CITY OF TEXARKANA, AR
REQUEST FOR BOARD ACTION

AGENDA TITLE: Approval of Minutes of the regular meeting November 18, 2013.
AGENDA DATE: 12/03/2013
ITEM#: 8
DEPARTMENT: City Clerk
DATE SUBMITTED: 11/19/2013
PREPARED BY: Patti Scott Grey
SUBJECT: November 18, 2013 regular meeting minutes
EXHIBITS: Minutes
APPROVAL:

Patti Scott Grey

EXPENSE REQUIRED: $0.00
AMOUNT BUDGETED: $0.00
APPROPRIATION REQUIRED: $0.00

SUMMARY: The minutes of the November 18, 2013 regular meeting are provided for your approval.

BOARD ACTION: The City Clerk recommends board approval.

REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE CITY OF TEXARKANA, ARKANSAS
NOVEMBER 18, 2013

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:30 PM on November 18, 2013.
ROLL CALL:

Mayor Smith asked the Clerk to call the roll and the following Board Members were present: Mayor N. Wayne Smith, Assistant Mayor James Mike Jones, and Directors Ruth Penney Davis, Chad Dowd, and Laney J. Harris. Also present were City Manager Harold E. Boldt, City Attorney George Matteson, and City Clerk Patti Scott Grey. Directors Sue Johnson and Londell Williams were absent.

Mayor Smith asked it be duly noted there was a quorum present for tonight’s meeting.

INVOCATION:

The invocation was given by Mayor Smith.

PLEDGE OF ALLEGIANCE:

Mayor Smith led everyone in the Pledge of Allegiance.

COMMENTS FROM THE MAYOR:

Welcome:

Mayor Smith welcomed the public and City staff to tonight’s board meeting.

Board Meeting Procedure:

Mayor Smith briefly reviewed the board meeting procedures and pointed out the Agenda Item Cards, Citizens’ Communication Cards, and agendas along the rail for tonight’s board meeting. The Mayor asked any audience member interested in speaking at tonight’s board meeting to complete one of the cards and turn the card into the City Clerk. He said this would help run an organized meeting and allowed the Clerk to have the necessary information for the meeting minutes. He stated any citizen may comment on any item on the agenda and express their desires, but would be limited to five minutes.

QUESTIONS FROM DIRECTORS AND OTHER BUSINESS:

Mayor Smith asked if any of the Board Members had questions or comments.

Mayor Smith recognized Directors Harris.

Director Harris asked the public to contact him, if between the years 2009 to the present; the City of Texarkana removed cars off private property without a court order. He also asked
when the $2 million of the 2012 Street Bond money would be used in Crossroads Business Park, or when it would come back to the residential neighborhoods for street repairs.

Mr. Bold said he would verify the findings and report to the board.

Director Dowd asked where the 2014 Budget was. He said by this time the board usually had a rough draft.

Mr. Boldt said the Finance Department was really close to being finished with the rough draft.

Director Davis said the Budget was behind this year. She also suggested having only one meeting in December 2014, because December was a busy time of year with all the holidays.

Mayor Smith asked that only one meeting in December 2014 be added to the rescheduled Board of Directors’ meeting agenda item, which should be on the December 16, 2013 agenda.

**REGULAR AGENDA:**

**MINUTES:**

The minutes approved were of the regular meetings of October 7, 2013, October 21, 2013, and November 4, 2013.

**PUBLIC HEARING:**

Mayor Smith opened a public hearing to receive comments, regarding the establishment of “Quiet Zones” and to express concerns for Union Pacific Railroad Trains sitting on the tracks for long periods of time. The Mayor said this item was placed on the agenda at the request of Director Laney J. Harris.

Mayor Smith asked Wayne Gruschow to come forward.

Wayne Gruschow, 2408 Briar Rose Drive, thanked Directors Harris and Davis. He said it seemed like he was beating a dead horse on this issue. He said maybe it would be resurrected.

Mayor Smith asked Mr. Gruschow what railroad crossings affected him.

Mr. Gruschow said the 14th Street and 19th Street crossings and the Arkansas Boulevard crossing at the airport. He said these were the crossings that affected the most people. He said his mother used to tell him before you could get something done, you had to want to do it. He said
he had not seen that from the board. He said a few meetings back; Mr. Hackleman told this board if the City did a “Quiet Zone”, the City would assume additionally liability. He said Mr. Hackleman had to know this was not true. He said he wanted to ask Mr. Hackleman a question.

Mayor Smith asked Mr. Gruschow to address the board and Mr. Hackleman would respond to the board in a few minutes.

Mr. Gruschow said he took it upon himself to contact Mr. Washington from the Federal Railroad Administration (FRA) in Shreveport, Louisiana, to come here and refute that the City would assume additional liability, which he did. Unfortunately, Mr. Washington was whisked out of here before anyone could ask questions.

Mayor Smith said he remembered Mr. Washington.

Mr. Gruschow said the official formal request had to come from the City, not him. He said it seemed the Board was against “Quiet Zones”. He asked the Board to at least put forth the effort to see what options were out there and get serious and do something about it. He said he did not know who to blame or who was at fault, but this issue had been going on for fifteen (15) years and the City was still on dead center. He said when Horace Shipp was running for Mayor; Mr. Shipp told him train horns were his number one priority. Mr. Gruschow said he did not understand the lack of interest from the Board.

Mayor Smith said Mr. Gruschow’s time was up.

Director Harris said he did not know there was a time limit and asked Mr. Gruschow to please continue if he was not finished.

Mr. Gruschow said he did not know why the Public Works Director would misrepresent this.

Mayor Smith said if the City could close the roads, he would support closing those intersections, because there was not a monetary expense to the City to close crossings. He said if anything cost to create “Quiet Zones”, then he would be against it. He said before closing the crossings, the City would have to hear from the people in the neighborhoods and the people who travel 14th and 19th Street. He said he knew there was at least one large church in the area using
19th Street. He said closing those streets would affect the residents who lived in the area and others who travel those streets. He would like those residents to have the opportunity to voice their concerns and comments, before he could say he would vote for the street closings. Only after hearing from those residents using 14th Street and 19th Street as an egress and ingress into their community, would he vote. He said there were two (2) sides to this issue. Everyone liked the idea of “Quiet Zones”. Mayor Smith said he would be reluctant to support any Quiet Zone measure that would cost the City money.

Wayne Gruschow said he understood.

Director Davis said the Red River Lumber Company on the Texas-side had paddles to keep vehicles from going around the gates on the railroad tracks. She said after the community made a lot of noise at the public hearings against the train horns, the train horns were a lot softer. She said she had storm windows and sometimes at 3:00 AM, those train engineers had a strange sense of humor blowing the horn long and loud.

Mr. Gruschow said he had been told one of the train engineers had a wife or girlfriend, who lived along the tracks and when he blew the train horn, it was his way of telling her “here I am”.

Director Davis said the engineers were just as human as we were.

Mayor Smith said there were four (4) alternatives for Quiet Zones: 1) concrete barrier with gates, channelization or non-transversal curb; 2) four (4) quadrant gate; 3) automated wayside horn system; and 4) full closure. He said those were the four (4) options the City had. The only option that would not cost the City money was the full closure.

Mr. Gruschow asked if Mr. Hackleman or anyone researched the cost of closing 14th Street and putting the two (2) gates at 19th Street.

Mayor Smith said Mr. Hackleman would address his response to the board.

Mr. Gruschow thanked the board for listening to him. He asked the board to take this issue seriously. He had not slept one (1) night in fifteen (15) years without a box fan a few inches
from his head. He said his sons would not visit him, because they could not sleep with all the train noise.

Mary McQueen, 708 Pinehurst Street, said she was in between crossings. She said she was affected by the 14th Street and the 19th Street railroad crossings, as well as a railroad crossing at Pinehurst Street. She said it was a high density area too, and should not be ignored. She said there was no way the crossing at Pinehurst Street could be closed. She said it was a high traffic area.

Mayor Smith said there were alternatives. If the City closed some of the railroad crossings, the City may receive compensation from the Railroad. Those funds should be used at crossing with a negative effect.

Ms. McQueen said with federal monies being scarce, she did not know if any grants were available or not. She said it was worth a look. She asked the City to get in touch with the Environmental Protection Agency (EPA) to see if there were any grants available. Before any of those things were done, she wanted the Railroad to start enforcing the rules on their engineers. She said the engineers were not following the train regulations. She said the trains sat on the tracks and tooted their horns. She said the railroad needed to secure engines left on the tracks, because somebody got into one engine and started blowing the horn. She said trespassing was another problem the railroad needed to address. She said the railroad needed to also address why the trains were sitting on the tracks for hours at a time and running their engines. She said it would be very disturbing to have “Quiet Zones” with trains sitting on the tracks. The trains were not moving merchandise while they were sitting on the tracks. She said the train horns were not to exceed one hundred ten (110) decibels and she wondered if the trains had been retrofitted for those decibels.

Mayor Smith asked Ms. McQueen if she was aware of trains sitting on the tracks for long periods of time in her area.
Ms. McQueen said a friend of hers told her trains were sitting on the tracks for long periods of time, but she had not seen trains sitting on the tracks for long periods of time. She thanked the board for their time.

Mayor Smith said trains sitting on the tracks, for long periods of time, were a concern. He said there should be a mechanism where the railroad could be notified of trains sitting on the tracks for long periods of time.

Jimmy “Smitty” Smith, 322 Pecan, said thirteen (13) years ago he bought a house about one hundred (100) yards from thirteen (13) railroad tracks. He said the railroad tracks have been in Texarkana, Arkansas, for one hundred forty (140) years. He said the trains did not bother him and he did not want the City to make the trains quiet. He said he loved the sound of the trains at night. He said he heard the sounds the trains made and it did not bother him. He said maybe it was his good conscience and everything that let him sleep well at night. He said he loved the sound of the trains. He asked the board not to mess up the downtown railroad area. If the City wanted to quiet everything down where the complainants lived, it was fine with him.

Mayor Smith said he did not think the board was discussing the downtown trains.

Mr. Jimmy “Smitty” Smith said he knew the trains were in Texarkana, Arkansas, when he moved here fourteen (14) years ago. He said the trains were great.

Wendell Phelps, 4910 Airport Road, said he lived between the Airport Exit and State Highway 237 Exit. He said he was affected by trains blowing their horns at both locations. He said four (4) or five (5) months ago when the railroad representatives were here, they said the train horns were regulated. He said he timed a train’s horn at ten (10) seconds and at 3:00 o’clock in the morning. Ten (10) seconds was a long time. He said the horn would blow for ten (10) seconds, then maybe a little toot, then the horn would blow for another five (5) seconds, and then they lay right on the horn, as they go into the intersection.

Ruby Nelson, 11 North Valley Drive, said she used 19th Street. She said she never saw the trains stopped on the tracks for long periods of time. She said when she was stopped, it did not take the trains long to move off the crossing. She said she did not know how the City could
possibly close 19th Street, because 19th Street went right through and over the interstate. She did not know why the City would even consider closing 19th Street at all. She said she was sorry the trains made so much noise with their whistles. She said she did not live close enough to the tracks for the noise to bother her. She said the trains had been here for years and years and she assumed the trains brought merchandise to this town, so the City had to work with the railroad.

Director Davis said all of us wished we could pick up the phone and dial 911 for the loud train horns. She said it would be helpful if there were someone to call and have them listen over the phone to the train horns. She said lately the train horns had been good.

Mayor Smith said in January, 2013 the City held public hearings and meetings regarding “Quiet Zones”. He asked Public Works Director Paul Hackleman to speak before the board regarding the costs involved with “Quiet Zones” and also address previous public comments.

Mr. Hackleman said present tonight were two (2) representatives from Union Pacific Railroad, Steve Lazzari and Mark Luman. He said he did not lie. He said in the PowerPoint presentation he gave the board on March 18, 2013, he stated very clearly City employees were not experts in this matter and it was recommended the City hire a consultant. He said any information he gave the board was based upon websites. He said the City did have some liability. He said it may be a little different from what he found previously. He said he did not lie, but maybe things said do not have to be exactly as he said. At that meeting he brought a letter to the board to hire a consultant, who could do these studies and did this for a living. The board decided, at that time, not to move forward with the study. He said the study cost about $7,500 at that time. The City did not study the tracks at 14th Street and 19th Street to see if one (1) could be closed. He said the Public Works Department went through all the areas to see how many people were affected by the trains. The following were areas and houses effected by trains: Seibert Street with four hundred fifteen (415) houses; Genoa Crossing with forty-two (42) houses; 14th Street with one hundred seventy-four (174) houses; 19th Street with one hundred forty-six (146) houses; Arkansas Boulevard with twenty-six (26) houses; Dudley Street with ninety-four (94) houses; North Rondo Road with twenty-six (26) houses; South Rondo Road
with thirty (30) houses; Pinehurst Street with four hundred thirteen (413) houses; and Tennessee Road with thirty-three (33) houses. He said at the March 2013, meeting, his recommendation was to install wayside horns. The wayside horn was not quiet. It was a horn and a warning system. The wayside horn was the one (1) alternative with the least liability to the City and the wayside horn brought in the radius of the noise closer. He said if you lived close to the railroad crossing with a wayside horn, potentially, the horn noise could increase. He said usually the train would sound the horn approaching the crossing and not all the way through the crossing.

Mayor Smith asked Mr. Hackleman’s opinion on which railroad crossings the City could consider closing. He said 14th Street and 19th Street were possibilities.

Mr. Hackleman said he would not support closing 19th Street, because it went directly over the new Interstate 549. He said the railroad crossings the City could close would be 14th Street, and the Seibert Street and Ferguson Street crossing. He had not looked at all the crossings, but those two (2) crossings would be the easiest to close. It was never popular to close railroad crossings. He said the citizens in the neighborhood needed to voice their opinions and the Police Department and Fire Department needed to research how closing a crossing would affect their response time.

Assistant Mayor Jones asked how Mr. Hackleman got the numbers of houses affected by trains.

Mr. Hackleman said he and his staff pulled the City maps and looked at the area where a train horn would sound and from a website, figured the radius of how far the noise would carry. He said circles were drawn on the map and houses were counted.

Assistant Mayor Jones said he did not live close to a railroad crossing, but he could hear the train horns from the 14th Street and 19th Street railroad crossings.

Mr. Hackleman said the train website showed the decibels of a horn. He said he did not remember what decibel was used back in March 2013, to determine the number of houses affected by train horns. He said someone really had to be disturbed by them.
Assistant Mayor Jones said lately, and depending on which way the wind blew, the train horns woke him up at night.

Mr. Hackleman said he could hear them from his house, but it was not the same intensity.

Assistant Mayor Jones said since the access to Highway 245 from Highway 67 was closed, so many people have been using 19th Street. He said in his opinion, it was almost impossible to close 19th Street. He said 14th Street was more of a possibility.

Mr. Hackleman said from an economic standpoint for the City, 19th Street was tied to the highway and cutting it off would be a huge detriment to the City.

Director Harris asked Mr. Hackleman for his address.

Mr. Hackleman said his address was 1011 Brown Drive, Wake Village, Texas and he had three (3) train crossings close to his house.

Director Harris said the reason he asked Mr. Hackleman to state his address was because Mr. Hackleman was talking about closing streets in neighborhoods he knew nothing about.

Mr. Hackleman said he was not a proponent for closing streets. He said he was just answering a question. He said he did not think the City would close a street unless the City had a true need to have a railroad crossing located somewhere else. He said to have an additional railroad crossing in the City; the City would have to close an existing railroad crossing. He said the Cooper Tire and Rubber Company wanted another railroad spur and the City could not accommodate them. He said the railroad worked with the city and Cooper Tire very well. He said the railroad said if the city closed a crossing, then the railroad would give the city a crossing. He said these were assets the city had and the crossings should not be closed for a quick dollar. He said Director Harris was correct. He did not live in the area of 14th Street and 19th Street, but he was familiar with the area. He said if the city was considering closing a railroad crossing, it would be a totally different public meeting. He said the 14th Street and the 19th Street crossings were so close to the railroad yard and the crossings were blocked. He said there was a train on the tracks and he called the 1-800 number that was listed on every crossing. He said when you called the number the railroad would take a report. He said all the numbers you would need to
complete the call were located at the crossing. He said it took roughly eight (8) minutes for the call to go through the switchboard, but they took the complaint.

Mayor Smith asked what the cost of the wayside horn was.

Mr. Hackleman said the cost of wayside horns at 14th Street would be $195,000; 19th Street would be $195,000; Airport Road would be $15,000; Oats Street would be $445,000; Pinehurst Street would be $15,000; South Rondo Road would be $15,000; Seibert and Ferguson Streets would be $195,000; Tennessee Road would be $755,000; and North Rondo Road would be $195,000. He said the Tennessee Road crossing did not effect that many people, but it was one (1) of the State of Arkansas’ concerned railroad crossing. It was in the top ten (10) of crossings that concern the state. The State was willing to put some money into the Tennessee Road crossing, which would bring down the estimated dollar amount for the City. The State was not looking to make this crossing a “Quiet Zone”. The State asked if the City would consider some paving repairs around the Tennessee Road crossing. If the City agreed, the State may agree to fix the crossing arms. He said if he State was willing to drop $200,000 to fix this crossing, it would cost the City only $30,000 then it would be a good use of money. There were trucks leaving Cooper Tire that hit high center and got stuck on the railroad tracks. Then the City had to close the tracks. This happened more than once a year. Someone could get hit in the time it took to notify the Railroad there was a truck stuck on the tracks. He thanked the board for their time.

Fort Worth, Texas, Union Pacific Railroad Manager of Public Safety Steve Lazzari said he found out about this meeting on Friday and he would answer the questions the best he could.

Mayor Smith said Mr. Lazzari heard the City’s and citizen’s concerns. There were citizens who would like “Quiet Zones”, because the noise affected their livelihood. He said there were also concerns about closing railroad crossings. He said the City had money restrictions. He asked Mr. Lazzari if he was familiar with the railroad crossings at 14th Street; 19th Street; Dudley Street and Oats Street; Pinehurst Street and Draughn Street; and Seibert Street and Ferguson Street. He said these were communities that lived on either side of the tracks.
Mr. Lazzari said he wanted to answer as many questions as he could. He said first of all, train horns were safety devices and were governed by federal regulations. It was not just the decibels, it was also the sequence: long; long; short; long and it was supposed to be sounded between fifteen (15) and twenty (20) seconds and the horn must be sounded all the way through the crossing. He said the horns were electric and they were on or they were off.

Mayor Smith asked if the button was pushed did it go through the sequence.

Mr. Lazzari said pushing the button blows the horn, releasing the button stops the horn.

Mayor Smith asked if the engineers were able to play music with the horns.

Mr. Lazzari said the horn could be blown anyway you wanted it to blow. He said UP had a lot of different horn signals.

Mayor Smith said he heard citizens say the train horn sound length and tune varied.

Mr. Lazzari said UP had different horn signals for different reasons. He said if people were near the tracks, the horn would blow a short sequence of sounds, “toot-toot, toot-toot”. It would not sound like a horn at a train crossing. He said the issue of liability was brought up. He said he was not an attorney. He said in the paperwork for a “Quiet Zone”, there was something about the City assuming liability. However, what did not change was the City’s indemnified over the maximum amount of money. He said in the court of law, anyone could sue anyone they wanted to sue. He said the wayside horns focused sound down the street and the train horn was not heard when the train approaches the crossing. He said he cautioned the City, because the wayside horns would become City maintenance. He said if the horns needed repair, the City would have that responsibility. He said there were towns in Kansas that could not get parts to their wayside horns anymore. He said UP paid for railroad crossing closures. The dollar amount varied upon the value of the crossing. He said it was value due to safety and value due to production. He said it was possible to close the railroad crossing at 14th Street and move the equipment to 19th Street. He said UP preferred to do new installation, but it was possible and it had been done. The Signal Department would have to look at the crossing. He said after hearing everyone speak, it seemed traffic increased at 19th Street and he asked for a traffic count. He
said taking the traffic count information to the State of Arkansas could get flashing lights and gates at that crossing through the Federal 130 Program. He said Texarkana was a unique situation, because there were trains going south to the Pine Bluff subdivision and trains going north to the Little Rock subdivision. They meet here in Texarkana. It was a unique situation when those two (2) lines come together and it gave the Railroad a great opportunity to change traffic.

Director Davis asked if she was supposed to go out to the railroad box at 3:00 o’clock in the morning to get the complaint phone number.

Mr. Lazzari said the phone number would not change. He said Ms. Davis could write the number down for future use or store the number in her phone.

Director Davis asked if the phone number was in the local phone directory.

Mr. Lazzari said he did not know if the number was in the Texarkana phone book. He said he would give out the telephone number. He said the dispatcher would also need the D.O.T. number of the crossing, which was unique to each crossing.

Director Harris said the D.O.T. number for the Siebert Street and Ferguson Street crossing was 79022Y and the D.O.T. number for the Pinehurst Street and Draughn Street crossing was 7876628.

Mr. Lazzari said the phone number was the same for every crossing, but the D.O.T. number would be different at every crossing.

Mr. Gruschow said [Mr. Gruschow was speaking from the audience. He was inaudible.]

Mark Luman, Union Pacific Railroad Safety Manager, said he just transferred from Little Rock, Arkansas, to Texarkana. He said he worked in Texarkana since 1977. He worked over twenty (20) years in Texarkana and seventeen (17) years as a manager. He worked for Southern Pacific Railroad prior to working with Cotton Belt Railroad prior to their merger with Union Pacific Railroad. He said his main concern was safety. He was the one who was called out anytime there was a railroad accident. He dealt with law enforcement and the coroner’s office. He said he considered Texarkana his home. His wife was born and reared here. He said he did
not like train horns, but grew up with them all his life. He asked Mr. Lazzari to speak before the board on short notice, because he was UP’s Public Safety Manager and he knew more about “Quiet Zones”. He said there was another gentleman, who was more familiar with railroad crossing closures, but he could not be here on such short notice. He said Oats Street, Pinehurst Street and Ferguson Street crossings moved merchandise from Abernathy, Cooper Tire and Rubber Company, and M & M Milling. UP also did block swaps and auto block swaps. He said the thing that had changed and caused these crossings to be blocked was technology. He said trains were longer. He said it paid the Railroad to have freight moving and not sitting on the tracks. He said earlier someone said ten (10) seconds. He said he test toured those things. He said it was his job to make sure the proper whistle was blown. He said fifteen (15) was the bare minimum. He said he tried to expedite trains as quickly as possible. He said he would continue to move trains to the best of his abilities. He said he would be glad to answer any questions.

Director Harris thanked the Union Pacific Railroad representatives for attending tonight’s public hearing. He said at 8:00 AM this morning while writing this statement for the public hearing, a train was blocking the street at Pinehurst Street and Draughn Street crossing and the engine was about three hundred (300) feet away from the crossing. He said he noticed the train was still on the tracks at 8:30 AM, while he was searching the internet. He said he researched the internet for the Federal Railroad Administration (FRA). The FRA was established to regulate the railroad in the United States, meaning all trains in the City of Texarkana, Arkansas, and throughout the United States were under federal law. He said there was no federal law regulating how long a train could block an intersection. He said each state could develop and enforce its own laws regarding the length of time trains could block intersections, which was usually based on the size of the train. He said at 8:50 AM, the train was still on the tracks. He said in his research he came across an article in the Chicago Tribune, dated January 20, 2008, which stated a state law would pass incorporating local ordinances across the state, prohibiting trains from blocking the crossing for more than ten (10) minutes, unless the train was moving and could not be cleared for reasons beyond its control. He said in 2005, the City of Mundelein, Illinois, took
the Wisconsin Central Railroad to Lake County Court for a $14,000 fine, after one of the trains blocked a street for more than two and a half (2 ½) hours. Both the Illinois Court and the Supreme Court stated the local law and ordinances had overstepped their authority. The bottom line was there was nothing anyone could do. It was what the trains wanted to do. He said he had been recording dates and times trains have been blocking the streets and he even called the Union Pacific number at times. He said in April 2013, he called the Washington School to let them know some kids would be late, because they were trying to hop over a train at the intersection of Pinehurst Street and Draughn Street. He made the kids wait until it was safe to cross. He asked how long a train could block the street. He said the answer was as long as Union Pacific or any other Railroad wanted. He said Union Pacific owned the railroad property and had jurisdiction over the City roads. FRA fact sheet stated blocked crossings increased since 2010, due to more trains and fewer lines being added. He said the FRA website also stated blocking could impede emergency vehicles, slow the flow of cars and cause motorist to violate traffic laws. The FRA did not regulate the length of time a train could sit on the tracks. Director Harris said it was 9:37 AM and the train finally moved on after one (1) hour and thirty (30) minutes.

Director Harris said the “Quiet Zone” issue was an issue the City of Texarkana, Arkansas, had some control and input. The conductor of a train could blow the train horn whether the train was approaching a crossing or not. The horn could be blown anytime the conductor deemed an emergency, such as people near the train. He said last year when talking about “Quiet Zones”; the City mentioned adding a fee to the utility bill to pay for the “Quiet Zones”. This would make the entire City pay for an issue that would be a neighborhood solution. He said before the citizens had to pay for the “Quiet Zone”, he would stop it in his tracks. He said Union Pacific Railroad was the easy way out. He recommended hard barriers instead of cost of replacing and repair the soft barriers.

Mayor Smith said he would ask the City Manager and Public Works Director to look into which crossings could be closed. He said he did not advocate closing crossings. He said it was an avenue to look into, but it would have to be done with other public meetings to hear the concerns
of the citizens who live the area of the crossings and of citizens who use those crossings. He asked for those findings by the City Manager and the Public Works Director to come back before the board in January or February 2014.

Director Harris said as far as closing crossings in his neighborhood, specifically the Seibert Street and Ferguson Street crossing and the Pinehurst Street and Draughn Street crossing, closures were out of the question. He said he could not speak for the residents, but based upon the comments they had made previously, he would not even entertain the issue. He said it was a waste of time for the City to solve a problem by closing a street. He said at one time, an underpass was mentioned and he said that would be the way to go. He said he did not advocate closing any streets. He said closing streets was the easy way out and a cop out.

Mayor Smith said the board needed to consider all avenues. He said he did not advocate closing any streets. He said he thought the City needed to look at closures and receive input from citizens.

Assistant Mayor Jones said he agreed with Mayor Smith. Street closures needed to be reviewed. He asked if the City could get with the FRA. He said the UP representative mentioned getting some federal money for 19th Street. He said the FRA may have grants available the City did not know about.

Mr. Hackleman said he recommended the City do the study, which would cost approximately $10,000. He said this would go in the 2014 Budget. He said there should be no timeline to come back before the board in January, because the study may take a while. He said Public Works would send out Qualification for Proposals in January 2014, and the contract would have to be awarded before the study began. He said he agreed with Director Harris. He said the Seibert Street and Pinehurst Street crossings were the easiest two (2) crossings. He said the crossings on Highway 67 had no run up to the intersection and would be way more difficult to accomplish.

Director Harris said he was not advocating closing streets, especially in his own neighborhood.
Mr. Hackleman said he needed to back way up. He did not come up with a speech to close a street. This was about “Quiet Zones”. He said the City should do the study for “Quiet Zones”, not to close streets. He said the easiest one to implement would be the crossing going through College Hill, because it had nice approaches to the crossing. He said there were no approaches on Highway 67 and because there were no approaches that would be a more expensive solution. He said this was about “Quiet Zones” and not street closures. He said if the City was going to close a street, he would not spend the money on a study. He would get input from the neighborhoods that would be affected by the street closure.

Director Davis said the best way to solve a problem was to attack the problem with experts. She said if the City had somebody it knew how to approach this and could give the City some direction, she said she thought that would be money well spent.

Mr. Hackleman said he would put the money in the budget under Professional Services. He said if the board approved the budget and the money survived, he would proceed with the study for “Quiet Zones”.

Director Davis said she was for the study.

Assistant Mayor Jones said he did not have a problem with the study. He said the City could get a quicker fix, like the State giving the City money to fix 19th Street. He asked Mr. Hackleman to visit with the FRA to find out what funds were available.

Mr. Hackleman said he would be happy to speak with the State again. He said the City had looked for grants before and could not find any available. He said he knew the State was concerned about the Tennessee Road crossing. The City had a chance to get a lot of improvements there.

Assistant Mayor Jones said that was well and good for Tennessee Road, but the UP representative said to get traffic count on 19th Street and contact the State of Arkansas.

Mr. Hackleman said he had done that. The State looked at their worst intersections. He said the State looked where the most accidents happened. He said the State’s focus for
Texarkana, Arkansas was the Tennessee Road crossing. He said the State was not looking for a “Quiet Zone” solution. He said the State was for safety.

Assistant Mayor Jones said the City should look at several avenues. He said he had seen cars go around the gates and over the railroad crossing. He said that was a safety issue also. There was a way to fix this quicker, to do it quicker. He said he was also for the study.

Director Davis said she wanted a timeline for this study.

Mr. Hackleman said the study could take until June 1, 2014. The study itself could take forty-five (45) to sixty (60) days. Then he and the City Manager needed to review the study before presenting it to the board.

Mayor Smith said on Monday, December 17, 2012 the “Quiet Zone” issue was presented to the board and it was tabled until March 19, 2012. Now, we were back where we started. He said he had been against “Quiet Zones” and finances were the reason.

Director Davis said she was worried about safety too. She said she was worried someone would get killed on Pinehurst Street. She remembered when Globe Street was open off of Highway 67. The crossing was closed after several people were killed there. She did not want anyone to die, because she was being awakened at 3:00 o’clock in the morning. She said if the City could find a solution and if the City could pay someone to say these were the best options then she was for it.

Assistant Mayor Jones said the City was stuck and he would like the City to move forward. He said it may not be in 2014, but he wanted a plan and he wanted to move forward.

Director Harris asked the UP representatives if they were familiar with the four (4) way stop sign on Pinehurst Street.

Mr. Luman said yes, sir.

Director Harris asked if lights could be put at that intersection indicating a train was blocking the street. He asked if the railroad installed lights for safety.

Mr. Lazzari said UP would work with the City to get the lights installed, but it would be at the city’s expense.
Director Davis said there was a signal light on Richmond Road on the Texas-side and she said it rarely worked properly. She wanted the board to vote to have the study done, because the city staff did not have the knowledge.

Mr. Lazzari asked if 19th Street had gates.
Assistant Mayor Jones said it had single gates.
Mr. Lazzari said in that case, the Federal 130 Program may not apply.
Director Harris said the Oak Street did not have any gates.
Mayor Smith asked what the desire of the board was.

Director Davis made a motion to have the study done. The City would employ a firm to complete the study and let them bring the findings back to the Board.

Mr. Hackleman said it would probably be an out-of-town company, because there were companies named “Quiet Zone” and “Railroad Control Device Engineering”. These guys did it for a living.

Mayor Smith asked to modify Director Davis’ motion to make sure the City had the money in budget.
Assistant Mayor Jones said he would like to know what the study would cost.
Mr. Hackleman said the cost of the study would be between $7,500 and $10,000.
Mr. Boldt asked Mr. Hackleman how quickly he could bring a paid proposal back to the board.

Mr. Hackleman said he would like to start with the yearly Request for Qualifications, which would be sent out in December 2013.

Director Davis said she would like for a study to be done. She said how the study was done could be determined by the City Manager and Public Works Director.

Director Davis once again moved to have the City Manager and the Public Works Director work to provide the information to perform a “Quiet Zone” study. The motion was seconded by Director Harris. The Clerk called the roll and the following vote resulted: Directors
Davis, Dowd, Harris, Jones, and Smith voted aye. The Mayor declared the motion carried, as there were five ayes and no nays.

Mayor Smith asked once again if anyone in the audience or board members had questions or comments concerning this item.

No one else came forward; therefore the Mayor declared the public meeting closed.

**CONTRACT EMPLOYEES YEARLY EVALUATION**

**RESOLUTION – TABLED:**

Mayor Smith recognized Director Harris, stating he requested this item be placed on tonight’s agenda.

Director Harris said his resolution had been modified by the City Attorney and he said he did not have an issue with the modification. He said this had been on the previous agenda. He wanted to make sure contracted employees were evaluated.

City Attorney George M. Matteson said questions came up at the last meeting and he drafted this resolution in an effort to resolve those questions. He said this was Director Harris’ item and he offered up his resolution as an alternative.

Mayor Smith said his question was the mechanism of how the evaluations were to be done. He asked if the Board wanted a Personnel Policy Committee to have input in this matter.

Director Davis said if there were to be an evaluation, she wanted to know who was being evaluated and she would like the process to be spelled out. She said the whole board should participate in the evaluation of the contracted employees.

Mayor Smith said the board needed to have the tool or evaluation designed first. He said every employee had the right to know what they were being evaluated on.

Director Davis asked why the board should reinvent the wheel. There were evaluations being performed at our sister city and she said she was sure Little Rock, Arkansas, and Fayetteville, Arkansas, had evaluation forms. She asked if the board could request copies of those evaluation forms.

Mayor Smith said absolutely.
Texarkana, Arkansas Police Chief Bob Harrison said he would like the Police Department to be exempt from the board’s evaluation if the board picked a specific form. He said his personnel were evaluated three (3) times a year. He said the police department’s evaluations were job specific for Sergeant, Lieutenant, and Captain and job specific to the different functions law enforcement had. He said the board was welcome to have the evaluations the Police Department currently used.

Mayor Smith said the board passed a resolution last year, stating all City employees would be evaluated. He said Chief Harrison was right, the evaluation must be job specific. He said now we had a resolution before us referring to contract employees. He said the City had four (4) contracted employees: the City Attorney; the City Manager; the Prosecuting Attorney; and a Public Works Street Department Secretary.

Assistant Mayor Jones asked if it was set up now that employees were evaluated yearly.

Director Harris said no employees were being evaluated.

Mayor Smith said the Police Department and Fire Department performed evaluations.

Director Davis asked if the Department Heads evaluated their employees. She said there needed to be some kind of process where the Board evaluated Department Heads.

Assistant Mayor Jones said no. He said he thought the City Manager needed to evaluate Department Heads.

Mayor Smith said the resolution stated all employees would have a yearly evaluation. The City Manager would have the responsibility of evaluating each Department Head. The Board would evaluate the City Attorney, the City Manager, the City Prosecutor and Public Works Street Department Secretary. He said it would be hard for the Board to evaluate the Prosecuting Attorney without input from the Judge. He said the board did not know how the Prosecuting Attorney went about his job day-to-day.

Assistant Mayor Jones said the evaluations were a good thing, he just did not know how to go about it.
Mayor Smith said the two (2) attorneys had an annual contract and they were evaluated on whether the board liked their performance or did not.

Assistant Mayor Jones said the board needed input from the Judges.

Director Davis said she liked having a projected date.

Mayor Smith said the city employees should be evaluated each year.

Assistant Mayor Jones asked if the Personnel Administrator could contact other cities for their evaluation form.

Director Davis said she had already asked if someone could contact other cities for their evaluation form.

Director Harris asked if any city department, other than Fire and Police, performed evaluations this year.

Mr. Boldt said he believed the evaluations were performed last year.

Director Harris asked if the Public Works Department was evaluated.

Mr. Boldt said no, the Finance Department. He said it might have been the year before, but he reviewed all the department heads.

Director Harris asked what about employees.

Director Davis asked if Mr. Boldt would find those evaluations and let the board know. She said she had never seen an evaluation since being on the board. She said this goal may not be achievable this year, but the City could have everything in place with a specific date of when the evaluations had to be completed for 2014.

Mr. Boldt said ok.

Director Harris asked if there was a way department heads could be penalized for not completing the evaluations by a certain time. He said he was not speaking about civil service employees.

Mayor Smith said it was the responsibility of the department head. For example, Mr. Hackleman was responsible for evaluating Public Works employees. If he did not do that, he would not be performing all his duties as a department head.
Director Harris said his main goal was to get the idea of yearly evaluations for contracted employees out there.

Assistant Mayor Jones moved to have the resolution tabled until there was a mechanism or tool (evaluation form) developed by the Personnel. The motion was seconded by Director Davis. The Clerk called the roll and the following vote resulted: Directors Davis, Dowd, Harris, Jones, and Smith voted aye. The Mayor declared the resolution was tabled, as there were five ayes and no nays.

**TERRY L. BLAIR (LADDER “B” CONSTRUCTION COMPANY REZONING (1ST READING):**

An ordinance was introduced to be entitled, "AN ORDINANCE AMENDING ORDINANCE NO. K-286, AS AMENDED; FOR DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES". Said ordinance would rezone a tract of land located at 413 Ferguson Street, from R-3 Low Density Residential to C-1 General Commercial for Mr. Blair’s construction company office. The same being more specifically described as follows:

Lots 6-8, Block 67, **KIRBY'S COLLEGE ADDITION**, Texarkana, Miller County, Arkansas.

Mayor Smith said the property was located on Ferguson Street. The City sold property to Terry Blair, who wanted to get the building up to code for his Ladder “B” Construction Company, but the City could not issue permits until the property was rezoned.

Assistant Mayor Jones moved to have the ordinance read in abbreviated form. The motion was seconded by Director Davis. The Clerk called the roll and the following vote resulted: Directors Davis, Dowd, Harris, Jones, and Smith voted aye. The Mayor declared the motion carried, as there were five ayes and no nays.

The ordinance was read the first time.

Director Dowd moved the rules be suspended and the ordinance be placed on its second reading. The motion was seconded by Assistant Mayor Jones. The Clerk called the roll and the following vote resulted: Directors Davis, Dowd, Jones, and Smith voted aye. Director Harris
voted nay. The Mayor declared the motion failed, as there were four ayes and one nay. The ordinance would be on its second reading at the next rescheduled regular board of directors’ meeting, December 3, 2013.

**TEXARKANA WATER UTILITIES 50TH STREET WATER EXTENSION AND LAKEWOOD AREA SEWER SERVICE EXTENSION PRESENTATION:**

Ruby Nelson, 11 N. Valley Drive, asked about the Texarkana Water Utilities (TWU) 50th Street Water Extension and Lakewood Area Sewer Service Extension Presentation that was on the agenda. Mayor Smith explained the presentation was pulled so staff could have the necessary time to research and compile the needed information completely.

**ADJOURNMENT:**

Director Davis, seconded by Assistant Mayor Jones, moved to adjourn. The Clerk called the roll and the following vote resulted: Directors Davis, Dowd, Harris, Jones, and Smith voted aye. The Mayor declared the motion to adjourn carried, as there were five ayes and no nays.

The meeting adjourned at 8:35 PM.

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N. Wayne Smith, Mayor

**ATTEST:**

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Patti Scott Grey, City Clerk