

## **MINUTES**

### **BOARD OF DIRECTORS MEETING**

**APRIL 6, 2010, AT 7:00 P.M.**

The regular meeting of the Board of Directors was held on Tuesday, April 6, 2010, at 7:00 p.m., Board Chambers, City Hall, with Mayor Mike Bush presiding.

The invocation was given by Ms. Terry Michau, 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, Cynthia Keheley, Pat McCabe, Rick Ramick, Tom Daniel, and Mike Bush, total 7.

#### **2 Approval of Agenda**

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

#### **3 Approval of Minutes of March 16, 2010 Board Meeting**

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the minutes of the March 16, 2010 Board Meeting be approved; and upon voice vote, the motion unanimously carried.

#### **4 Recognition of Guests**

Mayor Bush recognized Mr. Jerry Jones, owner of MidAmerica Productions, and his partner Mr. John Sanders, who also is cameraman and film editor. He stated that for the last 17 years, they have covered a wide variety of city government issues for the benefit of local citizens and also offered weekly city news reports, as well as covering every milestone event in Hot Springs. He said there have been years when they provided this coverage without any compensation other than the satisfaction that comes

from meaningful work. He mentioned that the Board would like to express its appreciation for their faithful service and have been an important asset to the Board of Directors and the entire city.

Mr. Jerry Jones expressed appreciation to the Board and stated taping “Inside Hot Springs” has been a wonderful experience, and it has been a learning experience taping these programs that involve the various departments, the City, and City Manager Lance Hudnell.

Mr. John Sanders thanked the Board for allowing them to be a part of the City and expressed appreciation for its assistance.

At this time, Mayor Bush asked that they introduce their spouses, Virginia Sanders and Twyla Jones.

Director Maruthur mentioned she had done a couple of cooking shows, and Mr. Jones came to her home where she was preparing Indian dishes. She mentioned the Board has two guests present tonight from India.

## **5 Board of Directors Announcements**

At this time, Director Maruthur introduced Mr. Aanton Mookherjee and Mr. Kunal Abrai, who are with a Group Study Exchange (GSE), which is an educational program of the Rotary Foundation from the state of West Bengal that is in the eastern part of India. Mr. Mookherjee said that he was very impressed with the City, and everyone should be proud of what they have in Hot Springs. He commended the City’s infrastructure and said there is nothing like this in India but hope in years to come, they can model some of the things the City has done. Mr. Abrai said it is a wonderful experience what the City has done, but the only difference they face is they are from a city of 11 million people.

Mayor Bush expressed appreciation for their attending tonight’s meeting.

### **CONSENT AGENDA**

The Consent Agenda consisted of the following:

## **6 Public Safety Committee Report (March 16, 2010).**

- 7 Proposed Resolution No. R-10-66** Approving Certain Bid Awards (a) Concrete/Cement- Various Departments [annual supply contract awarded to C.J. Horner Company]; (b) Asphalt, Hot Mix Paving - Public Works [annual supply contract awarded to Martin Marietta]; (c) Ballistic Vests - Police Department [annual supply contract awarded to Protective Products International]; (d) Hydrated Lime - Utility Administration [annual supply contract awarded to Arkansas Lime]; (e) Pump Repair Parts - Utility Administration [annual supply contract awarded to Redmond Environmental and Jack Tyler Engineering of Arkansas]; (f) TV Pipeline Inspection Vehicle - Utility Administration [awarded to Aries Industries, Inc. in the amount of \$116,500].
- 8 Proposed Resolution No. R-10-67** Authorizing the Mayor to Execute a Lease Agreement Between the City of Hot Springs, Arkansas, and Cheri Echols, Commission Agent, d.b.a. Greyhound Lines, Inc. for Office Space and Bus Stop Area at the Transportation Depot; and Repealing Resolution No. 7376.
- 9 Proposed Resolution No. R-10-68** Fixing a Time and Date for a Hearing on a Petition to Vacate Meadow Wood Lane Located in Meadow Wood Subdivision.
- 10 Proposed Resolution No. R-10-69** Approving the 2010 Annual Paving Program.
- 11 Proposed Resolution No. R-10-70** Awarding a Contract to Jacobs Engineering Group, Inc. for Certain Engineering Services (Stormwater Outfall Mapping of the City's Drainage Systems - Phase III).
- 12 Proposed Resolution No. R-10-71** Approving Change Order No. 1 to the Contract with Jacobs Engineering Group, Inc. for Traffic Signal System Timing and Coordination at Various Intersections.
- 13 Proposed Resolution No. R-10-72** Awarding a Contract to Camp, Dresser and McKee for Engineering Work Related to the Sludge Handling Process at the Southwest Wastewater Treatment Plant and Pump Station and Electrical Evaluations at the Regional Wastewater Treatment Plant.

- 14 Proposed Resolution No. R-10-73** Authorizing the Filing of a Grant Application with the U. S. Department of Justice Pursuant to the Community-Oriented Policing Services (COPS) Grant Program for Certain Technological Equipment.
- 15 Proposed Resolution No. R-10-74** Authorizing Revisions to the 2010 Budget by Appropriating Funds Within the Parks Fund.
- 16 Proposed Resolution No. R-10-75** Awarding a Contract to Action, Inc. for HVAC and Electrical Revisions at Mid-America Science Museum.
- 17 Proposed Resolution No. R-10-76** Authorizing the Mayor to Resubmit a Memorandum of Understanding with CLEAResult Consulting, Inc. to Participate in the Entergy Arkansas CitySmart Program for 2010.
- 18 Proposed Resolution No. R-10-77** Rejecting All Bids Received for the Fairwood Force Main Wastewater Project.

A motion was made by Director Jones, duly seconded by Director Ramick, that the Consent Agenda be approved.

Upon discussion, Director Keheley asked if Item No. 16 (Proposed Resolution No. R-10-75 Awarding a Contract to Action, Inc. for HVAC and Electrical Revisions at Mid-America Science Museum) is a rebid of an original bid and if there is any reduction in the scope of work in this contract. City Manager Lance Hudnell advised that it is a rebid in the sense that several meetings ago, the Board rejected the previous bids and authorized for rebids. Therefore, it is a rebid. He said according to Mr. Gordon Mahoney, Chief Operating Officer of the Hot Springs Civic and Convention Center, they provided deductive alternates this time but discovered they did not have to take any of the deductive alternates. He stated it is the original scope with some minor revisions.

Mayor Bush then called for a vote on the motion to approve the Consent Agenda; and upon roll call, the following voted "aye": Directors Maruthur, Jones, Keheley, McCabe, Ramick, Daniel, and Bush, total 7; motion unanimously carried.

## **NEW BUSINESS**

### **19 Proposed Resolution No. R-10-78**

Prior to the reading of the resolution, Director Keheley left the Board Chambers and recused herself from discussion on this item.

A resolution entitled, "A RESOLUTION APPROVING THE SALE OF CERTAIN REAL PROPERTY (BROADWAY PROPERTIES MANAGEMENT, INC.)," was taken from the agenda and read by title.

A motion was made by Director Daniel, duly seconded by Director Maruthur, that the resolution be adopted as read.

Upon discussion, City Attorney Brian Albright advised that recently the City constructed a Farmers Market pavilion complex on city-owned property located at 121 Orange Street. He stated this property is directly behind and to the east of property owned by Brooks and Patty Nickles. He mentioned the City and the Nickles acquired the property in 1992 from Mo-Pac; and over the years, the back area behind the business, known as Williams Brothers Feed, has been utilized to access the docks. With the construction of the facility for the Farmers Market, it became a concern about the shared use of that area; and during the last several weeks, city staff and Mr. Don Schnipper, attorney for the Nickles, have been discussing possible scenarios that could alleviate this problem. He said they are asking the Board to approve the sale of the strip of property, which is approximately 16½ feet in depth and runs the width of the property owned by the Nickles, which is 186 feet. In doing this, it will allow the business (Williams Brothers Feed) to access their rear docks using the large rigs to deliver their feed and hay. He advised the proposed purchase price of this property is \$5,000.

Attorney Don Schnipper, representing Mr. and Mrs. Nickles, noted they have negotiated this over a number of months. He thanked City Attorney Brian Albright, City Manager Lance Hudnell, Deputy City Manager for Public Works and Utilities Steve Mallett, and the Nickles for their assistance in coming to a solution. He said he believes this is the best way to handle it noting the trucks can back, and their docks will work. He asked that the Board approve this sale.

Director Maruthur pointed out this is for the public's benefit, and the amount of property being discussed that would provide egress and ingress for the Williams

Brothers Feed on Orange Street is 186 feet long and 16 ½ feet wide. She noted the City owns it and is selling it, and everyone is going to benefit.

Mayor Bush then called for a vote on the motion to adopt; and upon roll call, the following voted “aye”: Directors Maruthur, Jones, McCabe, Ramick, Daniel, and Bush, total 6. Director Keheley had recused herself from this item and was out of the Board Chambers. Therefore, she did not cast a vote; motion carried. Whereupon the resolution was declared adopted.

## **20 Proposed Resolution No. R-10-79**

A resolution entitled, “A RESOLUTION AWARDING A CONTRACT TO H&H ELECTRIC FOR WASTEWATER LIFT STATION PROJECT 10A,” was taken from the agenda and read by title only.

A motion was made by Director Jones, duly seconded by Director Ramick, that the resolution be adopted as read.

Upon discussion, Mr. Steve Mallett, Deputy City Manager for Public Works and Utilities, stated staff’s recommendation is to award a contract for wastewater lift station upgrade project 10A to the low bidder (H&H Electric) in the amount of \$923,080. He said this scope of work has been developed as a result of the first phase of the pump station assessments by Garver Engineers. He mentioned the scope includes mechanical and electrical improvements for the first 29 wastewater pump stations that have had the initial assessment. He stated that is not all of the pump stations that will be assessed, but this was a stopping point so the project could be developed. He advised this effort is part of the overall I&I project development to assure the City complies with the EPA mandate that it is currently working under. He added it is funded through the City’s existing wastewater bonds.

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

## **21 Proposed Resolution No. R-10-80**

A resolution entitled, "A RESOLUTION AUTHORIZING TO PROCEED WITH PHASE II OF APPROVED CONTRACT WITH UTILITY METERING SOLUTIONS FOR AUTOMATED METER READING PROJECT IN THE AMOUNT OF \$4,558,680.61," was taken from the agenda and read by title only.

A motion was made by Director Ramick, duly seconded by Director Maruthur, that the resolution be adopted as read.

Upon discussion, Mr. Steve Mallett, Deputy City Manager for Public Works and Utilities, advised at the February 2 meeting, the Board approved a contract with Utility Metering Solutions in the amount of \$10,058,680.61 for the installation of automated metering system. The approval was for the entire contract amount, but only Phase I was authorized to proceed because that was the funding the City had in place through the stimulus funding it had at the time. With the remainder of the project considered to be Phase II and to be authorized upon securing the funding, he advised that as of March 30, 2010, the City has secured the remainder of the funding in the amount of \$4,558,680.61 through a Revolving Loan Fund with Arkansas Natural Resources Commission. He mentioned this loan is at an interest rate of 3.25 percent, and it is staff's recommendation that the Board authorize proceeding with Phase II of Automated Metering Infrastructure (AMI) project in the amount of \$4,558,680.61.

Director Keheley questioned how many have already been installed and the total number of installations. Mr. Mallett advised that currently the City is still in the process of receiving delivery. However, it will be approximately 33,000 plus meters that will be changed out.

Director Maruthur pointed out for the record it is in the amount of \$4,558,680.61, but the resolution has \$4,558,680.51 in the title. Mr. Mallett noted the body of the resolution and the Board Action Request Form have \$4,558,680.61; and it will be changed in the title to reflect \$4,558,680.61.

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

## **22** Proposed Ordinance No. O-10-20

An ordinance entitled, "AN ORDINANCE ACCEPTING FOREST LAKES BOULEVARD, WILLOWBEND CIRCLE, OLD HICKORY STREET, AND WHITE WILLOW STREET IN FOREST LAKES SUBDIVISION AS PUBLIC STREETS; AMENDING RESOLUTION NO. 6508 BY DELETING THE NAMING OF HIDDEN FOX STREET; AND FOR OTHER PURPOSES," was taken from the agenda for consideration.

A motion was made by Director Daniel, duly seconded by Director Keheley, 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 McCabe, duly seconded by Director Keheley, that the ordinance be passed as read.

Upon discussion, Mr. Denny McPhate, Public Works Operations Director, advised this has been inspected by the Engineering division and meets City specifications.

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

## **23 Proposed Ordinance No. O-10-21**

An ordinance entitled, "AN ORDINANCE WAIVING THE REQUIREMENTS OF COMPETITIVE BIDDING FOR AN ANNUAL SUPPLY CONTRACT WITH URETEK, ICR MID-SOUTH, L.P., FOR CERTAIN MANHOLE SEALING PROCESSES AND PRODUCTS," was taken from the agenda for consideration.

A motion was made by Director Ramick, duly seconded by Director Jones, 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 Keheley, duly seconded by Director Maruthur, that the ordinance be passed as read.

Upon discussion, Mr. Steve Mallett, Deputy City Manager for Public Works and Utilities, advised staff recommendation is to waive competitive bidding for an annual

service contract for certain manhole repair services, which utilizes a patented polyurethane material ( URETEK 486 Star) from URETEK, ICR. He added the annual limit to the contract is \$100,000; and that funding is included in the \$2 million, Phase I, of the manhole rehabilitation project. He pointed out this method will not be used for all manhole repairs and is a certain select type of repair that this method and product work very well with. He pointed out the City has not seen or found anything in the market that is as quick and easy and as durable. He stated if there is any expenditure in excess of \$100,000 limit, staff will return for subsequent Board approval.

Director Keheley questioned how many manholes the City manages to rehabilitate in a year and if there is an average that the City can handle. Mr. Mallett replied that in-house, it is not very many, if any; and the City usually contracts out most of its manhole rehab. He pointed out the City does not have the equipment in-house to do that.

Director Maruthur commented this is going to secure the rings and keep things from leaking, and this is not to bring them up flush with the pavement. Mr. Mallett commented this will be a process that actually infiltrates the concrete void and fills the void and manhole itself, which Director Maruthur is referring to raising the manholes. He said staff does that in-house and can go out and add rings to the lids. He added that will be something the City does in conjunction with the overall project but not this part of it.

Director Maruthur asked if this was a patented chemical composition, and Mr. Mallett said that it was. He added the method and product are both patented.

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

## **OTHER BUSINESS**

### **24 Board of Directors Items for Discussion**

Director Jones announced that on April 24, the Red Cross and the NAACP will host a talent show at the Hot Springs Middle School, and all proceeds will go to Haiti Relief. She noted this money will go for tents. She commended the Community

Garden, which is in her district, noting that Kroger's has given them boxes to do their mulching.

Director Maruthur pointed out on the Consent Agenda, the Board approved the 2010 Annual Paving Program, and the residents on Ramble Street will get the paving done. Also, in District 3, Fawn Street will be paved. She pointed out there is \$100,000 budgeted, and the rest is for patching. At this time, she asked for a moment of silent prayer for those who lost their lives in the coal mines in West Virginia.

## **25 City Manager's Report**

City Manager Lance Hudnell gave the following report:

1. On the Consent Agenda, the Board approved the \$325,000 COPS grant which completes one of the technology improvements in the Police Department with regard to mobile data terminals and other equipment. This is finishing that project after a three-year process.

2. A compliment was received from Mr. Bob Elmer, who was assisted with a water bill mix-up and was appreciative the way the customer service clerks and Lisa Vargo handled his situation. He expressed appreciation to Ms. Terry Jordan, who has been very effective with the City; and she had some issues with regard to water billing and online payment. When the City received that service, staff called her and asked her if she would mind being a "guinea pig." She assisted the City because she had some familiarity with a need for that. A compliment was also received from the Village Methodist Women regarding a presentation by Ms. Mary Neilson, and they made a contribution to the Sister City Program.

3. The Airport has an Air Race Classic June 22 and 23, and these airplanes fly across country with Hot Springs being one of the stops where they have to check in before they continue on with their race. Anyone wanting to volunteer may contact Airport Director George Downie at 321-6750.

4. The Annual Employee Awards Banquet will be held on Thursday, April 15, at 6:30 p.m. and would appreciate the Directors' attendance.

5. He expressed appreciation to the Airport and staff since they have had a number of extraordinary events. One was with deceased Navy Seal Adam Brown, who was flown into the Airport. He expressed appreciation to the family, the Board, the

Police Department and others who assisted. He stated thoughts and prayers continue to go out to the Brown family.

6. He thanked Mr. Jerry Jones and Mr. John Sanders for the city programming and all the things they have done that have made those very professional programs.

7. Spring Fling Weekend will be held on Saturday and Sunday, April 24 and 25. Roll-off containers will be available in each district for residents to dispose of heavy bulk items, and Garland County will also participate in Spring Fling on Saturday only by using the City's transfer stations as drop-off points.

8. There was a very successful Spring Fling in District 1 (Walnut to Bower and Park Avenue north to the National Park Service). It was one of the larger collections particularly for Sanitation, and there were a number of things that Code Compliance was able to respond to. There were a number of bulky items, which was more than normal. Director Maruthur asked if at the next Board Meeting there could be a statistical breakdown, and City Manager Lance Hudnell advised that he e-mailed the breakdown today. Director Maruthur said that she received only the map, and City Manager Lance Hudnell said that he would re-send it to her.

## **26 ADJOURNMENT**

There being no further business to come before the Board, the meeting adjourned at 7:30 p.m., to meet again on Tuesday, April 20, 2010, at 7:00 p.m.

ATTEST: \_\_\_\_\_

APPROVED: \_\_\_\_\_

Lance Spicer, City Clerk

Mike Bush, Mayor