

REGULAR CALLED MEETING BOARD OF DIRECTORS

Boardroom

July 19, 2022

5:30 p.m.

AGENDA

1. Call to Order Mayor Scott Byrd
2. Invocation
3. Approval of Board Minutes from July 5, 2022 – Mayor Byrd
4. Consideration of Resolution State Tax Back Program – Gary Brinkley
5. Consideration of Bid for Repairs at N.8th Street & MH Russell Bridges – Gary Brinkley
6. Consideration of Professional Engineering Agreement for Pine Street Utility Relocation – Gary Brinkley/David Green
7. Consideration of Bid for Henderson Street Drainage System Rebuild- Gary Brinkley
8. City Manager's Report – Gary Brinkley
9. Routine Business – Mayor Byrd
10. Adjournment – Mayor Byrd

Regular Meeting: Citizens speaking to the Board of Directors shall have a speaking time limit of **10 minutes**. The Board of Directors may ask follow up questions which may extend the time limit.

Open Session Forum: Speaking time limit is **5 minutes** a speaker may not yield his or her time to another speaker

**REGULAR CALLED MEETING
BOARD OF DIRECTORS**

Board Room

July 5, 2022

5:30 P.M.

MEMBERS:

Taylor Chaney, *Ward 1 Director*
Chris Porter, *Ward 2 Director*
Keith Crews, *Ward 3 Director*
Reo Cummings, *Ward 4 Director*
Jason Jones, *Ward 5 Director*
Roland Gosey, *Assistant Mayor*
Scott Byrd, *Mayor*

OTHERS:

Gary Brinkley, *City Manager*
Samantha Roybal, *City Clerk*

CALL TO ORDER

The Mayor called the meeting to order at 5:30 p.m.

INVOCATION

Assistant Mayor Gosey

APPROVAL OF BOARD MINUTES FROM JUNE 21, 2022

A motion was made by Director Chaney, seconded by Assistant Mayor Gosey to approve the minutes from the June 21, 2022 Board Meeting.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Aye”
Chris Porter	“Aye”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

ADOPT UPDATED FIRE DEPARTMENTS STANDARD OPERATING PROCEDURES

Mr. Brinkley and Fire Chief Hunt presented the updated Guidelines & Standard Operation Procedures

A motion was made by Assistant Mayor Gosey, seconded by Director Chaney to adopt the Guidelines & Standard Operation Procedures for the Fire Department.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Aye”
Chris Porter	“Aye”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

BRIDGE UPDATE

Mr. Brinkley provided the latest update on Walnut Street, MH Russell, and the 8th street bridges.

No action was taken.

APPROVAL OF PHASE TWO OF ZONING & CODE REWRITE

Mr. Brinkley presented the Board with the Halff Associates, Inc agreement for Phase Two of the zoning and code rewrite at the cost of \$66,500.00.

A motion was made by Director Chaney seconded by Assistant Mayor Gosey to approve the agreement with Halff Associates, Inc in the amount of \$66,500.00 and to allow the City Manager to execute the agreement.

The motion passed on a roll call vote and the vote was as follows:

Taylor Chaney	“Aye”	Roland Gosey	“Aye”
Chris Porter	“Aye”	Jason Jones	“Aye”
Reo Cummings	“Aye”	Mayor Byrd	“Aye”
Keith Crews	“Aye”		

UPDATE ON MLK PARK

Assistant Mayor Gosey gave an update on the progress of MLK park.

CITY MANAGER’S REPORT

July 5, 2022

- We received a letter of thanks from Excelsior/Universal Lodge #13 for our support of the Juneteenth Celebration.
- Fire hydrant flushes are complete for the year. It appears to be a better practice to do it during the day instead of at night. There were no reported collapsed lines and only a couple of concerns with discoloration.
- The staff has been working with Hostess and their team on several opportunities. It has been pleasant to meet the folks and their crews from Hostess. It would appear the EDCCC has brought us a good corporate partner.
- The new concrete pad at Fire Station One is approximately 100% complete. The next step is to get the fence installed. Chief assures me they are working on that at this time.

- We want to express our thanks and gratitude to the fire department for their rescue today at the accident on N. 10th Street. They truly saved a life and made a difference in that family's lives.
- Our congratulations to Chief Jackson who was recently wed in a lovely ceremony.

Dates to Remember:

- On July 12th we will open the bids for the Henderson Street drainage system rebuild.

ROUTINE BUSINESS

Taylor Chaney, Ward 1 – Nothing.

Chris Porter, Ward 2 – Nothing.

Keith Crews, Ward 3 – He asked about the Feaster Trail sidewalk project progress.

Reo Cummings, Ward 4 – He brought up a concern regarding fire inspections. He asked how often those inspections occur. He also asked about 18-wheelers being parked in driveways.

Jason Jones, Ward 5 – He mentioned funds for the Juneteenth event were from the A&P.

Roland Gosey, Assistant Mayor – He congratulated Excelsior/Universal Lodge #13 for a great event and thanked the A&P for the funds.

Scott Byrd, Mayor – Nothing.

ADJOURNMENT

There being no further business to discuss, Director Chaney made the motion, seconded by Director Crews to adjourn. **The motion passed unanimously, and the meeting adjourned at 5:49 p.m.**

Scott Byrd, Mayor

Samantha Roybal, City Clerk

ADDITIONAL ATTENDEES

Jason Hunt

Bruce Bell

City Board of Directors Meeting

July 5, 2022

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Joel Phelps

Maria Fields-Chism

DeAnna Graves

Lewis A. Shepherd Jr.


Don Cleek

Julie Lacy



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: July 12, 2022
Re: Resolution State Tax Back Program - Hostess



Attached please find a Resolution regarding the State Tax Back Program and our participation in the Hostess deal from the Arkansas Department of Economic Development. The Resolution was prepared by ADEC for your review and approval by Ed McCorkle.

The essence of the deal is that during the construction any taxes generated by Hostess Brands for the remodeling of their facility will be held from the city taxes collected. This incentive tool is one of a few used by ADEC for major corporations to relocate to Arkansas.

Any taxes due us would not have been due, save for Hostess not being here thus this is not a tax being taken back above and beyond the money spent by Hostess. Secondly, we don't anticipate a significant amount of revenue being generated as most of their supplies and needs are being met by major providers outside our city limits.

The Clark County Quorum Court approved their Resolution at the Monday, July 11th meeting.

Staff highly recommends you approve the attached Resolution as presented.

Thank you.

CITY OF ARKADELPHIA, ARKANSAS RESOLUTION No. _____

BE IT ENACTED BY THE BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS; A RESOLUTION TO BE ENTITLED:

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF HOSTESS BRANDS, LLC. TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15- 4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Economic Development Commission; and

WHEREAS, Hostess Brands, LLC, a Delaware limited liability company authorized to do business in the State of Arkansas ("Hostess") which has a location at One Scroll Drive, Arkadelphia, AR 71923, has sought to participate in the program and more specifically has requested benefits accruing from construction of the specific facility; and

WHEREAS, Hostess has agreed to furnish the local government all necessary information for compliance.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY OF ARKADELPHIA, ARKANSAS THAT:

1. Hostess be endorsed by the Board of Directors of the City of Arkadelphia, Arkansas for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Hostess,
3. This resolution shall take effect immediately.

PASSED: _____, 2022.

APPROVED:

Mayor

City Clerk



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: July 12, 2022
Re: N 8th Street & MH Russell Bridges

We have discussed the need to replace these bridges base on ArDOT's closing or anticipated closing.


We placed an ad for bids with an opening date of July 19th at 10:00 am.

The bid tabulation and recommendation will be made available to you at the meeting.

Thank you.



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney 
From: Gary Brinkley, City Manager
Date: July 13, 2022
Re: Utility Agreement for Preliminary Engineering Services

Attached please find the Utility Agreement for Preliminary Engineering Services between ArDOT and the City of Arkadelphia for Crist Engineers to design the water and sewer relocation for the Pine Street widening project.

The agreement calls for the not to exceed the cost of \$442,933.59 to be shared on a prorata basis between our organizations. The percentage is determined by when the pipe was put in the ground. Before the state-designated it a highway, the cost is borne by ArDOT. The prorata share for ArDOT is 35.74% of the costs or up to \$158,304.47. The city, via Arkadelphia Water Utility, will be responsible for the remainder of the costs.

It is anticipated this cost will be rolled into the final bond issuance required to fund the relocation project. When we were discussing the water/sewer rate adjustments, our engineers anticipated new a bond payment and folded it into the rate.

Although relocating these water and sewer lines would not be happening, except for this widening project, the fact is we are replacing very old lines and should be doing so anyway. You have read about the struggles of so many cities who are severely impacted by the failure of 50+-year-old infrastructure and these lines are aged like those.

This agreement has been reviewed and approved by Ed McCorkle and the Water Utility Committee.

Staff recommends you approve the agreement and authorize the city manager to sign the document.

Thank you.

ARKANSAS STATE HIGHWAY COMMISSION
HIGHWAY - UTILITY AGREEMENT FOR PRELIMINARY ENGINEERING SERVICES

Job No. 070439 (Utilities) FAP No. STPC-9013(9)
Job Location 26th St. - Hwy. 67 Utility Owner City of Arkadelphia
(Pine St.)(Arkadelphia)(S)
Route 51 Section 1 Consultant Crist Engineers
County Clark

THIS AGREEMENT, made and entered into this _____ day of _____, 20____, by and between the Arkansas State Highway Commission, acting by and through the duly authorized representatives of the Arkansas Department of Transportation, with headquarters at Little Rock, Arkansas, hereinafter referred to as the "Department" and the **City of Arkadelphia** acting by and through its duly authorized representatives, hereinafter referred to as the "Owner" WITNESSETH:

(1) The Department proposes to make highway improvements and the Owner is required to adjust or relocate its facilities, as necessary, to clear highway construction.

(2) The Owner is not adequately staffed to carry out the necessary preliminary engineering and has requested the services of the licensed engineering company of **Crist Engineers** to perform the following services.

a. Make all necessary field surveys and investigations and subsequently prepare complete plans, estimate of costs, and construction specifications.

b. Furnish four (4) copies of plans, specifications, etc. for Department review and approval.

c. If construction work is to be performed by other than Owner's forces, prepare all necessary documents to secure bids and let a contract for the proposed work.

d. Conduct bid opening and complete contract documents.

(3) The Owner has entered into a contract with the consultant, subject to the Department's approval, and has furnished a copy which is attached and made part of this agreement. The estimated costs are not to exceed **\$ 442,933.59**.

(4a) The cost of preliminary engineering services shall be eligible for reimbursement from the Department at the same ratio as the adjustment of Owner's facilities are eligible.

(4b) Owner agrees to retain cost records and accounts for inspection and audit for a period of three (3) years from the date of final payment.

(5) The consultant shall begin work **10 calendar** days after receiving written authorization from Owner and complete **120 calendar** days thereafter.

(6) The Department may suspend or cancel the work under this contract at any time. Reimbursement will be made, in a proportionate amount, for any services performed by the consultant prior to the receipt, by the Owner, of written notice of cancellation.

(7) Owner shall be responsible for any and all hazards to persons, property, and traffic. With respect to traffic control, owner shall adhere to the requirements of the Manual of Uniform Traffic Control Devices, as amended and supplemented.

(8) This agreement is governed by all applicable State and Federal laws, rules, and regulations including the Arkansas State Highway Commission Utility Accommodation Policy adopted by Commission Minute Order 2010-146 as amended and supplemented, the Federal Aid Program Guide on Utility Adjustments and Accommodation on Federal Aid Highway Projects as amended and supplemented, and the provisions of 23 CFR § 645 as amended and supplemented.

(9) To the extent applicable to this agreement, the Owner shall comply with the Buy America requirements (as specified in 23 U.S.C. 313 and 23 CFR 635.410). The Owner is not required to change its existing standards for materials as long as the Buy America requirements are met. Buy America requirements take precedence over regulations pertaining to the accommodation or regulation of the Owner's facilities (as specified in 23 CFR 645) on contracts and agreements involving Federal-Aid Highway Program funding and precedence over regulations which allow the Owner to furnish materials from company stock (as specified on 23 CFR 645.117(e)). Company Stock materials that do not meet Buy America requirements may not be permanently incorporated into a Federal-Aid Highway Program funded project. The Owner must provide a definitive statement that all products permanently incorporated into the project are covered under the Buy America requirements. This requirement is fulfilled via proper signature and submission of the statement of charges form. In some circumstances, a waiver of the Buy America requirements may be granted by the Federal Highway Administration, to be determined on a project-by-project basis.

(10) Subject to the terms and conditions herein, neither the Owner nor the Department by execution of this agreement waives or relinquishes any rights which either may legally have within the limits of the law or constitution either State or Federal.

City of Arkadelphia

ARKANSAS HIGHWAY COMMISSION
Acting By and Through The
ARKANSAS DEPARTMENT of
TRANSPORTATION

Name (Typed or Printed)

(For) Director

Title

Right of Way Division Head

Signature

Section Head-Utilities Section

FEDERAL TAXPAYER IDENTIFICATION #

Name (Typed or Printed)

Title

Signature



Memorandum

To: Arkadelphia Board of Directors
CC: Ed McCorkle, City Attorney
From: Gary Brinkley, City Manager
Date: July 12, 2022
Re: Henderson Street Drainage System Rebuild

On July 12th at 2:00 pm, we opened bids on the Henderson Street Rebuild. We have been working on this project for over 2 years to get to this point. We have work remaining on obtaining easements as the current, collapsed line, was done long before easements were recorded.

We received 2 bids for construction. Please see the bid tabulation.

The lowest qualified bidder is Township at the cost of \$339,300.00.

Our engineers have worked with Township and are pleased with their work.

Staff recommends you approve the bid by Township in the amount of \$339,300.00 and for the city manager to sign all documents.

Thank you.

**City of Arkadelphia
700 Clay Street
Arkadelphia, AR 71923**

**Bid Tabulation for
2022 Drainage Henderson Street
Bid Opening July 12, 2022 @ 2:00 p.m.**

BIDDER	LOCATION	AMOUNT	LICENSE & BOND
Township Square one		339,300.00	✓
Square one		386,000.00	✓