



Regular Meeting of the Board of Directors

City of Texarkana, Arkansas

216 Walnut Street

Minutes - Monday, May 17, 2021 - 6:00 PM

Mayor Brown called the meeting to order at 6:00 PM.

PRESENT: Mayor Allen Brown, Ward 1 Director Terry Roberts, Ward 2 Director Laney Harris, Assistant Mayor Ward 3 Steven Hollibush, Ward 5 Director Barbara Miner and Ward 6 Director Jeff Hart.

ALSO, PRESENT: Interim City Manager David Haak, City Attorney George Matteson, City Clerk Heather Soyars and Deputy City Clerk Jenny Narens.

ABSENT: Ward 4 Director Ulysses Brewer.

The Invocation was given by Texarkana Chamber of Commerce President Mike Malone and Pledge of Allegiance was led by Director Harris.

CONSENT

Director Hart made the motion to adopt the Consent agenda, Seconded by Director Miner. The motion carried and the following items were approved:

1. Approval of the minutes of the regular meeting May 3, 2021, the special called meeting May 10, 2021, and the special called meeting May 12, 2021. (CCD)

REGULAR

2. Resolution No. 2021-25 amended the 2021 General Fund Budget to include an allocation of \$43,823.67, for expenditures related to the ransomware attack. (FIN)

Finance Director TyRhonda Henderson said the City was still dealing with the lasting effects of the ransomware attack. While most departments were operating at the best level possible with the equipment/software available, they were still not functioning at full capacity. The City's IT Department provided a list of equipment/software associated costs to get all City departments fully restored. None of these expenditures were budgeted and the General Fund would need to be amended to include expenditures of \$43,823.67. A future budget amendment would be required to allocate funds for the backup solution and managed security solution. All associated expenditures would be submitted for insurance reimbursement.

Director Roberts asked if the City would be able to retrieve any lost information.

Finance Director TyRhonda Henderson said yes, but not guaranteed to retrieve all the lost information.

Mayor Brown asked if the City had met the cyber deductible.

Finance Director TyRhonda Henderson said no.

Director Hart asked if the expenditures were only for Texarkana, Arkansas.

Finance Director TyRhonda Henderson said yes.

Director Harris asked if this would fall under the American Rescue Act for the reimbursement of the cyber-attack.

Finance Director TyRhonda Henderson said she had attended numerous workshops and they had not mentioned anything about reimbursement for cyber-attacks.

Motion to adopt the resolution made by Director Harris, Seconded by Director Roberts.

Mayor Brown asked if anyone would like to speak for or against this resolution.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the resolution adopted.

3. Resolution No. 2021-26 amended the 2021 General Fund Budget to include an allocation of \$75,227.00, for expenditures related to salaries for the City Manager, Interim City Manager, and Transition Leader. (FIN)

Finance Director TyRhonda Henderson said she was asked by the Mayor to prepare a budget amendment for the potential acceptance of the new City Manager. She said the Administration Department had a budget of \$288,000.00, and after all expenses were paid there would be \$38,622.00, left. Ms. Henderson said this would not be enough to pay for the new City Manager, an Interim City Manager, and a Transition Leader. She said the new City Manager and Interim City Manager would need \$109,773.00, and the Transition Leader would need \$4076.00 for a total of \$75,227.00.

Director Harris asked if this money would be paid to the current City Manager.

Mayor Brown said no.

Director Harris said the Interim City Manager, Mr. Haak, had not requested any money from the City for his service. He said he wanted the \$109,773.00, broken down and he made a motion to only approve the City Manager amount. Director Harris said he did not think the City needed a Transition Leader with the background the new City Manager had. He said why would the City remove the Interim City Manager who was doing the work for free and then hire another Interim City Manager to pay. Director Harris said he would not support this. He made a motion to give the money to the new City Manager just not the Transition Leader and to pay another Interim City Manager.

Mayor Brown said the Interim City Manager legally had to be paid 4% of the highest paid salary. He said Texarkana, Arkansas, had a unique situation when it came to finances and he thought a Transition Leader would be a benefit to the new City Manager.

Director Harris made a motion to only approve the salary of the City Manager.

Mayor Brown declared the motion died for lack of a second.

Motion to adopt the resolution made by Assistant Mayor Hollibush, Seconded by Director Miner.

Mayor Brown asked if anyone would like to speak for or against this resolution.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Assistant Mayor Hollibush, Director Miner, and Director Hart.

Voting Nay: Director Harris

The motion carried 5-1 and the Mayor declared the resolution adopted.

4. Ordinance No. 16-2021 approved the purchase of an Animal Care and Adoption Center truck. (ACAC)

Interim Director Brenda Williamson said the current truck was no longer reliable and needed maintenance many times last year. The funds for the new truck were approved in the 2021 Budget.

Director Miner asked if the truck were in addition to or replacing the one they had.

Interim Director Brenda Williamson said the truck would be replacing the one they had.

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Harris, Seconded by Director Hart.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Harris, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Harris, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Hart, Seconded by Assistant Mayor Hollibush.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

The applicant requests an emergency clause. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)

Motion to approve the emergency clause made by Director Harris, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the emergency clause was approved.

5. Ordinance No. 17-2021 granted the request for prerequisite municipal approval of a private club application for 2415 Arkansas Boulevard, Redwoods Bar & Grill. (Earl) (CCD)

Jake Potter, attorney for the applicant, said he would be glad to answer any questions.

Motion to suspend the rules and place the ordinance on its first reading in abbreviated form made by Director Hart, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the first time in abbreviated form.

Motion to suspend the rules and place the ordinance on its second reading in abbreviated form made by Director Roberts, Seconded by Director Miner.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the second time in abbreviated form.

Motion to suspend the rules and place the ordinance on its third and final reading in abbreviated form made by Director Miner, Seconded by Director Hart.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the ordinance was read the third and final time in abbreviated form.

Motion to adopt the ordinance made by Director Hart, Seconded by Director Roberts.

Mayor Brown asked if anyone would like to speak for or against this ordinance.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the ordinance adopted.

The applicant requests an emergency clause. An emergency clause requires a separate and distinct vote of the board and is valid only if there is a two-thirds vote of approval by the board. (Hdbk. Const. Amend 7)

Motion to approve the emergency clause made by Director Roberts, Seconded by Director Hart.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the emergency clause was approved.

6. SECOND READING - Adopt an Ordinance amending certain procedural provisions of the *City of Texarkana, Arkansas Code of Ordinances* pertaining to the Board of Directors' Rules of Order and Procedure. (BOD) (This item was added to the agenda at the request of Director Laney Harris.)

Director Harris read a statement, attached.

The ordinance was read the second time in abbreviated form.

No further action was taken, and the ordinance would be read the third time at the next regular Board meeting.

CITIZEN COMMUNICATION

Andrew Fuller, 5725 Calhoon Trail, spoke about the poor road conditions of Calhoon Trail.

Director Harris read a statement, attached.

Director Roberts thanked department heads and their staff for their service to the City.

EXECUTIVE SESSION

The Board entered Executive Session at 6:41 PM.

The Mayor reconvened the meeting at 6:53 PM.

7. Adopt a Resolution reappointing Sandy Varner and appointing Les Munn to the Advertising and Promotion Commission. (CCD)

Mayor Brown said no action would be taken tonight on the appointments to the Advertising and Promotion Commission.

Resolution No. 2021-27 approved the City Manager Employment Agreement of E. Jay Ellington.

Mayor Brown announced the Boards' selection of E. Jay Ellington as the new City Manager. He read a statement from Director Brewer which said he was in full support of hiring Mr. Ellington as the City Manager.

Motion to adopt the resolution made by Director Harris, Seconded by Director Hart.

Mayor Brown asked if anyone would like to speak for or against this resolution.

Director Harris stated based on Mr. Ellington's criteria, the City would move forward.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The motion carried 6-0 and the Mayor declared the resolution adopted.

Mayor Brown thanked the Directors and Express Employment Professionals for their due diligence for hiring a City Manager. He also thanked Interim City Manager David Haak for filling in.

Mayor Brown said the last item to discuss was the appointment of an Interim City Manager and Transition Leader.

Motion to appoint Finance Director TyRhonda Henderson as Interim City Manager and Transition Leader made by Director Roberts, Seconded by Assistant Mayor Hollibush.

Mayor Brown asked if anyone would like to speak for or against this motion.

No one came forward.

Voting Yea: Mayor Brown, Director Roberts, Assistant Mayor Hollibush, Director Miner, and Director Hart.

Voting Nay: Director Harris.

The motion carried 5-1 and the Mayor declared the motion approved.

E. Jay Ellington, the new City Manager, thanked the community as a whole and the Board collectively and individually. He said his message to the community was it was about all of us as a whole, we were one community. Mr. Ellington said he looked forward to the challenge Texarkana, Arkansas would give him and looked forward to his service to the community.

NEXT MEETING DATE: Monday, June 7, 2021

ADJOURN

Motion to adjourn made by Director Miner, Seconded by Director Roberts.

Voting Yea: Mayor Brown, Director Roberts, Director Harris, Assistant Mayor Hollibush, Director Miner, and Director Hart.

The meeting adjourned at 7:02 PM.

APPROVED this the 7th day of June 2021.



Allen L. Brown, Mayor



Heather Soyars, City Clerk

I did not request a work shop because I don't believed a workshop will change someone heart. The evident submitted the two Rule of Procedure , as I stated before one that pre date July 7, 2017 and the other one that were amended by resolution march 5, 2018 and by ordinance on July 7, 2017. If I going to request a workshop I rather have it on something worthwhile for instance In figurer out in trying to spend the 7, million dollars from the *American Rescue Plan Act of 2021*, the city will be receiving in helping our citizen .

I have submitted more evidence that a agenda sheet from January of 2014 stating the fact that Questing and Comment and other business were adding since then, do to when a board member were trying to speak on something were not giving the chance to this were in affect Questing and Comment and other business until January 2019 however there was no ordinance or resolution stating to the effect to be added as a permanent agenda item. There were only comments from the mayor at one time and if the mayor did not acknowledge you then you could not speak.

If you look at the 2014 agenda sheets and you may say this were redundancies, that is two persons is giving an presentation of the same issues I-69 at the same board meeting January 2014 but if you look close one is on I-49 but the other is on I-69 so what is your definition of this ordinance before this governing body is being redundancies. Since this pass two elections I though the negative and the bias were gone. I guess I going to have to wait for one more city election. I know that if you are trying to put your footprint on these meeting but don't try to use me as a stepping stone.

The reason for the time limit on presentation I don't want be up here all night listen to presentation.

Back in May there was a presentation to the city manager it more than ten minute with no time limit also that same night when I when pass 5 minute the timer went off showing I had spoke pass 5 minutes.

It do not believed it will take a work shop to state what cleaning up this ordnances needs, remember I am only submitting as to what were before this governing body before and were used until July 7 of 2017, as I have previous stated. Apparently these changes were only put in place only to put me inmy place and you are right you, and two other boards member were able to put there item on the agenda and I shall have the same rights and for each of you to tell me yes or no with your vote. Since July 7 of 2017 the only thing I has on the agenda were a proclamation. The only thing left is for you to stated what wrong with its wording or vote it up or down.

The special called regular meeting May 10, 2021 at 6:00 at Mil Way credit union at 2200 Arkansas Blv. was a illegal meeting according to our bylaws and in talking with the city attorney the meeting could have been held there but you had to have a special meeting to vote in order to have a meeting there. Whether our board room is technologies challenging then that what the city should be trying to fix. Also our city hall board room were not used at 5:00p.m 6:00p.m. on May 10 And I will end by saying city business shall be conducted at city hall than at someone place of business.

Role of the city attorney shall not in trying to find wiggly room for the city or the board members and the mayor in not following city ordinance or city policy. He is hire by the board of director and the mayor but he is not a pre say my(board member) attorney, mayor attorney or a department head attorney, he is the city attorney. When I talked to him Friday on the 7th he stated to me he were going to tell Heather that the call meeting could not be held at Mil way and I not talk to him until 4:45 p.m. on Monday and he stated that the meeting could be held there and they were not going to vote on anything that Monday and that a board member had a meeting at the Omega Building and I ask what did that have to do with this issue we are talking about city business and said he did called my phone 2.24 p.m. on Monday but did not leave a message.

I am requesting a Work Shop the purpose is for how the city is going to spend the money from the American Rescue Plan Act of 2021 and I had a update with the Nation League of City this pass week on how the city can spend the relief money. The new release amount for Arkansas Texarkana \$7,915,767.00. The airport just send out a undated for matching funds which you cannot do but we can might assisted them to buy the property for the extend the runway. Water, sewage and broadband projects are stated area this money can be used at. I can wait until the new city manager for the workshop on this I will email him all the information I have received on this issues and I have send it today to the clerk share with the mayor and other board members.