

**REGULAR MEETING OF THE
BOARD OF DIRECTORS
OF THE CITY OF TEXARKANA, ARKANSAS
OCTOBER 2, 2017**

MEMBERS PRESENT:

The Board of Directors of the City of Texarkana, Arkansas, convened in regular session at 6:00 PM on Monday, October 2, 2017.

ROLL CALL:

Mayor Ruth Penney Bell asked the Clerk to call the roll and the following Board Members were present: Mayor Bell, Assistant Mayor Barbara S. Miner, and Directors Travis Odom, Terri Peavy and Linda Teeters. Also present were City Manager Kenny Haskin, City Attorney George M. Matteson and City Clerk Heather Soyars.

Director Tim Johnson was absent.

[Director Laney Harris arrived 6:03 PM.]

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

INVOCATION:

The invocation was given by Director Linda Teeters.

PLEDGE OF ALLEGIANCE:

Director Linda Teeters led everyone in the Pledge of Allegiance.

COMMENTS FROM THE MAYOR:

[Director Laney Harris arrived at 6:03 PM.]

Welcome:

Mayor Bell welcomed everyone to tonight's meeting. She acknowledged Texarkana Chamber of Commerce President Mike Malone.

Las Vegas Shooting:

Mayor Bell commented on the horrific mass shooting in Las Vegas, Nevada. She asked that everyone pray for the families affected.

National Night Out:

Mayor Bell said citizens could come by City Hall and get a list of the gatherings for Tuesday's National Night Out, and urged all City officials to participate.

Bridge Closing:

Public Works Director Jeff Whitten said the bridge on Sanderson Lane near McKinney Bayou would be closed starting tomorrow due to severely needed maintenance work.

Mayor Bell said Public Works Director Jeff Whitten told her today the bridge had gone past cautious.

Director Peavy asked if the citizens that lived out there had been notified of the bridge closing.

Mr. Whitten said there were signs out stating the road was closed to through traffic and he was adding the bridge closure to the Facebook page.

Board Meeting Procedure:

Mayor Bell 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 in to the City Clerk. She said this would help run an organized meeting and allowed the Clerk to have the necessary information for the meeting minutes. She 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 Bell asked if the Directors had any questions or comments.

No one came forward.

PRESENTATION(S):

City Employee Service Awards:

Mayor Bell presented awards to Jim Cornelius, Jr. and Lee Erwin, Jr. They each received a City of Texarkana, Arkansas Employee Service Award and Texarkana, Arkansas City pin. The award recognized Jim Cornelius, Jr. for 20 years of service with

the Texarkana Water Utilities Department and Lee Erwin, Jr. for 15 years of service with the Texarkana Water Utilities Department. They accepted the honor and thanked Mayor Bell, the Board of Directors, and the City Manager.

Mayor Bell commented Randy Reeves, T. Scott Manley and Jean Mason were unable to attend tonight's meeting and she would make sure he received his award and pin. Randy Reeves would have been recognized for 30 years of service with the Public Works Department, T. Scott Manely and Jean Mason would have been recognized for 5 years of service with the Texarkana Water Department. Mayor Bell thanked all the City employees for their service to the City and its citizens.

Go Pink Cure for The Day:

Mayor Bell read the following proclamation:

A Texarkana, Arkansas Proclamation

"Go Pink for the Cure Day"

October 6, 2017

WHEREAS, the Pink Ribbon reminds us that breast cancer is the most common cause of cancer and the second most common cause of cancer deaths in the United States but, when detected in its earliest stages, there can be a 95% survival rate; and

WHEREAS, according to the Arkansas Affiliate of Susan G. Komen Breast Cancer Foundation, one in three counties in Arkansas does not have a fixed mammography facility and this creates a barrier for many women to easily access mammography, thereby possibly increasing their mortality rate; and

WHEREAS, it is estimated that in the United States, 207,219 women and 3,668 men will be diagnosed with breast cancer during 2017, and approximately 48,541 women and 926 men will die of the disease, and in Arkansas this year, 3,027 new cases will be detected and will result in 825 deaths; and

WHEREAS, October is National Breast Cancer Awareness Month, and the Arkansas Affiliate of Susan G. Komen is designating October 6, as Go Pink for the Cure Day to bring about awareness of the importance of mammography and to renew its commitment to removing obstacles that prevent women from seeking mammograms;

NOW THEREFORE, I, Ruth Penney Bell, Mayor of Texarkana, Arkansas, do hereby proclaim October 6, 2017, as

“Go Pink for the Cure Day”

and urge all my fellow citizens to join me in helping to promote efforts for the prevention and treatment of this deadly disease.

Signed by Mayor Bell and attested by City Clerk Heather Soyars.

Public Protection Classification Survey:

Fire Chief David Fletcher gave a brief presentation regarding the Public Protection Classification Survey. He said the Insurance Services Office Inc., (ISO) analyze the structural fire suppression capabilities of communities across the country. The results of their analysis lead to a numerical grade called a Public Protection Classification (PPC). ISO conducted a survey of Texarkana, Arkansas in June 2017. The last survey was in 2006. Many insurers use PPC information as part of their decision making when deciding coverages to offer and prices to charge for personal or commercial property insurance.

Chief Fletcher said Texarkana, Arkansas received a PPC rating of 02/2Y. This was a two-point improvement from our previous rating of 04. The breakdown of scores per agency was: Emergency Communication – 8.5 out of 10; Water Supply – 34.83 out of 40; Fire Department – 40.71 out of 50; and Community Risk Reduction – 4.28 out of 5.50. He said our PPC rating was excellent and was indicative of a community that took public safety seriously and invested money accordingly. While insurance companies considered various factors when setting rates, this improved rating could result in a 6% to 8% decrease in premiums for property owners in Texarkana, Arkansas. Chief Fletcher said the City was ranked in the top 3% in the state, but there was still room for improvement. He would analyze all areas of the ISO report to see where changes could be made to raise our score.

Mayor Bell thanked Chief Fletcher for the presentation and a job well done.

CONSENT AGENDA:

Director Odom moved to approve the consent agenda. The motion was seconded by Director Miner and carried unanimously. The items approved by consent were:

MINUTES:

The minutes approved were of the regular meeting September 18, 2017.

RESOLUTION NO. 2017-38:

Resolution No. 2017-38 authorized the City Manager to enter into a contract with Environmental Systems Research Institute (ESRI) for a Geographic Information System (GIS) software Enterprise License Agreement.

RESOLUTION NO. 2017-39:

Resolution No. 2017-39 authorized the City Manager to enter into a contract with Picometry Inc., to provide a new four-inch resolution photography and oblique imagery.

RESOLUTION NO. 2017-40:

Resolution No. 2017-40 authorized the City Manager to enter into a construction contract with Contech Contractors, Inc., for construction of a concrete parking lot at Bobby F. Ferguson Park Lakeside Pavilion.

REGULAR AGENDA:

ORDINANCE NO. 29-2017:

An ordinance was introduced to be entitled, "An Ordinance waiving competitive bidding; authorizing the City Manager and the Texarkana, Arkansas Fire Department to purchase replacement firefighting uniforms; making the necessary budgetary amendments; for declaring an emergency; and for other purposes."

Fire Chief Fletcher said there was an accident on Interstate 30 last week and a van that had painting materials was caught in the middle and the painting materials were spread everywhere. He said unfortunately there were ten firefighters exposed to the chemicals and it soaked into the bunking gear. Chief Fletcher said the gear was not flammable and still could be worn, but it would slowly start breaking down and would need to be replaced. He said this would be filed with the insurance company but he expected the limit to be reached quickly and he could not guarantee there would be money for the uniforms.

Mayor Bell said she wanted to make sure the firefighters were working in safe conditions and if they needed replacement uniforms the City should approve this ordinance.

Mayor Bell asked if any Board or audience member had any questions or comments concerning this item. No one came forward.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its first reading. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Harris, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the first time in abbreviated form.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its second reading. The motion was seconded by Director Miner. The Clerk called the roll and the following vote resulted: Directors Harris, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the second time in abbreviated form.

Director Odom moved the ordinance be read in abbreviated form and the ordinance be placed on its third and final reading. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Harris, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the motion carried, as there were six ayes and no nays.

The ordinance was read the third and final time in abbreviated form.

Director Miner made the motion to adopt the ordinance. The motion was seconded by Director Teeters. The Clerk called the roll and the following vote resulted: Directors Harris, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the ordinance adopted, as there were six ayes and no nays.

EMERGENCY CLAUSE:

Director Odom, seconded by Director Teeters, moved to approve the emergency clause. The Clerk called the roll and the following vote resulted: Directors Harris, Miner,

Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the emergency clause adopted, as there were six ayes and no nays.

CITIZEN COMMUNICATION:

Mayor Bell asked if anyone in the audience would like to speak, on any subject for a total of five minutes.

- Amanda Bowers, 6310 Turtle Creek Drive Texarkana, Texas, said she was at the meeting on behalf of the Gathering of Authors. She said she wanted to seek clarification of the obvious lack of oversight with the Advertising & Promotion (A&P) Commission. Ms. Bowers said the A&P Commission was established for the purpose of promoting the tourism and hospitality industry in Texarkana, Arkansas. She said she represented a local charitable organization called the Gathering of Authors, which promoted child literacy and supported St. Jude's Children's Hospital and the Arkansas Children's Hospital. The organization hosted a charity dinner and a free community event each year in Texarkana, Arkansas. Ms. Bowers said was speaking on behalf of herself, the organization, and the founder of the organization, Tammy Thompson. She said they filed a formal complaint with the Arkansas Attorney General's Office, the City Manager's Office, and the City of Texarkana, Arkansas, because they believed to have found multiple misappropriations in disbursements of funds to various entities. Ms. Bowers said it appeared the A&P Commission had disbursed \$350,000 over the past year without the full support of all commissioned members and additionally may have violated some ethical standards and practices of their offices. She said at the meeting on September 11, 2017, Commissioner Joyce Dennington asked A&P attorney Josh Potter to clarify the vague bylaws regarding whether all commissioners serving on the A&P must be available to vote on a request for funding outside the regular initial funding request meetings held in October. She said Mr. Potter stated all commissioned members must approve the distribution of funds beyond that October meeting. Ms. Bowers said by this interpretation of the bylaws, the \$350,000 was illegally distributed since not all members were present. She said even if the commissioners were somehow unclear at this point as to the interpretation of the vague bylaws regarding the

funding, funding was granted on July 21, 2017 to the City of Texarkana, Arkansas, Parks and Recreation Department in the amount of \$75,000 in a 3 to 1 vote. So not only were not all of the voting members present, as Mr. Potter clarified were required, there was not even a unanimous vote, which was what the A&P bylaws directed. She said just three short years ago the A&P Commission was admonished by the Legislative Audit which found funds had been misappropriated and it appeared A&P had done little to change its ways since that time. Ms. Bowers said an official from the Attorney General's Office contacted Ms. Thompson, and said her complaint was not under their purview. She spoke with Mayor Bell last Friday, and Mayor Bell informed her that she did not have jurisdiction over the A&P Commission. Ms. Bowers said if the State said it were the City's problem and the City said it was the State's problem, who governed the A&P Commission. Ms. Bowers said the taxpayers were the ones with the real problem thanks to the lack of oversight. She said in the Legislative Audit it stated the City Council was financially responsible for the A&P Commission. Ms. Bowers said since they filed the report, it came to her attention that an A&P Executive Session that was held last Thursday, should have been an open forum meeting. She said she believed the meeting was to discuss the complaint she and Ms. Thompson filed against the A&P. She said while standing outside the board room, A&P Chairman Buddy Allen could be heard speaking rather loudly, accusing them of extortion by bringing the allegations forward. The idea of a public servant accusing the taxpaying citizens for whom they serve of extortion simply for bringing these discrepancies to his attention was reprehensible. Ms. Bowers said the Mayor and the Board of Directors governed municipal boards and commissions. She asked if this gave the council the authority to investigate allegations she had brought before you today. She said she was here to ask who had the purview over the A&P Commission and who had the authority to reprimand the A&P Commission for any unethical actions. Ms. Bowers asked if the council or whatever governing body made sure the A&P bylaws were amended to be more clear and concise about how voting occurred, and about who could receive funds from the A&P Commission and how the funds were

dispersed. She said could this council even clarify the legitimacy of Buddy Allen chairing the September 11, 2017, meeting from out-of-town over the phone. Ms. Bowers asked what would it take for this council to step up and take action against the A&P and how many chances did the A&P get to misuse taxpayer's dollars and mistreat the citizens of Texarkana, Arkansas, before the council did something. She said the A&P Commission's original purpose was to grow tourism in Texarkana, Arkansas.

Director Harris asked the City Attorney if the Board member bylaws circumstanced freedom of speech.

City Attorney George M. Matteson said the Board had the authority to establish its rules and procedures to the extent they infringed upon the 1st Amendment speech right would be in fact a question for a court.

- Director Harris said on Martha Street and Castle Street there was an abandoned house and the windows had been taken out. He said a citizen asked how long he had to look at the house.
- Director Harris also asked about item 11 Adopt a Resolution authorizing the City Manager to enter into a construction contract with Contech Contractors, Inc., for construction of a concrete parking lot at Bobby F. Ferguson Park Lakeside Pavilion, and asked when was the City going to fix some of the streets instead of parking lots.

Mayor Bell said these questions would have been addressed at the question and comments section of the meeting.

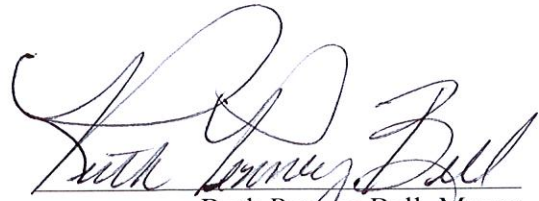
City Manager Dr. Haskin said it would be a good idea if Director Harris came to City Hall and spoke with him and the staff to address his before he spoke about those concerns at a Board meeting.

No one else came forward.

ADJOURNMENT:

Director Odom, seconded by Director Miner, moved to adjourn the meeting. The Clerk called the roll and the following vote resulted: Directors Harris, Miner, Odom, Peavy, Teeters, and Bell voted aye. The Mayor declared the meeting adjourned, as there were six ayes and no nays.

The meeting adjourned at 6:43 PM.



Ruth Penney Bell, Mayor

ATTEST:



Heather Soyars, City Clerk