



## Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

**Agenda - Monday, October 21, 2019 - 6:00 PM**

Call to Order

Roll Call

Invocation and Pledge of Allegiance given by Director Steven Hollibush

### PRESENTATION(S)

- [1.](#) Proclamation presented to the Texarkana Bar Association for Pro Bono Week. (CCD)
- [2.](#) Proclamation declaring the month of November as Business Appreciation Month. (This agenda item sponsored by Director Laney Harris) (CCD)

### CONSENT

- [3.](#) Approval of the minutes of the regular meeting October 7, 2019. (CCD)
- [4.](#) Adopt a Resolution authorizing the City Manager to purchase one (1) Combination Vac-Jet Truck through HGACBuy. (TWU)

### REGULAR

- [5.](#) Adopt an Ordinance amending the *City of Texarkana, Arkansas Code of Ordinances* to allow food trucks in commercial and industrial zones. (This agenda item sponsored by Director Steven Hollibush) (PWD-Planning) (THIRD READING) City Planner Mary Beck

*The applicant requests an emergency clause. 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. (Hdbk. Const. Amend 7)*

### CITIZEN COMMUNICATION

**NEXT MEETING DATE: Monday, November 4, 2019**

**ADJOURN**

**2019 City Calendar**

**Four States Auto Museum Car Show Fundraiser - Friday & Saturday, October 25-26, 2019**

**Hopkins Icehouse Halloween Party - Saturday, October 26-27, 2019**

**Veterans Day Parade - Saturday, November 9, 2019**

**Veterans Memorial Day Celebration - Monday, November 11, 2019**

**Gateway Farmers Market Thanksgiving Market – Saturday, November 23, 2019**

**Gateway Farmers Market Christmas Market - Saturday, December 14, 2019**

**Juneteenth Celebration - Saturday, June 27, 2020**



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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**AGENDA TITLE:** Proclamation presented to the Texarkana Bar Association for Pro Bono Week. (CCD)

**AGENDA DATE:** October 21, 2019

**ITEM TYPE:** Ordinance  Resolution  Other : Proclamation

**DEPARTMENT:** City Clerk Department

**PREPARED BY:** Heather Soyars, City Clerk

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**REQUEST:** Proclamation

**EMERGENCY CLAUSE:** N/A

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**SUMMARY:** Proclamation

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**EXPENSE REQUIRED:** N/A

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**AMOUNT BUDGETED:** N/A

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**APPROPRIATION REQUIRED:** N/A

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**RECOMMENDED ACTION:** N/A

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**EXHIBITS:**



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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**AGENDA TITLE:** Proclamation declaring the month of November as Business Appreciation Month. (This agenda item sponsored by Director Laney Harris) (CCD)

**AGENDA DATE:** October 21, 2019

**ITEM TYPE:** Ordinance  Resolution  Other : Proclamation

**DEPARTMENT:** City Clerk Department

**PREPARED BY:** Heather Soyars, City Clerk

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**REQUEST:** Proclamation

**EMERGENCY CLAUSE:** N/A

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**SUMMARY:** Proclamation

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**EXPENSE REQUIRED:** N/A

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**AMOUNT BUDGETED:** N/A

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**APPROPRIATION REQUIRED:** N/A

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**RECOMMENDED ACTION:** This agenda item sponsored by Director Laney Harris

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**EXHIBITS:**



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Approval of the minutes of the regular meeting October 7, 2019. (CCD)
<b>AGENDA DATE:</b>	October 21, 2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input type="checkbox"/> Other <input checked="" type="checkbox"/> : Minutes
<b>DEPARTMENT:</b>	City Clerk
<b>PREPARED BY:</b>	Heather Soyars, City Clerk

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<b>REQUEST:</b>	Approval of meeting minutes.
<b>EMERGENCY CLAUSE:</b>	N/A

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<b>SUMMARY:</b>	Approval of meeting minutes.
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<b>EXPENSE REQUIRED:</b>	N/A
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<b>AMOUNT BUDGETED:</b>	N/A
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<b>APPROPRIATION REQUIRED:</b>	N/A
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<b>RECOMMENDED ACTION:</b>	The City Clerk recommends approval.
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<b>EXHIBITS:</b>	Meeting minutes.
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## Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

**Minutes - Monday, October 07, 2019 - 6:00 PM**

Mayor Allen Brown called the meeting to order.

PRESENT: Mayor Allen Brown, Ward 2 Director Laney J. Harris, Ward 3 Director Steven Hollibush, Ward 5 Director Barbara S. Miner, and Ward 6 Director Terri Peavy.

ALSO PRESENT: City Attorney George Matteson, City Clerk Heather Soyars, and Deputy City Clerk Jenny Narens.

ABSENT: City Manager Dr. Kenny Haskin, Ward 1 Assistant Mayor Linda Teeters, and Ward 4 Director Travis Odom

Invocation and Pledge of Allegiance given by Mike Malone, Chamber of Commerce President

### PRESENTATION(S)

1. Presentation of the City of Texarkana, Arkansas Employee Service Awards. (CCD)

Mayor Brown acknowledged Mark Yarnell for five years of service and Jared McCreery for ten years of service with Texarkana Water Utilities Department.

2. Presentation of the FY 2018 Audit. (FIN) Finance Director TyRhonda Henderson

Cynthia Burns, BKD, LLP, gave a brief presentation and said the objectives for the audit were to provide opinion on whether the financial statements were fairly stated; reported on compliance with certain laws and regulations; issued report on internal controls over financial report and compliance requirements; and issued a report on compliance with certain laws. She said the examination of the City's compliance with certain Arkansas State Acts reported an unmodified opinion on City's compliance. An unmodified opinion was the best opinion. Ms. Burns said the Certificate of Achievement for Excellence in Financial Reporting was awarded by the Government Finance Officers Association. The City received the 2017 award and applied for 2018.

### CONSENT

Director Harris requested Item 4. Adopt a Resolution accepting the year end 2018 Audit report. (FIN); Item 5. Adopt a Resolution authorizing the City Manager to enter into a Purchase Agreement with Davis Playgrounds for Five (5) Shade Structures. (PWD); Item 6. Adopt a Resolution authorizing the City Manager to enter into an agreement with Vessel Church for the purchase of 108 East Broad Street. (PWD) to be removed from the Consent Agenda for discussion.

Motion to approve the Consent Agenda made by Director Miner, Seconded by Director Hollibush. The motion carried unanimously, and Mayor Brown declared the Consent Agenda approved. The items approved were:

3. Approval of the minutes of the regular meeting September 16, 2019. (CCD)
7. Resolution No. 2019-35 accepted the proposal of Trull-Hollingsworth Architects for architectural services and entering into an agreement for the Animal Care and Adoption Center improvements. (ACAC)

## **REGULAR**

4. Resolution No. 2019-36 accepted the year end 2018 Audit report. (FIN)

Director Harris said he wanted to let the new Board members know the State could perform an audit at no cost to the City. He said the State did not audit grants and it might take a little longer than BKD, LLP, but he wanted them to be aware.

Motion to adopt the resolution made by Director Harris, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush, Director Miner and Director Peavy.

Mayor Brown declared the resolution adopted by a 5-0 vote.

5. Resolution No. 2019-37 authorized the City Manager to enter into a Purchase Agreement with Davis Playgrounds for Five (5) Shade Structures. (PWD)

Director Harris asked if the funding were from the Community Development Block Grant (CDBG) fund. He said in his opinion the City should not use the CDBG fund for the shade structures, it should be used to enhance the quality of life. Director Harris said in his ward there were many burnt houses and streets that could benefit from the CDBG fund instead of purchasing shade structures.

Director Peavy asked where the shade structures were going to be located.

Public Works Director Tyler Richards said they would be placed at the Pondexter Sports Complex. He said the Public Works Department was in the process of using CDBG funds to fix three streets in the low to moderate income area. Mr. Richards said CDBG funds were also used on the neighborhood centers and sidewalks as well.

Mayor Brown said this was an opportunity to enhance the Pondexter Sports Complex for future tournaments.

Public Works Director Tyler Richards said the Pondexter Sports Complex was the only complex in Texarkana that did not have the shade structures.

Director Peavy said the Pondexter Sports Complex was always full when a tournament was going on and was thankful for the shade structures.

Motion to adopt the resolution made by Director Peavy, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Hollibush, Director Miner and Director Peavy.

Voting No: Director Harris

Mayor Brown declared the resolution adopted by a 4-1 vote.

6. Resolution No. 2019-38 authorized the City Manager to enter into an agreement with Vessel Church for the purchase of 108 East Broad Street. (PWD)

Director Harris asked how much it cost to have the building torn down and what was the City going to do with the metal ladder in the back of the building.

Public Works Director Tyler Richards said the fire escape was on the Regency House not the building on 108 East Broad and the Regency House would be torn down along with this property at the same time. He said the exact cost to tear down the buildings was not available until after the inspections were finished. Mr. Richards said it would cost less to tear the building down than to rebuild it.

Motion to adopt the resolution made by Director Peavy, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush, Director Miner and Director Peavy.

Mayor Brown declared the resolution adopted by a 5-0 vote.

8. Resolution No. 2019-39 approved Texarkana Water Utilities (TWU) FY 2019/2020 Budget. (TWU)

TWU Finance Director Jim Cornelius gave a PowerPoint presentation of the budget summary. He said the AR/TX Ratio was 36.78/63.22%. He outlined the master fee list recommendations for services. The fees would help recoup the cost of those services. Other highlights included depreciation fund projects planned for the wastewater treatment plants, the water treatment plants and capital improvements/infrastructure projects.

Mayor Brown asked if the City should be concerned about the ending fund balance since it was half of what the City normally had over the past several years.

Executive Director JD Phillips said one issue was having to fund the Jet Truck a year early and there were several big projects needed to be done this year. He said the revenue was way down this year also.

Director Harris asked what the longevity was for the plant on New Boston Road.

Executive Director JD Phillips said it would continue to run until the Riverbend Company was up and running.

Director Miner said she commended the staff at TWU for their work.

Motion to adopt the resolution made by Director Harris, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush, Director Miner and Director Peavy.

Mayor Brown declared the resolution adopted by a 5-0 vote.

9. Ordinance No. 21-2019 granted the request for prerequisite municipal approval of a private club application for 511 E. 51st Street. (Bill Davis) (CCD)

***The applicant requests an emergency clause. 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. (Hdbk. Const. Amend 7)***

Mr. Davis said he purchased the property at 511 E. 51<sup>st</sup> Street and he was getting the permits, having it inspected and making sure the building was up to code.

Motion to read the ordinance the first time in abbreviated form made by Director Harris, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. 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 Harris, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The ordinance was read the second time in abbreviated form.

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

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The ordinance was read the third and final time in abbreviated form.

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

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The Mayor declared the ordinance adopted.

Motion to adopt the emergency clause made by Director Miner, Seconded by Director Peavy.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The Mayor declared the emergency clause adopted.

10. Adopt an Ordinance amending the *City of Texarkana, Arkansas Code of Ordinances* to allow food trucks in commercial and industrial zones. (This agenda item sponsored by Director Steven Hollibush) (PWD-Planning) City Planner Mary Beck

***The applicant requests an emergency clause. 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. (Hdbk. Const. Amend 7)***

City Planner Mary Beck said Director Hollibush contacted staff with the request allowing food trucks in various zones in the city. She said the Planning Commission held two workshops and voted on September 10, 2019, to recommend approval to the Board of Directors allowing food trucks in commercial and industrial zones except the office quite zones. Ms. Beck said they had support from business owners and had no opposition.

Mayor Brown said this would coincide with the entertainment district because they would be permitted inside the district.

City Planner Mary Beck said the food truck vendors would be permitted on any private property and any commercial and industrial zone. She said the public property would fall under the Public Works Department to control.

Mayor Brown said it looked like the ordinance addressed a food truck vendor parking in front of someone's business without permission.

City Planner Mary Beck said that would be handled on a case by case basis with the permitting process.

Mayor Brown asked if the food truck vendor had to receive a permit through the City to operate the truck and then the City would receive sales tax off the items sold on the food truck.

City Planner Mary Beck said yes.

Director Miner said the Board set the restriction requirements the unit had to have.

City Planner Mary Beck said yes. She said this ordinance only dealt with the zoning since the original ordinance had the food truck vendors restricted to certain areas.

Director Hollibush wanted to thank Ms. Beck for all the hard work she did on this ordinance. He said he thought this would help the City bring more food truck vendors into town and thought it was a great ordinance to support.

Director Harris said he did not think there was enough time given to the brick and mortar businesses and wanted to hear from them. He said he did not know there were restrictions on where the food truck vendors could be parked. Director Harris asked what the enforcement process was.

City Planner Mary Beck said this ordinance would make it legal to have food truck vendors on private property.

Motion to read the ordinance the first time in abbreviated form made by Director Hollibush, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. 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 Peavy.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The ordinance was read the second time in abbreviated form.

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

Voting Yea: Mayor Brown, Director Hollibush. Director Miner and Director Peavy.

Voting No: Director Harris

Mayor Brown declared the motion failed by a vote of 4-1.

Mayor Brown said the third reading would be at the next Board meeting on October 21, 2019.

11. Ordinance No. 22-2019 rezoned property located at 4203 Preston Street from R-2 Single-family Residential to O-1 Office Quiet Commercial. (Animal League) (This item recommended for Board approval by the Planning Commission) (PWD-Planning)

City Planner Mary Beck said this property was constructed with a conditional use permit in the R-2 Residential zone for a square dance club. She said after the property owner passed away the property was deeded to the Animal League for an adoption center. Ms. Beck said since it was in a residential area it never seemed to be a good location with all the noise factors associated with the animals. Ms. Beck said the Animal League was asked about having a medical billing office there, and they applied for a rezoning to an O-1 Office Quiet. She said there was no opposition from the Planning Commission, and it was approved by a 6-0 vote. Ms. Beck said the person who planned to start the business realized he needed to do some upgrades to the parking area and some building improvements. She said he decided to do something different, but the Animal League wanted to continue with the rezoning. Ms. Beck said the Planning Commission recommended approval.

Motion to read the ordinance the first time in abbreviated form made by Director Miner, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. 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 Miner, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The ordinance was read the second time in abbreviated form.

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

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Peavy, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush. Director Miner and Director Peavy.

The motion carried 5-0. The Mayor declared the ordinance adopted.

## **CITIZEN COMMUNICATION**

Brenda Watson-Blevins said she was a representative of the Iron Mountain Community and she wanted to address some issues they were having within their ward. She gave handouts that had pictures with the damaged streets, potholes, and overgrown places. Ms. Watson-Blevins said there were a few disabled residents that needed help with their damaged homes and asked if there were any funding that could help them.

Lavennier Brown and Teara Lindum with Arkansas Rehab Services, said they wanted to make the Board aware that October was National Disability Employment Awareness Month. Ms. Brown said this was a time to raise awareness about some of the struggles the disabled employees had and to highlight the accomplishments of the employers who work with the disabled citizens. Ms. Brown said they provided several different services to help the disabled citizens who were wanting to work and keep a job. Ms. Lindum said all the services they offered were free of charge since it was a state agency.

Jeff Brown with the City Beautiful Commission said there would be a city wide clean up this Saturday, October 12, 2019, starting at 9:00 AM and invited all Board members to come and help. He said they were going to meet at the Fire Station, and they had supplies to give out. Mr. Brown said there would be dumpsters located at the Sandflat Center, Iron Mountain, and Bramble Park parking lot. He encouraged everyone to come and help get Texarkana cleaned up.

Director Harris asked if the City would use the grapple truck to pick up items the elderly citizens needed to put in the dumpster.

Public Works Director Tyler Richards said no. He said the grapple truck would be used that day; it would have designated areas to pick up items the cleaning crews had put out for it.

Fredrick Johnson said he was from the Iron Mountain neighborhood and there were many fire damaged homes waiting to be torn down. He asked if the City could give more than three hours for the clean up on Saturday. Mr. Johnson asked if the City could do something with the old Inghram swimming pool. It had water in it and the mosquitoes were very bad.

Director Harris read a proclamation from the State of Arkansas Governor proclaiming October 2019, as Visit Your School Month.

**NEXT MEETING DATE: Monday, October 21, 2019**

**ADJOURN**

Motion to adjourn made by Director Miner, Seconded by Director Hollibush.

Voting Yea: Mayor Brown, Director Harris, Director Hollibush, Director Miner and Director Peavy.

The motion carried 5-0. The meeting adjourned at 7:33 PM.

**APPROVAL** of the minutes on this 21<sup>st</sup> day of October, 2019.

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Linda Teeters, Assistant Mayor

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Heather Soyars, City Clerk



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Adopt a Resolution authorizing the City Manager to purchase one (1) Combination Vac-Jet Truck through HGACBuy. (TWU)
<b>AGENDA DATE:</b>	October 21, 2019
<b>ITEM TYPE:</b>	Ordinance <input type="checkbox"/> Resolution <input checked="" type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Texarkana Water Utilities
<b>PREPARED BY:</b>	J. D. Phillips, P.E., Executive Director

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<b>REQUEST:</b>	EnterText
<b>EMERGENCY CLAUSE:</b>	EnterText

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<b>SUMMARY:</b>	Texarkana Water Utilities (TWU) reviewed pricing from several manufacturers for the purchase of one (1) Combination Vac-Jet truck in an amount not to exceed the Arkansas portion, \$138,408.73 and the total amount not to exceed \$376,315.20. It was determined that the most cost-effective purchase would be to utilize the HGACBuy at \$376,315.20. This price includes the HGACBuy applicable fees. The HGACBuy is a local government purchasing cooperative administered by the Texas Association of School Boards. TWU has purchased from the HGACBuy on previous occasions. Purchase from the HGACBuy meets all bidding requirements. Funds were budgeted and are available for the purchase of this equipment in the Texarkana Water Utilities 2019-2020 Budget in the Utility Equipment Acquisition Fund.
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<b>EXPENSE REQUIRED:</b>	\$138,408.73
<b>AMOUNT BUDGETED:</b>	\$384,000.00

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<b>APPROPRIATION REQUIRED:</b>	None
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<b>RECOMMENDED ACTION:</b>	Texarkana Water Utilities staff recommends approval of the purchase.
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<b>EXHIBITS:</b>	HGACBuy Contracting Pricing Worksheet
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## **RESOLUTION NO. \_\_\_\_\_**

**WHEREAS**, Texarkana Water Utilities is requesting the approval of the City of Texarkana, Arkansas, Board of Directors, to purchase one (1) Combination Vac-Jet by Houston – Galveston Area Council Buy Board (HGACBuy) in an amount not to exceed \$376,315.20 with the Arkansas portion being \$138,408.73; and

**WHEREAS**, \$376,315.20 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**, Texarkana Water Utilities staff recommend approval;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Directors of the City of Texarkana, Arkansas, that the Texarkana Water Utilities is authorized to buy one (1) Combination Vac-Jet Truck through HGACBuy in an amount not to exceed \$376,315.20 with the Arkansas portion being \$138,408.73.

**PASSED AND APPROVED** this 21st day of October, 2019.

\_\_\_\_\_  
Linda Teeters, Assistant Mayor

**ATTEST:**

\_\_\_\_\_  
Heather Soyars, City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney



**CONTRACT PRICING WORKSHEET**  
For MOTOR VEHICLES Only

Contract No.:

HT06-18

Date Prepared:

9/11/2019

**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:	713-676-1603
Email:		Email:	adam.neuse@strhouston.com
Product Code:	C3	Description:	2020 Freightliner 114SD SRA

**A. Product Item Base Unit Price Per Contractor's H-GAC Contract:** 89830

**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
RH Understep Aftertreatment w/ Vert Stack	617	AM/FM Radio	299
DA-F-20 20,000 LB Front Axle	2577		
20,000 LB Front Suspension	1130		
LH 100 Gallon Fuel Tank	308		
Fuel/Water Separator	203		
425/65R22.5 Michelin XZY	471	Vac-Con Single Engine PD	281171.2
11R22.5 XDE-MS RR Tires	320	<b>Subtotal From Additional Sheet(s):</b>	
Basic High Back Air Driver Seat	159	<b>Subtotal B:</b>	287255.2

**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
		<b>Subtotal From Additional Sheet(s):</b>	
		<b>Subtotal C:</b>	0

**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:** 0%

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

Quantity Ordered:	1	X Subtotal of A + B + C:	377085.2	=	Subtotal D:	377085.2
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**E. H-GAC Order Processing Charge (Amount Per Current Policy)** Subtotal E: 1500

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

Description	Cost	Description	Cost
Vac-Con Delivery	2525		
Chassis Discount	-4795		
		<b>Subtotal F:</b>	-2270

**Delivery Date:** **G. Total Purchase Price (D+E+F):** 376315.2



## CITY OF TEXARKANA, AR BOARD OF DIRECTORS

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<b>AGENDA TITLE:</b>	Adopt an Ordinance amending the <i>City of Texarkana, Arkansas Code of Ordinances</i> to allow food trucks in commercial and industrial zones. (This agenda item sponsored by Director Steven Hollibush) (PWD-Planning) (THIRD READING) City Planner Mary Beck  <i>The applicant requests an emergency clause. 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. (Hdbk. Const. Amend 7)</i>
<b>AGENDA DATE:</b>	October 21, 2019
<b>ITEM TYPE:</b>	Ordinance <input checked="" type="checkbox"/> Resolution <input type="checkbox"/> Other <input type="checkbox"/> : _____
<b>DEPARTMENT:</b>	Planning
<b>PREPARED BY:</b>	Mary Beck, City Planner

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<b>REQUEST:</b>	Amend the Code to allow food trucks in commercial and industrial zones.
<b>EMERGENCY CLAUSE:</b>	Yes

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<b>SUMMARY:</b>	Amend the Code to allow food trucks in commercial and industrial zones. First and Second Readings were read at the October 7, 2019 Board meeting.
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<b>EXPENSE REQUIRED:</b>	N/A
<b>AMOUNT BUDGETED:</b>	N/A
<b>APPROPRIATION REQUIRED:</b>	N/A

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<b>RECOMMENDED ACTION:</b>	The City Manager, Planning Commission and Staff recommend approval.
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<b>EXHIBITS:</b>	Ordinance and Memo.
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# ORDINANCE NO. \_\_\_\_\_

## **AN ORDINANCE TO AMEND ORDINANCE K-286, CHAPTER 28, ARTICLE III, SEC. 28-22; & SEC. 28-23, TO ADD MOBILE FOOD VEHICLES ALSO KNOWN AS FOOD TRUCKS AS A LAND USE IN VARIOUS ZONES; AND ARTICLE XI, SEC. 28-142 DEFINITIONS RELATED TO MOBILE FOOD VENDORS**

**WHEREAS**, the City desires to provide opportunities for increased business activities to support cultural and art events; and to provide opportunities for increased business activities to serve food to the public at large; and

**WHEREAS**, the Planning Commission does recommend incorporating applicable regulations for permitting and operations on private property to follow regulations stated in Chapter 13 of the *City of Texarkana, Arkansas, Code of Ordinances*; with the addition to Chapter 28, the zoning chapter, such definitions that are applicable to privately owned land; namely amendments to:

**ARTICLE XI, SEC. 28-142** definitions related to Mobile Food Vehicles aka food trucks:

- *Food trucks.* A type of mobile food vehicle which is motorized, and operationally self-contained equipped with enclosed facilities for cooking, preparing, and selling prepared food and/or beverages and does not include ice cream trucks or other types of food delivery trucks operating under a hawker's license selling door to door.
- *Food trailers.* A type of mobile food vehicle which is designed to be towed on public roads equipped with enclosed, self-contained, facilities for cooking, preparing, and selling prepared food and/or beverages.
- *Commissary.* A location designated by the city at which a mobile food vendor holding a valid mobile food permit pursuant to this chapter may dispose of wastewater from storage tanks and/or clean any utensils or kitchenware associated with mobile vendor's operations under this chapter.

- *Mobile food vendor.* A person or entity holding a mobile food vendor permit in accordance with regulations stated in Chapter 13.
- *Mobile food vendor permit.* A permit issued to a mobile food vendor pursuant to Chapter 13.
- *Ice Cream Trucks.* A traditional type of motorized vehicles operating for the sole purpose of selling ice cream, frozen dessert-type snacks, snow cones and popsicles; not to include sales of any other food types or products, subject to Article II, Sec. 13 (37-41), otherwise known as a hawkers license.
- *General pushcarts.* A wagon-type, non-motorized vending vehicle subject to Article II, Sec. 13 (37-41), otherwise known as a hawkers license.

**WHEREAS**, suitable zoning districts in Article III, Sec. 28-22 and Sec. 28-23, that is, all industrial and commercial zones except O-1 Office commercial. Notes: Customer parking needs will be determined by the building official at the time permits are issued in order that business be conducted in an orderly manner without negative impact to adjacent land uses;

**NOW THEREFORE, BE IT ORDAINED** by the Board of Directors of the City of Texarkana, Arkansas, these regulations are hereby adopted and incorporated into the *City of Texarkana, Arkansas, Code of Ordinances*.

**PASSED AND APPROVED** this 21<sup>st</sup> day of October, 2019.

\_\_\_\_\_  
Linda Teeters, Assistant Mayor

**ATTEST:**

\_\_\_\_\_  
Heather Soyars, City Clerk

**APPROVED:**

\_\_\_\_\_  
George Matteson, City Attorney



## CITY OF TEXARKANA, ARKANSAS

### DEPARTMENT OF PUBLIC WORKS

216 WALNUT STREET 71854-6024

P.O. BOX 2711 – TEXARKANA, ARKANSAS 75504-2711

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

## MEMORANDUM

**TO:** Dr. Kenny Haskin, City Manager  
**FROM:** Mary L. Beck, City Planner/Historic Preservation Officer  
**DATE:** September 17, 2019  
**SUBJECT:** **Board of Directors Agenda Item for 10-07-2019 meeting** - Request by Director Steven Hollibush to evaluate and make recommendations to amend the Texarkana Code of Ordinances to add food trucks to the zoning chapter as a land use; and, to add definitions from chapter 13 of the municipal code.

### COMPATIBILITY WITH EXISTING DEVELOPMENT:

Commercial sale of foods is an important economic generator and is a land use currently approved in all commercial zones other than O-1 Office quiet; and, can be a suitable land use in areas of industrialization and with that suitability, portable availability of food choices is seen as a benefit for many such as workers in manufacturing areas, business people with short lunch hours, participants at public events, family outings, visitors to the city, etc.

Process:

**Request received from City Board of Directors, citizen, developer, company, or initiated by the staff** – Requests for a zoning ordinance text amendment can be made at any time. These requests may be initiated by the City Board of Directors, a citizen, a commercial developer, a company, or the staff itself. Many times, these requests are the result of new land uses, changes in residential housing types or densities, omissions in the original zoning ordinance, etc.

**Staff Research** - Research and development of draft regulations;

**Staff Recommendation** - Planning Division staff researches and makes a staff recommendation to Planning Commission;

**Legal Notice** – Publish legal notice in the Texarkana Gazette one time fifteen days prior to the public hearing;

**Public Hearing** – The Planning Division staff presents staff



recommendation to Planning Commission during required public hearing;

**Planning Commission** – Makes one of the following determinations:

1. Reject the staff recommendation and request further study/analysis;
2. Recommend denial of the Zoning Ordinance text amendment;
3. Recommend approval of the Zoning Ordinance text amendment;

**City Board of Directors** – If recommended for approval by the Planning Commission, the City Board of Directors considers adopting an ordinance enacting/accepting the Zoning Ordinance text amendment. The proposal could also be heard by the City Board of Directors if the Planning Commission's recommendation of denial was appealed to the City Board of Directors. The City Board of Directors makes one of the following determinations:

1. Reject the Planning Commission's recommendation and request further study/analysis;
2. Recommend denial of the Planning Commission's Zoning Ordinance text amendment(s);
3. Recommend approval of the Planning Commission's Zoning Ordinance text amendment(s);

**Ordinance** – Becomes effective in thirty (30) days or with adoption of an emergency clause as part of the ordinance, the ordinance would become effective immediately; and

**City Clerk** - Following adoption by the legislative body, the adopted plans, ordinances, and regulations shall be filed in the office of the city clerk.

## CONFORMANCE WITH APPLICABLE ORDINANCES AND/OR STATE STATUTES:

The *Arkansas Code of 1987 Annotated (14-56-422 1B)* requires the following - "All plans, recommended ordinances, and regulations shall be adopted through the following procedure for adoption of plans and regulations:

- (1) (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 newspaper of general circulation in the city, at least one (1) time fifteen (15) days prior to the hearing.
- (2) Following the public hearing, proposed plans may be adopted, and proposed ordinances 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 or 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 statutory notice was published fifteen (15) days prior to the public hearing as required by the *Arkansas Code of 1987 Annotated 14-56-422* (Adoption/amendment of plans, ordinances, & regulations) on Sunday, August 25, 2019 for the September meeting.

#### **OPPOSITION TO ZONING ORDINANCE TEXT AMENDMENT:**

No opposition has been received.

Support has been indicated in other venues from local business owners including DeAnna O'Malley, George Dodson, and other downtown business owners and had no opposition from the Commission.

#### **ADDITIONAL ACTION BY CITY BOARD OF DIRECTORS:**

The City Board of Directors could review the Planning Commission's recommendation at their regularly scheduled meeting and may adopt, amend, return, or deny the request. It is anticipated the Board will consider the ordinance at the regularly scheduled October 7, 2019 meeting.

#### **PLANNING COMMISSION RECOMMENDATION:**

To amend the Texarkana Municipal Code, Ordinance K-286, zoning

regarding Chapter 28, Article III, Sec. 28-22 & 23 to recommend addition of food trucks as defined below as an allowed land use in all commercial and industrial zones except O-1 Office quiet.

Adopt the definitions from Chapter 13 of the *Municipal Code of the City of Texarkana, Arkansas*; to be included in Chapter 28, the zoning chapter, such definitions that are applicable.

**ARTICLE XI, SEC. 28-142** definitions related to Mobile Food Vehicles aka food trucks:

- *Food trucks.* A type of mobile food vehicle which is motorized, and operationally self-contained equipped with enclosed facilities for cooking, preparing, and selling prepared food and/or beverages and does not include ice cream trucks or other types of food delivery trucks operating under a hawker's license selling door to door.
- *Food trailers.* A type of mobile food vehicle which is designed to be towed on public roads equipped with enclosed, self-contained, facilities for cooking, preparing, and selling prepared food and/or beverages.
- *Commissary.* A location designated by the city at which a mobile food vendor holding a valid mobile food permit pursuant to this chapter may dispose of wastewater from storage tanks and/or clean any utensils or kitchenware associated with mobile vendor's operations under this And, to add the following definitions to the zoning chapter under Article XI, Sec. 28-142.
- *Mobile food vendor.* A person or entity holding a mobile food vendor permit in accordance with regulations stated in Chapter 13.
- *Mobile food vendor permit.* A permit issued to a mobile food vendor pursuant to Chapter 13.
- *Ice Cream Trucks.* A traditional type of motorized vehicles operating for the sole purpose of selling ice cream, frozen dessert-type snacks, snow cones & popsicles; not to include sales of any other food types or products, subject to Article II, Sec. 13 (37-41), otherwise known as a hawker's license.
- *General pushcarts.* A wagon-type, non-motorized vending vehicle subject to Article II, Sec. 13 (37-41), otherwise known as a hawker's license.

After conducting the required statutory public hearing, the Planning Commission certifies a recommendation for approval on a motion by Adger Smith to approve, seconded by Randall Hickerson.

Boots Thomas, Chairperson	Yes
Bertha Dunn, Vice-chairperon	Yes
Jason Dupree	Absent
George Coker	Yes
Anderson Neal, Jr.	Yes
Adger Smith	Absent
Randall Hickerson	Yes



**BOARD ACTION REQUESTED:**

The Board action requested is to consider an ordinance amending the text of the Zoning Ordinance to allow food trucks in commercial and industrial zones with the exception of O-1 Office quiet zones and to add definitions to the zoning chapter from Chapter 13 regarding sales of food from mobile vehicles.

An emergency clause is requested.

