

MINUTES

BOARD OF DIRECTORS MEETING

NOVEMBER 3, 2008, AT 7:00 P.M.

The regular meeting of the Board of Directors was held on Monday, November 3, 2008, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Mr. Isaih Jernigan, and Pledge of Allegiance to the Flag was led by Mayor Bush.

Mayor Bush called the meeting to order at 7:00 p.m.

1 Roll Call

Roll call was as follows: Present: Directors Peggy Maruthur, Elaine Jones, Steve Smith, Carroll Weatherford, Rick Ramick, Tom Daniel, and Mike Bush, total 7.

2 Approval of Agenda

A motion was made by Director Jones, duly seconded by Director Maruthur, that the agenda be approved; and upon voice vote, the motion unanimously carried.

3 Approval of Minutes of October 21, 2008 Board Meeting

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the minutes of the October 21, 2008 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

4 Recognition of Guests

Presentation of Budget Requests by Outside Agencies

City Manager Kent Myers stated in the 2008 budget, the Board allocated funding for seven different agreements with six different agencies, and there are representatives from these agencies to bring the Board up-to-date on their accomplishments during 2008, as well as their 2009 budget requests.

Garland County Economic Development Corporation (\$125,000)

City Manager Kent Myers stated the City currently funds the Garland County Economic Development Corporation at \$100,000; and they are requesting an increase to \$125,000.

Mr. Dave Byerly, president/CEO of the Garland County Economic Development Corporation, stated the GCEDC is a public/private partnership and as been in existence for 52 years and receives investment from the private sector in the form of businesses and individuals who support the economic growth of the community, as well as investment from the City and the County. He noted they provide the recruitment of new companies to the community by looking at strategic issues. They have a task force that has been working for the last year trying to determine what the needs are for the next 20 years of the City and County in terms of industrial growth. He said Mid-America Park is nearing its capacity and has only a few sites left, and they are trying to move rapidly in identifying what the next industrial park will look like. They also are looking at the next speculative building. In 2003, they built a spec building at the City's Technology Park and were successful in recruiting Stanley & Associates a few years ago. He said they are trying to evaluate whether or not they should build another building in an effort to attract a high-profile client. He mentioned they were successful in keeping ACCENT in the community after receiving notice they were going to lose their current client, thereby having to close the facility; however, they were able to help them find another client and continue on with operations. The second one was to begin entertaining interest and proposals from other cost centers who may be interested in coming to Hot Springs should ACCENT have to leave. They entertained a number of companies that showed a tremendous amount of interest and were successful in having a company that has not yet been named make a decision to locate in the area. He mentioned it may not be in Hot Springs, but the company liked Hot Springs and found a piece of property close to the community and will add several hundred jobs before the end of the year. He pointed out that ACCENT had 420 employees on the day they made the announcement they may have to close; but when they were secured with a new client, they announced employment would be increasing to 500. They would be filling all of the vacant positions that had been created as a result of attrition through the announcement which was an additional 60. They are in the process of trying to hire 140 people and took their payroll from \$7½ million a year to around \$12 million a year. Everyone in the facility also received a \$1 an hour raise. He requested that the City increase their budget to \$125,000, which will provide for additional staff to work on retention and recruitment efforts; and continue to work on long-term strategy for how

this community is going to grow through the industrial parks, spec buildings, working with the Airport when they have an issue about industrial development, and to continue to offer those services and support for the City.

Chamber of Commerce (Business Development Services (\$2,500))

Mr. Dave Byerly, CEO of the Greater Hot Springs Chamber of Commerce, stated the Chamber of Commerce is an organization of almost 1,200 members and is requesting the same amount of funding as last year (\$2,500). He said this contract for services allows them to house the small business development center, which allows free counseling to anyone who is considering starting a business or anyone who is considering growing their business.

Chamber of Commerce (Retirement Relocation (\$15,000))

City Manager Kent Myers stated that the City currently funds the Chamber of Commerce Retirement Relocation Program at \$12,500 a year, and they are requesting an increase to \$15,000 for 2009.

Ms. Millie Patrick, director for the Chambers retirement development program, reported this program has been in existence for more than 20 years; and in the past 7½ years, they have responded to 79,813 inquiries from individuals considering moving to Hot Springs. They have also distributed over 125,000 of their relocation guides; and with information gathered from title companies, they are able to track move-ins to the area, which are home purchases only. In the past 7½ years, they have tracked 1, 481 relocations and recorded home sales in the amount of over \$200 million. She pointed out these same individuals also need medical services, automobiles, food, clothing, and also pay taxes, which adds to Garland County's economic development growth. She said the 2008 marketing and operational budget for the program was in excess of \$82,000. For 2009 residential recruitment, it will increase to almost \$170,000 to meet the changing and diversified needs of the community. They also recognize the need to attract all age groups, particularly families with young children, who are looking for a place to work and raise their families. The residential recruitment program will be expanding its recruitment efforts in 2009 with a message that appeals to families and highlights the community's strongest selling points. Also, their relocation guide will go digital allowing internet users instant access to vital relocation information. The City's support of the program has accounted for approximately 17 percent of the program's overall funding. She said the funding has been \$12,500 each year for the past several

years, but they are requesting \$15,000 for the 2009 program in order to launch this new expanded marketing.

Boys and Girls Club of Hot Springs (\$50,000)

City Manager Kent Myers stated the Boys and Girls Club of Hot Springs currently receives \$30,000 from the City for operating the baseball program, and they are requesting an increase to \$50,000.

Ms. Tammy Brown, executive director of the Boys and Girls Club of Hot Springs, stated they are asking for an increase in their funding for the operation of the baseball program to \$50,000 pointing out their expenses of \$40,000 above the revenue their baseball program generates (\$89,000 versus \$129,000). She said this \$40,000 increase is not due to increased salaries but to the number of children playing, which is an increase in the number of uniforms they have to buy; the number of bats and balls; and catchers equipment that the Boys and Girls Club provides for the teams. Also, the number of children participating has continually increased over the last three years. The 5 and 6 year olds went from 12 teams in 2007 to 17 teams, and there 12 to 15 children on each of those teams. Over to the next three to five years, those children will age into older brackets; therefore, causing those older teams to expand and have more teams. She said with the \$20,000 increase, they would split that \$40,000 deficit they have now, and that is giving the Boys and Girls Club the \$20,000 push as a challenge to come back into the community to businesses and individuals, through grant writing, and different fund-raiser activities the children participate in as a buy-in to the program. She pointed out it gives them that challenge to raise that additional \$20,000 to help them meet that budget. She reported since 2006, they have entered into an expansion enhancement plan, and they have been able to provide additional parking, which is adjacent to the Greenway Creek and is used by the citizens of Hot Springs. They also have entered into a partnership where they provide indoor facilities through their gymnasium usage for the City's Parks and Recreation Department to provide soccer for the children. She stated this past year, they hosted three district Babe Ruth-Cal Ripkin tournaments in a period of two weeks. Over 32 different teams outside of the Hot Springs teams and teams from the north Garland County area came to Hot Springs and spent at least one night in Hot Springs and eating in the restaurants. She pointed out the revenue generated in that short time period can easily be expanded upon in years to come with better improvements to their facilities, larger fields, and more capabilities to host these type of tournaments.

Director Smith questioned the number of children who are in the program, as well as the number of scholarship children in the program; and Ms. Brown advised in the spring, they serve approximately 600 children between the ages of 5 and 18. In the fall, they serve around 200 children. Out of that 800 total, she said about five percent receive what they consider to be partial scholarships, which means they may cover the baseball fees for them and is \$40 for a child to play. She said they pay the \$25 club membership for a year or vice versa depending on the household income and what they are able to pay. An additional five percent on top of that receives full scholarship, meaning those children who cannot afford to pay those fees for one, two or three children at one time. She advised if they are not able to work out a payment plan with the criteria they have, then the Club absorbs the cost for that child because the Club will never turn a child away from any activity or programs due to their inability to pay.

Hot Springs/Garland County Beautification Commission (\$32,500)

City Manager Kent Myers stated currently the City allocates \$32,500 to the Hot Springs/Garland County Beautification Commission, and they are requesting the same amount in 2009.

Mr. Adam Roberts, executive director of the Hot Springs/Garland County Beautification Commission, noted they are asking for the same funding as last year; but they are reaching their joint constituency through programs such as free education programs for the schools, public organizations, civic organizations, participation and leadership and many community projects, including Earth Day, Trash Bash litter clean-up, Arbor Day, National award winning programs, such as the downtown cigarette litter prevention program, the first ever roadside litter prevention program, the Green Initiative, partnership with city programs such as Hazardous Waste Day, Spring Fling, Art in the Park, the new stormwater programs, and 2008 SHINE Award. To-date, they have brought in over \$50,000 in external grant money beyond what the City has given them and over \$250,000 in in-kind dollars to fund their various projects and programs. He said all of their past, present and future programs that are funded from outside will continue to get concrete proof of giving back to the community.

Director Maruthur commended him on their commercials, and Mr. Roberts mentioned they have been given two commendations nationally.

Garland County Juvenile Court (\$18,065)

City Manager Kent Myers stated that Garland County Juvenile Court has requested continuation of funding the Board originally approved in 2005 for a full-time and part-time Crisis Intervention Officer. This is partially funded by the State and County, and the request for the City is to fund this at \$18,065 during 2009. A letter from Circuit Judge Vicki Cook was received for the request.

18th Judicial District Drug Task Force (\$30,000)

City Manager Kent Myers stated that City is currently funding the 18th Judicial District Drug Task Force at \$30,000, and the request is to continue that level of funding.

Sergeant Chris Chapmond, 18th Judicial East Drug Task Force, stated they are asking that the City continue its support in the amount of \$30,000, which is the same as for 2008. He reported they opened 455 criminal cases this year; executed 44 search warrants; worked 26 methamphetamine labs; had 321 narcotics arrests within Garland County and Hot Springs; seized close to 40 firearms off the street, which includes illegal firearms and fully automatic firearms. The total value of narcotics they seized during the first ten months of this year is about \$825,000; and they expect to hit the \$1 million mark this year. He said they play a vital part in the Nuisance Abatement Program; and probably over one-half of the houses the Program works, they are part of that as far as helping file the complaints, search warrants, etc.

Director Smith said that he went on two raids with their task force and was very impressed with the tremendous job they do and commended the group.

Mayor Bush questioned the disposition of the narcotics they seize, and Sergeant Chapmond advised they hold those narcotics until the file is adjudicated. Once that is done, they destroy as much as they can and usually it is in cooperation with another city department using their incinerator to burn it.

There being no other presentations, Mayor Bush called for the next order of business.

CONSENT AGENDA

The Consent Agenda consisted of the following:

5 Public Safety Report (October 22, 2008).

- 6** **Proposed Resolution No. R-08-250** Approving Certain Bid Awards (a) Veterinary Services - Public Works/Animal Services [annual supply contract awarded to Your Pet Animal Clinic]; (b) Uniform Service - Utility Administration, Fleet Service, Intracity Transit, Parks, Traffic, and Sanitation [annual supply contract awarded to Cintas and Unifirst]; (c) Paint Light Poles and Miscellaneous Fixtures - Public Works [awarded to Johnson Waterworks in the amount of \$19,798].
- 7** **Proposed Resolution No. R-08-251** Authorizing the Mayor to Execute a Lease Agreement Between the City of Hot Springs, Arkansas, and Mark McMurry, d.b.a. Quick City Oil and Lube #2, Inc. for Certain Property at the Airport.
- 8** **Proposed Resolution No. R-08-252** Extending a Contract for Consulting Services with Ken Freeman (Trails Coordinator).
- 9** **Proposed Resolution No. R-08-253** Extending an Agreement with Jordan, Woosley, Crone and Keaton, Ltd. for Audit Services for the City of Hot Springs, Arkansas.
- 10** **Proposed Resolution No. R-08-254** Extending an Agreement with Matrix Imaging Solutions for the City's Utility Bill Printing and Mailing Services.
- 11** **Proposed Resolution No. R-08-255** Authorizing the Filing of an Application for a Tree City USA Recertification by the National Arbor Day Foundation.
- 12** **Proposed Resolution No. R-08-256** Approving an Agreement Between the City of Hot Springs, Arkansas, and the Central Business Improvement District No. 2 for Certain Financial and Administrative Services.
- 13** **Proposed Resolution No. R-08-257** Confirming the Appointment of David Longinotti to the Hot Springs Advertising and Promotion Commission.

A motion was made by Director Smith, duly seconded by Director Ramick, that the Consent Agenda be approved; and upon roll call, the following voted "aye":

Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

UNFINISHED BUSINESS

14 Proposed Ordinance No. O-08-73

An ordinance entitled, "AN ORDINANCE ADOPTING POLICIES AND RATES FOR CERTAIN VEHICLE TOWING SERVICES REQUESTED BY THE HOT SPRINGS POLICE DEPARTMENT; AND FOR OTHER PURPOSES," was taken from the agenda for consideration. **(Tabled October 21, 2008)**

A motion was made by Director Smith, duly seconded by Director Maruthur, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Smith, duly seconded by Director Jones, that the ordinance be passed as read.

Upon discussion, Attorney Josh Hurst, with Hurst, Morrissey and Hurst, 518 Ouachita; residential address at 117 Wildwood Forest, pointed out that the first section in the ordinance deals with the base of operations, which states if towing companies are going to be allowed on the Police Department's rotational list, they have to have a base of operations within the city limits and comply with other conditions. He said this section is the most important and sensitive to the towing and recovery individuals because it has a direct impact on their livelihood and their ability to earn and support their families and their employees' ability to support their families. He pointed out they have invested time, money, and other resources to start their businesses and to have their businesses be successful. He noted for their businesses to survive, they have to be on this rotational list; and if not, it will put them out of business. He stressed this ordinance does not affect five or six individuals, but a large number of people. He said the way the ordinance reads is different than what the intent was, and he believes the intent is that they have an operations base to store cars that are driveable but does not mean for cars that are wrecked. He mentioned in talking with his clients and those who have towing businesses that are not his clients, they told him that none of them can remember towing driveable vehicles that were a result of a parking violation. He noted the majority of the driveable cars belong to people who have their vehicles towed after some sort of criminal infraction. He pointed out if it were not for the towing and recovery companies, the Police Department would have to tow the vehicles and clean

up after accidents, which would take them from other areas. In order for one of these individuals to be in compliance with the way the ordinance reads, he said they will have to buy property in the city limits but will first have to find the property. Also, it either needs to be already zoned or have the ability for it to be zoned so they can store vehicles.

If they are able to do that, he said they will have to have the ability to purchase real property, which could be difficult for most small businesses in today's economy and will put many out of business even those who have been in business for 30 years. He stated there are other areas of this ordinance that have an effect on them, which is the administrative fee that possibly can be placed on them; and most of the cars they tow are unclaimed vehicles. He pointed out there is no way they can pass on that cost to anyone else, and they will have to absorb that cost and another financial burden placed on them.

Director Ramick questioned where the vehicles for traffic or parking violations are taken; and Mr. Hurst replied that at the present time, they are taken to each of their lots, which are at different locations. He said there are nine people on the list and of his clients, one is Holcomb Transportation, which is on Airport Road. Director Ramick asked if someone is notified where their car has been towed, and Mr. Hurst advised when they call the Police Department about their vehicle, they tell them where their car was towed and give them the number. That individual then calls that towing company and works out a time that they are going to be there to pick up their vehicle.

City Manager Kent Myers clarified the administrative fee and said he did not want the public to think the passage of this ordinance is going to establish an administrative fee that the City is going to collect. He pointed out the administrative fee will be allowed under the terms of the ordinance, but that would have to be approved by the Board at a regular meeting through a resolution. At this point, there are not any administrative fees on the table and that is not part of the discussion to establish those fees tonight.

City Attorney Brian Albright pointed out with regard to that administrative fee, it would be added onto the charge that is ultimately paid by the car owner and would not be a fee the towing company would have to pay.

Ms. Kelly Singer, 230 Whittington Avenue, was recognized stating it was her understanding the City was going to require the towing companies to purchase land within the City. She stated it is going to add nine additional areas in the City that will become a blight on the community and an area where there will be disabled vehicles impounded. She said she would like the Board to consider that it remain the way it presently is where people are having their vehicles towed to established businesses that

already are in a community where they have accepted having broken down cars, wrecked cars and cars stored on their properties.

Director Daniel said he understood the only thing that was going to be kept inside the city limits was going to be operable vehicles; and of it is a wrecked vehicle, it is going to go out where they store their vehicles.

Ms. Singer pointed out that the ordinance does not spell it out that it excluded wrecked or disabled vehicles.

City Attorney Brian Albright commented that Director Daniel and Ms. Singer are correct, and he believes the intent was for it to be operable vehicles for short-term storage so there would not be wrecked vehicles. He noted it would be for cars that were for overtime parking or because of DWI. However, he agrees that it is not spelled out in those terms; and it would require, if all nine of the towing companies wanted to be on the list, they would have to have such a lot. However, it would not be for wrecked vehicles.

Ms. Singer asked if the ordinance could be more specific and spell that out, and City Attorney Brian Albright advised that it could.

Director Daniel asked if the ordinance sets out that they have to purchase a piece of property, and City Attorney Brian Albright advised that it does not. He mentioned they could lease, have a coalition, or could partner. He added it could be a common lot and does not have to be nine separate lots. Director Daniel stressed that he did not want them to think the City is trying to put them out of business.

Director Maruthur said during one of the Board's work sessions, Cedar Street was pointed out as a place that could be considered for an operable vehicle location. She stated this concerns her and pointed out what the Board is considering is only policy and rates, which includes a rate increase for the towing services. However, on the Board Action Request Form, there is a clause that states: "the City reserves the right to establish and to collect an administrative fee by resolution of the Board of Directors." She noted it is her understanding it would open the door for the City to go into the business of having an impound lot; and in the ordinance, under operations base, there is no provision for security; there are no restrictions to the zoning; and there is nothing that is acceptable. She said if this ordinance is adopted as written, it leaves any neighborhood that does not have a Bill of Assurance, such as a subdivision or a community where there are restrictions, and any older neighborhood, without any protection. She said she talked to Director Weatherford, who kept mentioning Cedar

Street during the work session, and asked if he was determined on making this happen; and he said that he was. She commented if this ordinance is passed, as written, it could include the Math and Science School; St. Mary's; Historic Haven Methodist Church, which has been renovated; the development of the Majestic Hotel; the MRI Building, which is the possible location of a church; and destroy an area because in this ordinance, there is no provision for 24-hour security, 365 days a year. Also, there is not a restriction from residences, churches or schools. She said that she contacted City Attorney Brian Albright to make sure that she was correct about the clause opening the door.

City Attorney Brian Albright explained when Director Maruthur questioned the administrative fee, he advised her this ordinance did not impose that fee but reserved the right for the Board, at a future date, to pass a resolution that would assess an administrative fee above and beyond the rates that are being increased for the towing companies; and that money, if ever collected, could be set aside for the purpose of the construction or acquisition of a city-operated impound yard similar to what other cities are doing.

Director Maruthur commented that the impound lot, from her understanding, would be the "run and drive," which means they are operable. She pointed out if there is such a facility and there are no provisions for that facility but now there is an incentive to fill it up with no security and no consideration for a neighborhood, then this is a very poorly written ordinance. She stressed there is a need to have specific numbers on paper for those vehicles that were not in a wreck and have to be towed. She added there are no protections; and in these economic times, the City could end up going into another business, which would be an impound lot in a neighborhood. She said she did not feel the Board should be doing this to any neighborhood, church or school. She recommended tabling the ordinance and get some numbers as to what is happening and why this ordinance was presented. She stated it repeals Ordinance No. 5181, which is a rate ordinance. She said that she spoke to several people, and there was no distance ever mentioned as far as the requirement is concerned.

Mayor Bush pointed out that the Police Department asked that the Board consider this ordinance.

Ms. Singer said she has no problem with what the City wants to do but is concerned about the neighborhoods.

City Manager Kent Myers explained this ordinance deals with the towing regulations only, and the protection that Director Maruthur is referring to is in the City's zoning regulations. He explained a towing facility cannot be placed in an area unless the property is properly zoned. He said that he did not know how Ms. Singer's property is zoned, but the city can look at it or the Cedar Street property. He added a towing operation cannot be put in any residential area, and very few of the areas in the City would qualify under the zoning regulations for this type of facility. He explained for people to believe that the City is going to have towing facilities all over the residential areas, that is not a correct interpretation.

Ms. Singer said the way the ordinance is written, if each of these towing companies need to have land within the city limits, whether it is leased or rented, they are going to have to be somewhere in the city limits.

City Manager Kent Myers advised that in the cities he has worked with, normally those are in industrial areas and in warehousing districts, and that is the type of zoning that fits into towing facilities.

Ms. Singer stated in regard to the lot next to her, an impound lot could be easily be there because it is zoned commercial. She noted the City owns that property.

Director Maruthur said she is in agreement with the standards that have been placed in this ordinance and has no problem with the standardization and requiring all of the equipment that is needed. She stated the rest of the ordinance is excellent, but she has a problem with what has not been addressed. She reiterated that she wants to see specific reasons for certain numbers, to give a rationale for this being needed, and for everyone to understand that the City could end up with another item in its budget that it is going to have to operate and did not know how this could affect the budget.

Mayor Bush pointed out there is no proposal for a city-impound lot.

Director Maruthur said there is a clause that states: "the City reserves the right to establish and to collect an administrative fee by resolution of the Board of Directors." She stated she spoke to the City Attorney, and he said this means that the Board could later on by resolution open a city-owned impound lot, which means the City would have the expenses and would have to provide 24-hour security.

Mayor Bush pointed out that the Board would have to vote on that, and Director Maruthur stated that is not a safeguard, and the Board needs to have a reason to pass this as it is.

City Attorney Brian Albright advised that the Board could, at any Board Meeting, consider action to build a city impound yard, whether it is in this ordinance or not. He pointed out the ordinance on the table is given as guidance to the towing companies to let them know there could be the possibility of an administrative fee added onto the rates charged for that purpose.

Director Maruthur said she approached Director Weatherford after one of the work sessions. Director Weatherford replied that he had mentioned an impound yard if the City ever got into that business and mentioned Cedar Street.

A motion was made by Director Maruthur, duly seconded by Director Weatherford, that the ordinance be tabled to the December 2, 2008 Board Meeting.

Upon discussion, Director Weatherford questioned why other language, such as they would have to have a yard in the city limits, is included in the ordinance if it is just for rate changes. He said he believes that is what most of towing companies are concerned with, and he only wants to see the rates included in this ordinance. He stated he did not agree with the other language in the ordinance.

Director Ramick said he personally cannot support having nine yards in the City and would like to see one common yard but did not know how that can be accomplished with this ordinance. He suggested sending the ordinance back to staff.

Director Daniel pointed out that the Board owes it to the Police Department who brought it to the Board and understood that some of the wrecker services went to the Police Department. He noted that by having a place inside the City, it can control it. He spoke of an incident that happened last month to a person who had a car towed, which was outside the city. However, that person could not make it to the impound yard in time for the 24 hours and cost that individual \$180 to get the vehicle. He mentioned this is an individual who lives in Hot Springs and is not a tourist. He asked if there were some lots inside the city limits, and Director Weatherford said there are three lots. Director Weatherford asked that the Police Department explain why this ordinance was presented.

Police Chief Bobby Southard advised they have had three meetings with the wrecker services and two meetings with the attorneys present. He said the only issue they were aware of and their disagreement was having to have a lot inside the city limits, which came about because of complaints from citizens having to go outside the City to up to 2½ miles, by taxi, in order to pick up their vehicle. He stated a number of these are operable vehicles; but if an individual has to go to the hospital, that person has to find the vehicle after leaving the hospital and pick it up, which is another expense.

Director Weatherford questioned where it says in the ordinance the City has to have a lot in the City, and Police Chief Bobby Southard replied that currently it does not say it anywhere. Director Weatherford asked after this ordinance is passed this ordinance, where is it going to say that and was informed that it is in Section 8. He stressed this ordinance was to deal with rate increases only, not that the operators have a lot in the City.

Director Smith pointed out that it is known that it includes the possibility of a lot in the city, and Director Weatherford stressed that is not what the ordinance says. Director Smith added that the Board has been educated to that part of the proposal, and the Board tabled the ordinance at a past meeting and then there is a motion to table it again.

Director Maruthur asked if Director Weatherford had made the statement that when Traffic Services was going to move to the Airport, that he would like to see an impound yard – a place where vehicles which would need to be inventoried and would have to have 24-hour security; and Director Weatherford said that he did make that statement. Director Maruthur said that he mentioned Cedar Street, which is in the center of a neighborhood and the Math and School. Director Weatherford said that he did, and Traffic Services is there now, which houses 10 or 12 trucks there are already there, plus a tremendous amount of “junk.” He questioned the difference.

Director Maruthur said there is a big difference. She stated the ordinance, as far as standardization and the direction the Police Department is going, is excellent. She asked if the Police Chief would be willing to give a breakdown of some of the problems and revisit this and come back with some numbers and data so everyone will have a very clear understanding of what the City is about to do.

Police Chief Bobby Southard stated he could provide each Director with a statistical basis to make a vote but does not believe it is appropriate for the ordinance.

He added that would change from year-to-year and week-to-week. Director Maruthur said she is referring to the status of how they got to today and also about having a city-owned impound lot. Police Chief Bobby Southard commented that is up to the Board whether or not it wishes to have such an opportunity.

City Manager Kent Myers explained that staff would have to put the numbers together on what that would cost; and at the present time, no one has requested that information. He added it would be an expensive operation to start in the city, but no one is talking about doing that in conjunction with the 2009 budget.

City Manager Kent Myers pointed out there are two concerns that seem to be expressed in the ordinance and questioned the possibility of eliminating those two provisions from the ordinance in order for the wrecker companies the get a rate increase. He advised those concerns are Section 2a (Operational Base) requiring that they have operational base in the city and eliminate that section and Section 4h (Administrative Fee). He commented since the City does not plan on doing an administrative fee at the present time, the Board can consider an administrative fee at a later time if it wants such a fee. He said by taking those two provisions out of the ordinance, he believes the wrecker companies are in agreement with everything else.

Director Smith made a motion to that effect but was advised by City Attorney Brian Albright there is a motion and second on the floor to table.

Mayor Bush asked if Director Maruthur wanted to withdraw her motion to table the ordinance, and Director Maruthur said she did not want to withdraw her motion because the Board can still table it and come back after certain questions are answered and do what the City Manager has recommended.

Mayor Bush then called for a vote on the motion to table the ordinance to the December 2 Board Meeting; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Weatherford, Ramick, Daniel, and Bush, total 6. Voting "no": Director Smith; motion carried.

NEW BUSINESS

15 Proposed Ordinance No. O-08-75

An ordinance entitled, "AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PROCUREMENT OF A MINI-EXCAVATOR FOR

WASTEWATER PIPELINE AND PUMP STATION REPAIRS; CERTIFYING EMERGENCY ACTIONS BY THE CITY MANAGER; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Ramick, duly seconded by Director Maruthur, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Jones, duly seconded by Director Maruthur, that the ordinance be passed as read.

Upon discussion, Mr. Steve Mallett, Public Works Director, explained on Tuesday, October 21, one of the lift stations crews was involved in an accident. During this accident, their truck was totaled while pulling a trailer with a mini-excavator on it; and the trailer was also damaged, as well as the mini-excavator. He advised this division does not have a spare mini-excavator; and this is an excavator that they can use in backyards and be able to get into gates and tight spaces. He said he is looking at a 60-day timeframe to go out for sealed bids and has asked the City Manager to declare it as an emergency purchase. In accordance with the purchasing manual to waive competitive bidding in the interest of time, he sent the request to eight bidders and had three vendors submitting bids. The low bid was from Fiser Truck and Tractor in the amount of \$21,500 and recommends awarding that contract and utilize Surplus Capital Funding in the Construction division account; and also allocate any interest money that will be received toward this purchase.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

16 Proposed Ordinance No. O-08-76

An ordinance entitled, "AN ORDINANCE REPEALING ORDINANCE NO. 5669 (WAIVING REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PURCHASE OF A REFURBISHED BUCKET TRUCK FOR TRAFFIC SERVICES)," was taken from the agenda for consideration.

A motion was made by Director Weatherford, duly seconded by Director Maruthur, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Weatherford, duly seconded by Director Smith, that the ordinance be passed as read.

Upon discussion, Mr. Steve Mallett, Public Works Director, said staff had asked the Board to waive competitive bidding for a refurbished bucket truck; but by the time he could get the purchase order and work out the particulars on it, it had sold out. He stated he found another one of similar quality for the same price, but it was also sold; therefore, he decided to go out for competitive bidding on that item.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

17 Proposed Ordinance No. O-08-77

An ordinance entitled, "AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR THE PROCUREMENT OF CERTAIN PLANIMETRIC DATA; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Weatherford, duly seconded by Director Smith, that the rules be suspended and the ordinance be read for the first time by title only; and upon voice vote, the motion unanimously carried. The ordinance was then read for the first time by title only; and upon the question "Shall the ordinance be passed as read?" and upon motion of Director Weatherford, duly seconded by Director Maruthur, that the ordinance be passed as read.

Upon discussion, Mr. Steve Mallett, Public Works Director, advised this work is the third and last phase of development of the City's overall GIS base map. He said this is the same firm that did the first two phases, which included taking aerial photographs and developing contours. He explained this work will include developing layers of data, including building outlines, street centerlines, road edges and driveways, and will enhance the ability to utilize the City's mapping system. Staff recommends that the contract be awarded to Fugro Earth Data in the amount of \$80,685.59; and this item was budgeted in the Utility Administration Capital Budget.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted “aye”: Directors Maruthur, Jones, Smith, Weatherford, Ramick, Daniel, and Bush, total 7; motion unanimously carried. Whereupon the ordinance was declared passed.

Director Smith mentioned that prior to the Board Meeting, he received a CodeRED call on his cell phone regarding water pressure in certain areas being down from 11 p.m. tonight and asked that he explain what has happened. Mr. Mallett advised that his department was looking at making a tie-in at one of the tank sites, which is in conjunction with a water line replacement project along Hobson Avenue area and is a cut-over they had to make. He advised it was scheduled between the hours of 11 p.m. and 3 a.m. and may affect the pressure. Also, there may be some higher elevations along the bottom side of West Mountain, which may experience a loss of water during those hours. However, by 6 a.m., everything should be fully functional, standard pressure, etc.

OTHER BUSINESS

18 Board of Directors Items

Director Smith mentioned that tomorrow is Election Day, and polls are open from 7:30 a.m. to 7:30 p.m. There are three precincts in District 3 (First Baptist Church, Jones School, and Shadowbrook Condos). He urged everyone to vote and noted that early voting was very heavy and close to 15,000 have voted through today. He stressed that people gave their lives so citizens could have the right to vote.

Director Maruthur announced there is a fund at Regions Bank for deceased Firefighter Gene Yarbrough; and if anyone would like to contribute, they may call the bank downtown.

Director Jones announced that the Pleasant Street Association met with the Historic District Commission. On December 1, at 6 p.m., Webb Center, there will be another meeting to provide information to everyone who has a business in the Historic District. She pointed out most people do not know whether they can or cannot tear something down or make repairs, and they would like for everyone to know what the Historic District Commission is all about and why they can or cannot do some things. She urged everyone who can to attend this meeting.

19 City Manager's Report

City Manager Kent Myers gave the following report:

1. The Board approved the Consent Agenda, and one item was the appointment of David Longinotti to the Advertising and Promotion Commission.

2. He received a letter last week from the U. S. District Court, and the Chief U. S. Probation Officer recognizing one of the police officers (Detective Leeann Clem), which was for her actions on Friday, October 17. She agreed to testify in a case involving Mr. Pickney in El Dorado. The letter mentioned that her knowledge, professionalism and dedication in this case brought great credit upon herself and the Police Department. Also, he announced the City of Hot Springs has been chosen once again for the Distinguished Budget Award, which is the 5th time it has received this award and is in relation to the 2007 budget. Hot Springs is one of only six cities in the State of Arkansas that received the award this year. He recognized Finance Director Dorethea Yates, her staff, and Angela Byrd for the development of the budget which won a national award from the Government Finance Officers' Association.

3. On behalf of the Finance employees, he thanked the Board for its support in the relocation of their offices. It was originally suggested by Director Weatherford during the building committee meetings about six or eight months ago. The Building Committee approved his recommendation and came forward to the Board, and the Board allocated the money. As a result of their move over the weekend, the morale of the Finance employees has been uplifted. The move overall went very well and had a lot of support from city departments. There will be a dedication ceremony for that building in the next few months. For utility payments, the building is located adjacent to the Fire Station on Airport Road, which was formerly occupied by the National Guard Armory. If citizens do not want to go to that site to pay their bill, there are two convenient drop boxes available. One is located at the entrance to the City Hall parking lot, and the second one is located at the Airport in front of the Terminal Building.

4. The development of budget is taking place, and the Board has set its budget priorities. On November 18, the Board will be given a presentation on the proposed budget. Following that presentation, the Board will need to establish a date for budget work sessions.

5. On Thursday, November 6, at 5 p.m., there will be a reception regarding the Hanamaki Sister City Program at the Quapaw Bathhouse. For the residents who

have been to Hanamaki, they are invited to the reception and to wear the attire they wore during their trip or their Happy Robe. This is also open to the public.

Director Weatherford suggested that the agenda meeting on Tuesday, November 25 be changed to Monday, November 24, due to the chili cook-off being held on November 25. There were no objections from the Board to changing the agenda meeting to November 24.

Mayor Bush encouraged all citizens to vote tomorrow if they have not voted early and said the polls are open from 7:30 a.m. to 7:30 p.m.

20 ADJOURNMENT

There being no further business to come before the Board, the meeting adjourned at 8:20 p.m., to meet again on Tuesday, November 18, 2008, at 7:00 p.m.

ATTEST: _____

APPROVED: _____

Lance Hudnell, City Clerk

Mayor

Mike Bush,