REQUIRED:** None

**RECOMMENDED
ACTION:** Utility staff recommends approval.

EXHIBITS: Resolution

RESOLUTION NO. _____

WHEREAS, the Arkansas Department of Health requires a Master Plan of a water system be completed every ten (10) years; and

WHEREAS, Texarkana Water Utilities (TWU) annually advertises a request for Statements of Qualifications (SOQ) and performance data for engineering, architectural, land surveying, geographic information system and related services and did so on January 16, 2023; and

WHEREAS, thirteen (13) firms responded to the request; and

WHEREAS, a Master Plan is an excellent tool for long-term planning for drinking water services, firefighting capabilities, and economic development; and

WHEREAS, after reviewing the qualifications submitted, TWU staff recommend Plummer Associates, Inc., be selected to develop a Master Plan of the water distribution system serving the Cities of Texarkana, Arkansas, and Texarkana, Texas, and requests that the City Manager be authorized to negotiate a contract with Plummer Associates, Inc., for \$301,458.00 with the Arkansas portion of the contract not to exceed \$112,865.88; and

WHEREAS, the City Manager and TWU staff recommend approval;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City of Texarkana, Arkansas, the City Manager is authorized to enter into a contract with Plummer Associates, Inc., to develop a Master Plan of the water distribution system serving the Cities of Texarkana, Arkansas, and Texarkana, Texas, in an amount of \$301,458.00 with the Arkansas portion of the contract not the exceed \$112,865.88.

PASSED AND APPROVED this 6th day of March, 2023.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE:	Adopt a Resolution accepting the 2022 Public Facilities Board Annual Report. (Admin) City Manager E. Jay Ellington
AGENDA DATE:	March 6, 2023
ITEM TYPE:	Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Other <input type="checkbox"/> : _____
DEPARTMENT:	Administration
PREPARED BY:	Heather Soyars, City Clerk
REQUEST:	Accept the Public Facilities Board annual report.
EMERGENCY CLAUSE:	N/A
SUMMARY:	Within the first 90 days of the calendar year, the Public Facilities Board shall make a written report to the Board of Directors concerning its activities for the proceeding calendar year. Each report shall set forth a complete operating and financial statement covering its operation during the year.
EXPENSE REQUIRED:	N/A
AMOUNT BUDGETED:	N/A
APPROPRIATION REQUIRED:	N/A
RECOMMENDED ACTION:	The City Manager and staff recommend approval.
EXHIBITS:	Resolution and Annual Report.

RESOLUTION NO. _____

WHEREAS, the 2022 Public Facilities Board Annual Report has been prepared;
and

WHEREAS, the report has been reviewed by the Board of Directors; and

WHEREAS, the City Manager and staff recommend approval;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City
of Texarkana, Arkansas, the 2022 Public Facilities Board Annual Report is accepted.

PASSED AND APPROVED this 6th day of March, 2023.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney

**CITY OF TEXARKANA, ARKANSAS
PUBLIC FACILITIES BOARD
FINANCIAL REPORT
AS OF DECEMBER 31, 2022**

INDUSTRIAL BOND, SERIES 2020 PROJECT FUND

DESCRIPTION	2022 ENDING BALANCE
MONEY MARKET - FARMERS	820,881.40
TOTAL ASSETS	820,881.40
FUND BALANCE	-820,025.27
TOTAL EQUITY	-820,025.27
INTEREST EARNED	-856.13
BOND PROCEEDS	0
TOTAL INCOME	-856.13
TOTAL EXPENDITURES	0.00

INDUSTRIAL BOND, SERIES 2020 REPAYMENT FUND

DESCRIPTION	2022 ENDING BALANCE
MONEY MARKET - FARMERS	307,294.36
TOTAL ASSETS	307,294.36
FUND BALANCE	-307,114.85
TOTAL EQUITY	-307,114.85
MILLER COUNTY	-62,500.00
INTEREST EARNED	-179.47
GENERAL FUND	-306,845.88
TOTAL INCOME	-369,525.35
PRINCIPAL	152,095.84
INTEREST	217,250.00
TOTAL EXPENDITURES	369,345.84



CITY OF TEXARKANA, AR

BOARD OF DIRECTORS

AGENDA TITLE: Adopt an Ordinance authorizing the City Manager to enter into a contract with Springbrook Software for the purchase of financial software. (TWU) Executive Director Gary Smith

An emergency clause is requested. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the Board.

AGENDA DATE: March 6, 2023

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Texarkana Water Utilities

PREPARED BY: Gary Smith, P.E., Executive Director

REQUEST: Ordinance authorizing the City Manager to enter into a contract with Springbrook Software for the purchase of financial software.

EMERGENCY CLAUSE: Yes

SUMMARY: Consider ordinance authorizing the City Manager to enter into a contract with Springbrook Software to purchase new Finance software in an amount not to exceed \$150,357.50 with the Arkansas portion not to exceed \$56,293.85. Bids were not required as the software is an extension to the system used by the City of Texarkana, Texas and therefore considered sole source. Texarkana Water Utilities (TWU) staff has been in consultation with Springbrook Software and conducted extensive research to determine the effectiveness of the Springbrook product with regard to the TWU's requests. Funds are available in the Utility's 2022-2023 budget in the Arkansas Technology Fund.

EXPENSE REQUIRED: \$56,293.85

AMOUNT BUDGETED: N/A

APPROPRIATION REQUIRED: None

RECOMMENDED ACTION: Utility staff recommends approval.

EXHIBITS: Ordinance and ATTH01 Springbrook Proposal

ORDINANCE NO. _____

AN ORDINANCE WAIVING COMPETITIVE BIDDING; AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE NEW FINANCIAL SOFTWARE; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, the Texarkana Water Utilities (TWU) requests the approval to authorize the City Manager to enter into a contract with Springbrook Software to purchase new financial software in an amount not to exceed \$150,357.50 with the Arkansas portion not to exceed \$56,293.85; and

WHEREAS, pursuant to Ark. Code Ann. § 14-47-138, the Board of Directors may waive the requirements of competitive bidding in exceptional situations where competitive bidding is not feasible; and

WHEREAS, Section 2-72 of the *City of Texarkana, Arkansas, Code of Ordinances*, recognizes that it may not be feasible to obtain bids in “purchases from ‘only sources[;]’” and

WHEREAS, bids are not required as the software is an extension of the current system used by the City of Texarkana, Texas and therefore considered a sole source; and

WHEREAS, Texarkana Water Utilities staff has been in consultation with Springbrook Software and conducted extensive research to determine the effectiveness of the product; and

WHEREAS, funds were budgeted and available; and

WHEREAS, the City Manager and TWU staff recommend approval;

NOW, THEREFORE, BE IT ORDAINED, by the Board of Directors of the City of Texarkana, Arkansas:

Section 1: The competitive bidding practices contemplated by applicable law and ordinance are waived and the City Manager is authorized to enter into a contract with

Springbrook Software to purchase new financial software in an amount not to exceed \$150,357.50 with the Arkansas portion not to exceed \$56,293.85.

Section 2: This action being necessary for the preservation of the public peace, health, and safety (including the need to commence prompt acquisition and installation of said needed financial software), and a separate and distinct vote having been taken on this emergency clause, an emergency is therefore declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 6th day of March, 2023.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney

Order Form: Q-10667-1
Date: 1/12/2023, 9:46 AM
Expires On: 4/12/2023



Phone: (866) 777-0069
Email: info@sprbrk.com

Ship To:
 Gary Smith
 Texarkana Water Utilities
 801 Wood Street
 Texarkana, Arkansas 75501
 gsmith@txkusa.org

Bill To:
 Tricia Briggs
 Texarkana Water Utilities
 801 Wood Street
 Texarkana, Arkansas 75501
 eisley@txkusa.org

RES 2023-028
 ATTH 01

Account Manager	E-mail	Phone Number	Payment Terms
Bea Williams	bea.williams@sprbrk.com	(503) 820-6272	Net 30

Annual Product Pricing				
PRODUCT	RATE	QTY	DISC (%)	NET PRICE
Accounts Receivable Subscription	USD 5,950.00	1	15.000	USD 5,057.50
Cloud Database Backup Subscription	USD 3,700.00	1	15.000	USD 3,145.00
Project Management Subscription	USD 7,100.00	1	15.000	USD 6,035.00
Purchase Orders Subscription	USD 6,750.00	1	15.000	USD 5,737.50
Finance Suite Subscription	USD 26,500.00	1	15.000	USD 22,525.00
Employee Self Services Lite Subscription	USD 3,300.00	1	15.000	USD 2,805.00
Payroll Subscription	USD 9,900.00	1	15.000	USD 8,415.00
Inventory Control Subscription	USD 7,150.00	1	15.000	USD 6,077.50
Annual Product Pricing Total:				USD 59,797.50

Estimated Professional Services						
PRODUCT	DESCRIPTION	LIST PRICE	NET PRICE	QTY	DISC %	NET PRICE
Standard Professional Services	Standard Professional Services - Accts Receivable	USD 189.00	USD 160.00	15	15.344	USD 2,400.00
Standard Professional Services	Standard Professional Services - Proj Management	USD 189.00	USD 160.00	22	15.344	USD 3,520.00
Standard Professional Services	Standard Professional Services - Purchase Orders	USD 189.00	USD 160.00	15	15.344	USD 2,400.00
Standard Professional Services	Standard Professional Services - Finance Suite	USD 189.00	USD 160.00	190	15.344	USD 30,400.00
Standard Professional Services	Standard Professional Services - ESS Lite	USD 189.00	USD 160.00	14	15.344	USD 2,240.00

PRODUCT	DESCRIPTION	LIST PRICE	NET PRICE	QTY	DISC %	NET PRICE
Standard Professional Services	Standard Professional Services - Payroll	USD 189.00	USD 160.00	250	15.344	USD 40,000.00
Standard Professional Services	Standard Professional Services	USD 189.00	USD 160.00	60	15.344	USD 9,600.00
Estimated Professional Services Total:						USD 90,560.00

Grand Total: USD 150,357.50

* excludes applicable sales tax

Order Details

Customer Name: Texarkana Water Utilities

Customer Contact: Gary Smith, P.E.
Executive Director

Governing Agreement(s): This Order Form is governed by the applicable terms found at:
MSA: <https://sprbrk.app.box.com/v/sprbrk-saas-terms>
MLA: <https://sprbrk.app.box.com/v/sprbrk-onpremise-terms>
Professional Services: <https://sprbrk.app.box.com/v/sprbrk-svcs-terms>

Term(s): 3 Years

Order Terms

In the event of an inconsistency between this Order Form, any governing agreement, purchase order, or invoice, the Order Form shall govern as it pertains to this transaction.

- This Order Form shall become effective as of the last date of signature (the "Effective Date").
- Order Start Date: Software Licenses, Subscriptions, Maintenance, and Hosting commence upon the earlier of a) date of delivery* or log-in to hosted software to Customer; or b) 60 days after Order Form Effective Date.
- Subscriptions, Maintenance, Hosting, and Support ("Recurring Services") continue from the Order Start Date through the term listed in this Order Form (or if not listed, one (1) year).
- Orders for Recurring Services auto-renew unless the Customer or Springbrook provides a written notice of non-renewal at least sixty (60) days before the end of the Order Term.
- Subscription Service fees and any Recurring Services will be subject to an automatic annual increase by not more than five percent (5%) of the prior year's Subscription Service fees ("Standard Annual Price Increase").
- Any Software Licenses or Hardware are one-time non-refundable purchases.
- CivicPay Online Subscription fee and CivicPay IVR Subscription fee are subject to increase at per account rate, based on actual accounts.
- CivicPay IVR Message Block Subscriptions expire upon the earlier exhaustion of the Message Block or twelve (12) months from the Order Start Date. Upon expiration, Message Blocks automatically renew.

** The date of delivery of software to the Customer is the date the software is made available to the Customer, either by delivery of software or delivery of first log-in to a hosted environment, which may be either a test or production environment. This date of delivery is frequently earlier than the dates professional services are completed, the Customer completes user acceptance testing, the Customer distributes additional logins to end-users, and the Customer go-live in a production environment.*

Invoice Timing and Delivery

Invoices are delivered electronically via e-mail to the billing contact on file for the Customer. Customer invoices are issued for the full amount of software and services purchased as follows:

Products Ordered

Invoice Timing

Estimated Professional Services,
On-Site Professional Services, and
Travel Expenses*:

Monthly, in arrears for services in the prior month unless specified in Special Terms.

Fixed Fee Professional Services:

The Effective Date of this Order Form unless specified in Special Terms.

Print Services and Transaction Fees:

Monthly, in arrears for transactions in the prior month.

Hardware and One-Time Licenses:

Upon the Effective Date of this Order Form.

Software Licenses, Subscriptions,
Maintenance,
and Hosting (New):

Annually in advance upon Order Start Date.

Software Licenses, Subscriptions,
Maintenance, and Hosting
(Renewal):

Sixty (60) days in advance of the Order Start Date.

Software Subscriptions, Maintenance,
and Hosting (Add-Ons):

Upon delivery of the product, order will be pro-rated to sync with the existing anniversary billing date and will renew annually thereafter.

Software Subscriptions (Migrations):

Upon delivery of the product, order will be synced with the existing anniversary billing date and will renew annually thereafter unless specified in the Special Order Terms. This order replaces and supersedes any previously executed order as it relates to the products listed within this order. Upon delivery of new product, customer will receive a prorated credit for any prepaid, unused maintenance fees that will be applied to the customer's first invoice.

** Professional Services pricing is based on expected hours using Springbrook's standard implementation methodology. Actual hours and billings may vary from this estimate. Please note that only when project costs exceed \$5,000 of this estimate, a signed change order will be required to continue work. Changes under \$5,000 will continue to be delivered and billed accordingly. On-site Professional Services will be subject to a daily minimum rate irrespective of hours on-site. All travel costs associated with on-site travel will be billed as incurred.*

Special Order Terms

Special Order Terms (if any):

By signing, both parties agree to the terms and conditions set forth in this agreement.

* If the Customer requires a PO number on invoices, the Customer must provide Springbrook with the PO number and a copy of the PO prior to invoice issuance. If a PO number is not provided prior to the invoice issuance date, invoices issued on this Order Form will be valid without a PO reference.

Springbrook Holding Company, LLC

Texarkana Water Utilities

Signature: _____

Signature: _____

Name (Print): _____

Name (Print): GARY SMITH, P.E.

Title: _____

Title: EXECUTIVE DIRECTOR

Date: _____

Date: _____

Purchase Order # (if required) _____



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt an Ordinance amending Chapter 24 – Subdivisions of the *City of Texarkana, Arkansas Code of Ordinances*, to delete Ordinance No. 227 permanently and set limits on road guarantee renewals. (PWD-Planning)
City Planner Mary Beck

AGENDA DATE: 03/06/2023

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Public Works/Planning

PREPARED BY: Mary Beck

REQUEST: Adopt an ordinance that: 1) removes Ordinance No. 227 permanently; and 2) sets limits on road guarantee renewals.

EMERGENCY CLAUSE: None requested.

SUMMARY: Recommendation to delete suspended Ordinance No. 227 adopted in 2005, and, to set a limit on road completion guarantees renewal.

EXPENSE REQUIRED: 0

AMOUNT BUDGETED: 0

**APPROPRIATION
REQUIRED:** 0

**RECOMMENDED
ACTION:** The City Manager and staff recommend Board approval.

EXHIBITS: Ordinance, Memo to City Manager, Ordinance No. 227, Ordinance No. 255, current regulations for road completion.

ORDINANCE NO. _____

AN ORDINANCE DELETING ORDINANCE NO. L-227; AMENDING CHAPTER 24-SUBDIVISIONS OF THE *CITY OF TEXARKANA, ARKANSAS CODE OF ORDINANCES*, TO SET LIMITS ON ROAD GUARANTEE RENEWALS; AND FOR OTHER PURPOSES

WHEREAS, the Board of Directors, after public hearing, adopted Ordinance No. L-227 on October 3, 2005, which granted the City new authority to regulate the subdivision of land into lots and blocks for development of residential, commercial, and industrial subdivisions by requiring that proposed subdivisions be analyzed in their relationship to existing adjacent subdivisions and that preservation of existing trees in proposed subdivisions be encouraged and mandated under certain circumstances; and

WHEREAS, on the 1st day of May, 2006, the Board of Directors adopted Ordinance No. L-255 suspending the operation and implementation of Ordinance No. L-227 due to problems with respect to costs of implementing some of its provisions; and

WHEREAS, the Planning Commission conducted workshops over the course of many months and studied possible revisions to the Subdivision Chapter 24 of the *City of Texarkana, Arkansas, Code of Ordinances*; and

WHEREAS, the Planning Commission, after public hearing on February 13, 2023, voted 5-0 with two commissioners absent, to approve the deletion of Ordinance No. L-227 and to amend the City's Subdivision Regulations, Section 24-51(a) of Chapter 24, Article III, to set limits on road guarantee renewals; and

WHEREAS, the City Manager and Staff recommend approval;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Directors of the City of Texarkana, Arkansas:

Section 1: Ordinance No. L-277 is deleted in its entirety.

Section 2: That Chapter 24, Article III, Sec. 24-51(a)(1) is hereby amended to read as follows:

(1) *Performance bond.* File with the city a bond executed by a surety company holding a license to do business in the State of Arkansas, and acceptable to the City of Texarkana, Arkansas on a form provided by the city, in the full amount necessary for the completion of the improvements required by this chapter; If an extension to the performance bond becomes necessary due to extreme weather or supply shortages, it shall not go longer than one extension for one year after the due date of the original bond, or, if at the time of this amendment an extension is active, no longer than one year from the adoption of this amendment;

PASSED AND APPROVED this 6th day of March, 2023.

Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney

ORDINANCE NO. L-255

AN ORDINANCE TO SUSPEND THE OPERATION AND IMPLEMENTATION OF ORDINANCE NO. L-227; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.

WHEREAS, on October 3, 2005, the Board of Directors of the City enacted Ordinance No. L-227 granting the City new authority to regulate the subdivision of land into lots and blocks for development of residential, commercial, and industrial subdivisions by requiring that proposed subdivisions be analyzed in their relationship to existing adjacent subdivisions and that preservation of existing trees in proposed subdivisions be encouraged and mandated under certain circumstances; and

WHEREAS, problems have arisen with respect to the costs of implementing some of the provisions of Ordinance L-227 which call into question the propriety of such provisions; and

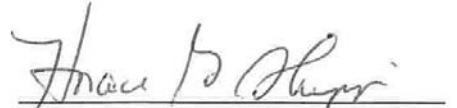
WHEREAS, it is now desirable to suspend for six months the operation and implementation of Ordinance No. L-227 in its entirety in order to conduct further study and further consider the controversial provisions of this Ordinance referenced above;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas, as follows:

Section 1. The operation and implementation of Ordinance No. L-227 is hereby suspended for a period of six months.

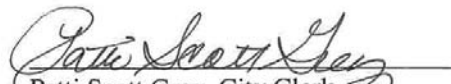
Section 2. This Ordinance being necessary for the preservation of the public peace, health, and safety, an emergency is therefore declared to exist, and this Ordinance shall be in full force and effect from and after its passage and approval.

PASSED AND APPROVED this 1st day of May, 2006.



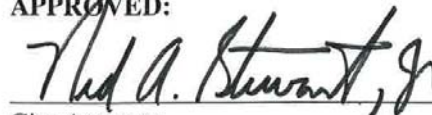
Horace G. Shipp, Mayor

ATTEST:



Patti Scott Grey, City Clerk

APPROVED:



City Attorney

Sec. 24-51. Guarantee of performance.

- (a) *Construction of improvements before final plat approval.* No final plat shall be approved by the Planning Commission of Texarkana, Arkansas until the improvements required by this chapter are constructed in a satisfactory manner and approved by the director of public works. In lieu of such construction, the commission may grant final approval prior to completion of improvements provided the subdivider fulfills one of the following:
- (1) *Performance bond.* File with the city a bond executed by a surety company holding a license to do business in the State of Arkansas, and acceptable to the City of Texarkana, Arkansas on a form approved by the city, in the full amount necessary for the completion of the improvements required by this chapter;
 - (2) *Letter of commitment.* File with the city an irrevocable letter of commitment executed by a bank or a savings and loan institution that is acceptable to the city in an amount equal to the costs of improvements required by this chapter; or
 - (3) *Trustee agreement.* Place on deposit in a bank or trust company a trust agreement in the name of the city and approved by the city, in a trust account, a sum of money equal to the estimated cost of improvements required by this chapter. Selection of the trustee shall be subject to approval by the city and the trust agreement shall be executed on a form approved by the city. Periodic withdrawals may be made from the trust account for a progress payment of installation costs. The amount of withdrawals shall be based upon progress work estimates approved by the public works director.
- (b) *Inspection.* If one of the three (3) of the aforesaid securities is filed by the subdivider, the city engineer shall inspect the construction of improvements while in progress, and shall inspect such improvements upon completion of construction. After final inspection, he shall notify the subdivider and the director of public works of the improvements' satisfactory completion.

Note: amendment to Sec. 24-51 (a) if an extension to the performance bond becomes necessary due to extreme weather or supply shortages, it shall not go longer than one extension for one year after the due date of the original bond, or, if at the time of this amendment an extension is active, no longer than one year from the adoption of this amendment.

(Ord. No. H-534, Art. 3, § 1, 3-19-79)

ORDINANCE NO. L-227

AN ORDINANCE AMENDING ARTICLE I, SECTION 24-10 AND SECTIONS 24-13-19; ARTICLE IV; SECTIONS 24-83 THROUGH 24-85; ARTICLE V, SECTION 24-98; ARTICLE VI, SECTION 24-11; OF CHAPTER 24 (SUBDIVISION REGULATIONS) OF THE CODE OF ORDINANCES; ADDING REQUIRED LANDSCAPED STRIPS AND/OR SCREENING WALLS OR FENCES FOR SUBDIVISIONS CONTAINING DOUBLE-FRONTAGE LOTS; PROVIDING A LIST OF SUGGESTED PLANTING MATERIALS SUITED TO THE CITY; ADDING VARIOUS DEFINITIONS; REQUIRING A TREE INVENTORY AND TREE PRESERVATION PLAN FOR NEW SUBDIVISIONS; PROHIBITING CLEAR-CUTTING; AND REQUIRING RESTRICTIVE AND PROTECTIVE COVENANTS TO MITIGATE ISSUES BETWEEN PROPOSED SUBDIVISIONS AND EXISTING, DEVELOPED SUBDIVISIONS.

WHEREAS, the Arkansas Code of 1987 Annotated (14-56-413) grants first class cities the authority to regulate the subdivision of land into lots and blocks for development of residential, commercial, and industrial subdivisions; and

WHEREAS, the subdivision regulations were last adopted on March 19, 1979; and

WHEREAS, the Board of Directors desires to revise the existing subdivision regulations to provide standards by which proposed subdivisions can be analyzed in their relationship to existing, adjacent subdivisions dealing with lot sizes, structure sizes, restrictive and protective covenants, landscape plant materials suited to the City, double-frontage lots, landscaped screening strips and/or fences and walls, etc. in Chapter 24 (subdivision regulations) of the Texarkana, Arkansas Code of Ordinances; and


WHEREAS, it is the intent of these regulations to encourage the preservation of existing trees, requiring landscaped screening strips and/or fences and walls for double-frontage lots, requiring a tree inventory and preservation plan, prohibiting clear-cutting, suggesting landscape planting materials suited to the City, and requiring restrictive and protective covenants to mitigate various issues between proposed subdivisions and existing, developed subdivisions; and

WHEREAS, it is deemed important for Texarkana, Arkansas' subdivision regulations remain up to date with current land use trends and to comply with the Arkansas Code of 1987 Annotated so as not to pose an impediment to development of residential, commercial, and industrial subdivisions within the City of Texarkana, Arkansas; and

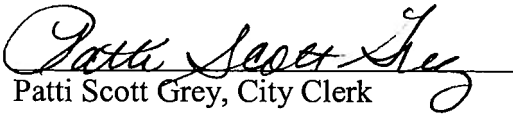
WHEREAS, after public hearing, the Planning Commission has approved said subdivision regulations text amendments and recommended that the Board of Directors approve the ordinance adopting said regulations;

NOW THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas that the attached regulations governing the subdivision of land within the City, attached hereto and made parts hereof, are hereby adopted by reference.

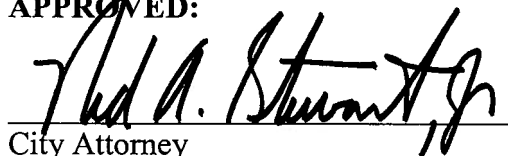
PASSED AND APPROVED this 3rd day of October, 2005.


Horace G. Shipp, Mayor

ATTEST:


Patti Scott Grey, City Clerk

APPROVED:


City Attorney



CITY OF TEXARKANA ARKANSAS
DEPARTMENT OF PUBLIC WORKS
216 WALNUT ST 71854-6024
P O BOX 2711 TEXARKANA ARKANSAS 75504-2711
PHONE (870) 779-4971 – FAX (870) 773-2395

MEMORANDUM

TO: Jay Ellington, City Manager
FROM: Mary L. Beck, City Planner
DATE: February 16, 2023
SUBJECT: Board of Directors Agenda item for March 6, 2023 – Ordinance to delete Ordinance L-227; and ordinance suspended in 2006; and, also to establish limits to road guarantee renewals.

REASON FOR REQUEST:

Upon request to the Planning Commission by City Manager, Jay Ellington, to consider requiring tree planting and lighting for new subdivisions, the Planning Commission began consideration of revisions to the Subdivision Chapter 24 of the *Texarkana Municipal Code*. Beginning in May 2022, and continually thereafter, the Commission was presented with information on Chapter 24, the subdivision chapter. In the process of researching the regulations, it was uncovered that a suspension of L-227, an ordinance adopted in October of 2005, had been suspended by Ordinance L-255, in May of 2006 for further study. After many months of workshops and study of the subdivision text, the Planning Commission concluded: 1) Ordinance L-227 should be deleted in its entirety; and, 2) a necessary change to road guarantees should be made. The second matter would limit extensions to road guarantees to go no more than one additional year from the original contract with the City for completion if the roads are not complete as normally required at the time of filing the final plat.

CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

- (A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.
- (B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.



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(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances of and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, January 29, 2023, edition of the Texarkana Gazette.

PLANNING COMMISSION CERTIFICATION:

The Planning Commission met on February 13, 2023, to review this request. On a motion to approve by Mr. Adger Smith, seconded by Mr. Boots Thomas, the motion passed. A roll call vote was 5-0 as two commissioners were absent.

Adger Smith	Yes
Anderson Neal	Absent
Bertha Dunn	Yes
Jason Dupree	Absent
Randall Hickerson	Yes
Clyde "Boots" Thomas	Yes
Mike Jones	Yes

ACTION REQUESTED BY CITY BOARD OF DIRECTORS:

To adopt an ordinance that would: 1) delete Ordinance L-227; and, 2) set a limit on road guarantee renewals. *The Arkansas Code of 1987 Annotated* requires every ordinance to be read three times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.



CITY OF TEXARKANA, AR BOARD OF DIRECTORS

AGENDA TITLE: Adopt and Ordinance to rezone a tract of land located at 4000 E. 9th Street, from R-2 Single-family residential to C-3 Open display commercial zoning in order to build a retail business. (Ward 3) (PWD-Planning) City Planner Mary Beck

AGENDA DATE: 03/06/2023

ITEM TYPE: Ordinance Resolution Other : _____

DEPARTMENT: Public Works/Planning

PREPARED BY: Mary Beck

REQUEST: Adopt an ordinance to rezone a tract of land from R-2 Single-family residential to C-3 Open-display commercial zoning in order to build a retail business.

EMERGENCY CLAUSE: None requested.

SUMMARY: The Planning Commission recommends approval of this rezoning with no opposition voted. Questions and concerns during the meeting centered on the extent of floodplain in the area and possible impacts. City Engineer addressed those concerns.

EXPENSE REQUIRED: 0

AMOUNT BUDGETED: 0

**APPROPRIATION
REQUIRED:** 0

**RECOMMENDED
ACTION:** Adopt an ordinance to rezone property in order to develop commercial property for a new Dollar General Store.

EXHIBITS: Ordinance, Memo to City Manager, deeds, location/zoning map.

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. K-286, AS AMENDED; AND FOR OTHER PURPOSES

WHEREAS, an application to amend the Land Use Plan was filed with the Planning Commission of the City of Texarkana, Arkansas, requesting the following land located at 4000 E. 9th Street, be rezoned from R-2 Single-Family Residential to C-3 Open Display Commercial:

TRACT I:

The West Half of the Northeast Quarter of the Northeast Quarter (W 1/2 NE 1/4 NE 1/4) and the East Half of the Northwest Quarter of the Northeast Quarter (E 1/2 NW 1/4 NE 1/4) of Section Twenty-eight (28), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, SAVE AND EXCEPT those portions of the above described lands previously conveyed by Highland Hills Development Corporation to third parties. ALSO SAVE AND EXCEPT those portions of the above-described lands previously conveyed by Dennis Sproveri and Charlene F. Sargent to third parties.

TRACT II:

All of Block B in Commercial Highland Hills First Addition to the City of Texarkana, Miller County, Arkansas, located in Section Twenty-eight (28), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, SAVE AND EXCEPT those portions of the above-described lands previously conveyed by Highland Hills Development Corporation to third parties. ALSO SAVE AND EXCEPT those portions of the above-described lands previously conveyed by Dennis Sproveri and Charlene F. Sargent to third parties.

WHEREAS, the Planning Commission, after public hearing, has approved said application and recommended that the Board of Directors of the City of Texarkana, Arkansas, adopt the ordinance affecting said rezoning request;

NOW, THEREFORE, BE IT ORDAINED by the Board of Directors of the City of Texarkana, Arkansas, that Ordinance No. K-286, as amended, is hereby amended to rezone the above-described property in the City of Texarkana, Arkansas, from R-2 Single-Family Residential to C-3 Open-Display Commercial. This is solely a rezoning and no other action, conveyance, or release of interest.

PASSED AND APPROVED this 6th day of March, 2023.

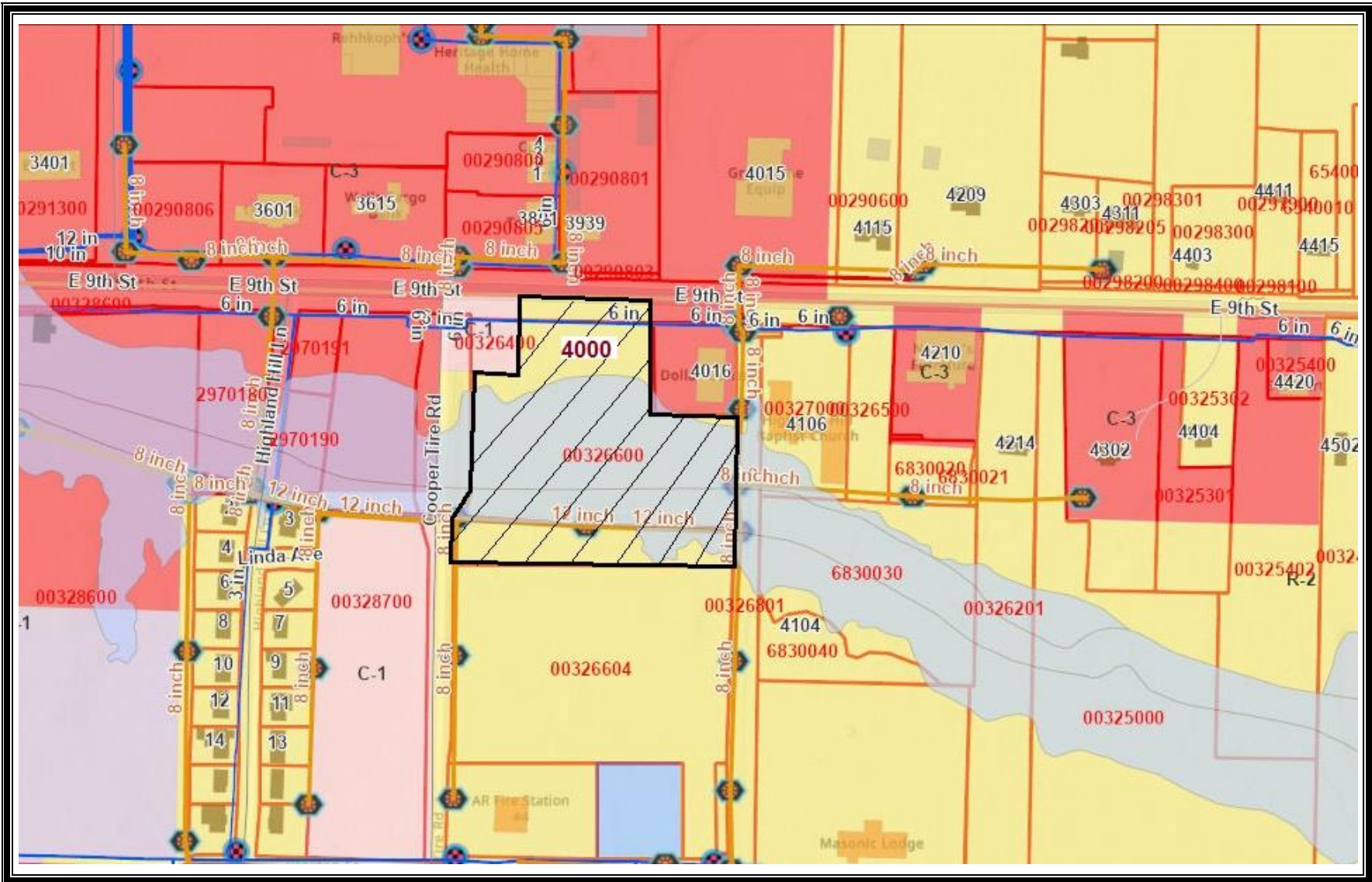
Allen L. Brown, Mayor

ATTEST:

Heather Soyars, City Clerk

APPROVED:

Joshua L. Potter, Interim City Attorney



Planning Review

Prepared by:
 Planning Division - Public Works Department
 City of Texarkana, Arkansas



CITY OF TEXARKANA ARKANSAS

DEPARTMENT OF PUBLIC WORKS

216 WALNUT ST 71854-6024

P O BOX 2711 TEXARKANA ARKANSAS 75504-2711

PHONE (870) 779-4971 – FAX (870) 773-2395

MEMORANDUM

TO: Jay Ellington, City Manager
FROM: Mary L. Beck, City Planner
DATE: February 14, 2023
SUBJECT: Board of Directors Agenda item for March 6, 2023 – Rezoning recommendation – Request by Dennis R. Sproveri, agent Chris Rozier, PO Box 230, Carrollton, MS 38917 to rezone from R-2 Single-family residential to C-3 Open Display commercial.

LEGAL DESCRIPTION:

W ½ NE ¼ NE ¼ and E ½ NW ¼ NE ¼ of Sec. 28, Township 15S, Range 28W, Texarkana, Miller County, Arkansas and contains 6.72 acres more or less. The property is located at 4000 E. 9th Street.

REASON FOR REQUEST:

Development is planned for a new Dollar General store.

EXISTING LAND USES:

Site: vacant, undeveloped
North: businesses
East: a retail store
South: vacant, undeveloped residential
West: vacant, undeveloped residential

EXISTING ZONING:

Site: R-2 Single-family residential
North: C-3 Open-display Commercial
South: R-2 Single-family residential
East: R-2 Single-family residential and C-3 Open-display Commercial
West: C-3 Open-display commercial and C-1 General retail



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COMPATIBILITY WITH EXISTING ZONING:

The long-term comprehensive plan of 1988 shows this area as single-family residential opposite commercial on 9th Street, (Highway 82). This location, probably due to high traffic capacity of a U. S. highway less than a half-mile from an Interstate exchange has shown more commercial development than that shown on the planning document of 1988. The majority of the six acres in the rezoning request is floodplain with a floodway imbedded in the center that has limited development. Engineering of any projects will have to be approved by the City Floodplain Administrator to prevent impact to water concerns if construction extends into floodplain. However, the north end of the property, that adjacent to the highway is suitable for development. There is a Dollar General store immediately to the east of the site on land nearly an acre in size that is surrounded by residential zoning. The new store is planned to be a larger modernized replacement for that store. The requested zoning is not in conflict with current land uses and is desirable to provide goods and services to a large and expanding residential development in the immediate area.

UTILITIES & TRANSPORTATION NETWORK:

Local :	none
Collector:	none
Arterial:	E. 9 th Street (Hwy 82)
Water:	Water main, 6" located in E. 9 th Street
Sewer:	Sewer main, 12" located in the floodplain on the south end of the property
Fire hydrant:	Located on E. 9 th Street directly across from the property.

CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422B)* requires the following – “All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

(A) The Planning Commission shall hold a public hearing on the plans, ordinances, and regulations proposed under this subchapter.

(B) Notice of public hearing shall be published in a newspaper of general circulation in the city, at least (1) time fifteen days prior to the hearing.

(2) Following the public hearing, proposed plans may be adopted, and proposed ordinance and regulations may be recommended as presented, or in modified form, by a majority vote of the entire commission.

(3) Following its adoption of plans and recommendation of ordinances and regulations, the commission shall certify adopted plans of recommended ordinances and regulations to the legislative body of the city for its adoption.

(4) The legislative body of the city may return the plans and recommended ordinances and regulations to the commission for further study or rectification, or, by a majority vote of the entire membership, may, by ordinance or resolution, adopt the plans and recommended ordinances or regulations submitted by the commission. However, nothing in this subchapter shall be construed to limit the city board's authority to recall the ordinances and resolutions by a vote of a majority of the council.

(5) Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the City Clerk. The City Clerk shall file, with the county recorder of the counties in which territorial jurisdiction is being exercised such plans, ordinances, and regulations as pertain to the territory beyond the corporate limits.

The required notice was published in the Sunday, January 29, 2023 edition of the Texarkana Gazette. Letters were mailed to eight (8) adjacent property owners within 300' as required by local ordinance.

OPPOSITION:

Discussion at the meeting on flooding concerns were addressed by City Engineer.

PLANNING COMMISSION CERTIFICATION:

The Planning Commission met on February 13, 2023, to review this request. On a motion to approve by Dr. Randall Hickerson, seconded by Mr. Clyde (Boots) Thomas, the motion passed. A roll call vote was 5-0 as two commissioners were absent.

Adger Smith	Yes
Anderson Neal	Absent
Bertha Dunn	Yes
Jason Dupree	Absent
Randall Hickerson	Yes
Clyde "Boots" Thomas	Yes
Mike Jones	Yes

ACTION REQUESTED BY CITY BOARD OF DIRECTORS:

To adopt an ordinance to change zoning from R-2 Single-family residential to C-3 Open-display commercial. *The Arkansas Code of 1987 Annotated* requires every ordinance to be read three

times before adoption. These three readings may all occur at the same meeting or at the second and third subsequent meetings after the first reading of the ordinance.

2006 1452
Recorded in the Above
Deed Book & Page
03-03-2006 04:20:12 PM
Wanda Davis-Circuit Clerk
Miller County, AR

CORRECTION QUITCLAIM DEED

This Correction Quitclaim Deed made this 28 day of August, 2006, between Charlene F. Sargent ("Grantor") and Charlene F. Sargent, or to such Successor Trustee(s) as may hereafter be appointed, as Trustee(s) of the Charlene F. Sargent Trust (Revocable Living Trust), dated the 12th day of January, 2005, ("Grantee"), whose address is 12926 Leith Way, Yucaipa, California 92399,

WITNESSETH, That Grantor, for and in consideration of the sum of One and No/100 (\$1.00) Dollar, to Grantor in hand paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, and for the purpose of correcting the legal described in Quitclaim Deed dated November 2, 2005, from Charlene F. Sargent to the Charlene F. Sargent Trust (Revocable Living Trust), recorded in Deed Book 2005, page 6954, Deed Records of Miller County, Arkansas, has remised, released, sold, conveyed and quitclaimed, and by these presents does remise, release, sell, convey and quitclaim unto Grantee, its successors and assigns forever, all the right, title, interest, claim, and demand which Grantor has in and to the following described real property situate, lying and being in the County of Miller and State of Arkansas, to-wit:

An undivided One-half (1/2) interest in and to:

TRACT I:

The West Half of the Northeast Quarter of the Northeast Quarter (W 1/2 NE 1/4 NE 1/4) and the East Half of the Northwest Quarter of the Northeast Quarter (E 1/2 NW 1/4 NE 1/4) of Section Twenty-eight (28), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, SAVE AND EXCEPT those portions of the above described lands previously conveyed by Highland Hills Development Corporation to third parties. ALSO SAVE AND EXCEPT those portions of the above described lands previously conveyed by Dennis Sproveri and Charlene F. Sargent to third parties.

2006 1453
Recorded in the Above
Deed Book & Page
03-03-2006 04:20:12 PM

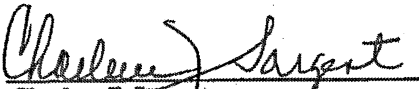
TRACT II:

All of Block B in Commercial Highland Hills First Addition to the City of Texarkana, Miller County, Arkansas, located in Section Twenty-eight (28), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, SAVE AND EXCEPT those portions of the above described lands previously conveyed by Highland Hills Development Corporation to third parties. ALSO SAVE AND EXCEPT those portions of the above described lands previously conveyed by Dennis Sproveri and Charlene F. Sargent to third parties.

This conveyance is subject to all easements, rights of way, mineral leases, conveyances and reservations, that may be of record.

To have and to hold the same, together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee, its successors and assigns forever.

In Witness Whereof, the Grantor has hereunto set her hand and seal the day and year first above written.

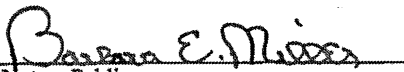

Charlene F. Sargent

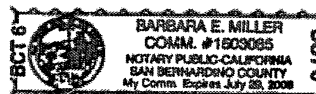
STATE OF California
COUNTY OF SAN BERNARDINO

ACKNOWLEDGMENT

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting, Charlene F. Sargent, to me well known, as the Grantor in the foregoing deed, and stated that she had executed the same for the consideration and purposes therein mentioned and set forth.

WITNESS my hand and seal as such Notary Public on this 28th day of February, 2006.


Notary Public



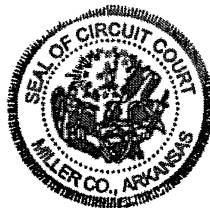
WHEN RECORDED, MAIL TO:
Charlene F. Sargent
12926 Leith Way
Yucaipa, California 92399

Prepared By:
Karlton H. Kemp, Jr.
Attorney at Law
8002 State Line Plaza
Texarkana, Arkansas 71854
Arkansas State Bar Card No. 75069

2006 1454
Recorded in the Above
Deed Book & Page
03-03-2006 04:20:12 PM
Wanda Davis-Circuit Clerk
Miller County, AR

I certify under penalty of false swearing that at least the legally correct amount of documentary stamps have been placed on this instrument.

Karlton H. Kemp, Jr., Agent
Grantee or Agent
12926 LEITH WAY
Grantee's Address
YUCAIPA, CA 92399
City and State



Miller County, AR
I certify this instrument was filed on
03-03-2006 04:20:12 PM
and recorded in Deed Book
2006 at pages 1452 - 1454
Wanda Davis-Circuit Clerk

Wanda Davis

2005 6954
Recorded in the Above
Deed Book & Page
11-22-2005 10:38:04 AM
Wanda Davis-Circuit Clerk
Miller County, AR

This Space for Recorder's Use Only

QUITCLAIM DEED

THIS DEED, made this 2nd day of November, 2005, BETWEEN Charlene F. Sargent, ("Grantor") and Charlene F. Sargent, or to such Successor Trustee(s) as may hereafter be appointed, as Trustee(s) of the Charlene F. Sargent Trust (Revocable Living Trust), dated the 12th day of January, 2005, ("Grantee"), whose address is 12926 Leith Way, Yucaipa, California 92399,

WITNESSETH, That Grantor, for and in consideration of the sum of ONE DOLLAR (\$1.00) to Grantor in hand paid by the Grantee, the receipt whereof is hereby confessed and acknowledged, has remised, released, sold, conveyed and Quitclaimed, and by these presents does remise, release, sell, convey and Quitclaim unto Grantee, its successors and assigns forever, all the right, title, interest, claim and demand which Grantor has in and to the following described real property situate, lying and being in the County of Miller and State of Arkansas to-wit:

An undivided one-half (1/2) interest in and to:

TRACT I:

The West Half of the Northeast Quarter of the Northeast Quarter (W1/2 NE1/4 NE1/4) and the East Half of the Northwest Quarter of the Northeast Quarter (E1/2 NW1/4 NE1/4) of Section Twenty-eight (28), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas, SAVE AND EXCEPT those portions of the above-described lands previously conveyed by Highland Hills Development Corporation to third parties.

TRACT II:

All of Block B in Commercial Highland Hills First Addition to the City of Texarkana, Miller County, Arkansas, located in Section Twenty-eight (28), Township Fifteen (15) South, Range Twenty-eight (28) West, Miller County, Arkansas.

This conveyance is subject to all easements, rights of way, mineral leases, conveyances and reservations, that may be of record.

2005 6955
Recorded in the Above
Deed Book & Page
11-22-2005 10:38:04 AM

To Have and to Hold the Same, Together with all and singular the appurtenances and privileges thereunto belonging or in anywise thereunto appertaining, and all the estate, right, title, interest and claim whatsoever, of Grantor, either in law or equity, to the only proper use, benefit and behoof of Grantee, its successors and assigns forever.

In Witness Whereof, The Grantor has hereunto set her hand and seal the day and year first above written.


Charlene F. Sargent

STATE OF California)
) ss.
COUNTY OF San Bernardino)

BE IT REMEMBERED, That on this day came before the undersigned, a Notary Public, within and for the County aforesaid, duly commissioned and acting, Charlene F. Sargent, to me well known, as the Grantor in the foregoing deed, and stated that she had executed the same for the consideration and purposes therein mentioned and set forth.

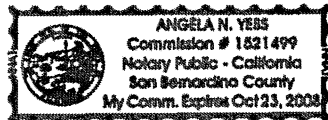
WITNESS my hand and seal as such Notary Public on this 2nd day of November 2005.

My commission expires: 10/23/08


Notary Public

WHEN RECORDED MAIL TO:
Charlene F. Sargent
12926 Leith Way
Yucaipa, California 92399

Prepared by:
Dennis K. Thomas, Attorney at Law
1501 North University, Suite 925
Little Rock, AR 72207



2005 6956
Recorded in the Above
Deed Book & Page
11-22-2005 10:38:04 AM
Wanda Davis-Circuit Clerk
Miller County, AR

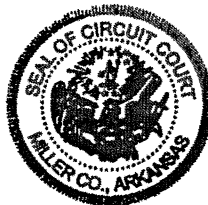
CERTIFICATE

The undersigned Grantee does hereby certify, under penalty of false swearing, that the instrument evidencing this conveyance requires no documentary stamps.

The Charlene F. Sargent Trust dated January 12, 2005, Grantee.

By 
Charlene F. Sargent, Trustee

Address: 12926 Leith Way
Yucaipa, California 92399



Miller County, AR
I certify this instrument was filed on
11-22-2005 10:38:04 AM
and recorded in Deed Book
2005 at pages 6954 - 6956
Wanda Davis-Circuit Clerk 