
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
April 14th, 2015

On this date the City Council of the City of Conway, Arkansas met in regular session. The following members being a quorum were present and acting: Alderwoman Mehl, Alderman Grimes, Alderwoman Smith, Alderman Ledbetter, Alderman Hawkins, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Clerk Michael Garrett, and City Attorney Chuck Clawson. Alderman Pruitt was not present.

Call to Order: Mayor Tab Townsell

Roll Call: Michael O. Garrett, City Clerk/Treasurer

Minutes: March 24th, 2015 City Council Meeting

Alderwoman Smith motioned to approve the minutes as submitted. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

Mayor Townsell stated we have not received a final draft of the purchase sale agreement for Spirit Homes from Cavalier Homes and asked council to hold this is committee. Alderwoman Whitmore motioned to hold E-1, 2, 3, 4, & 5 on the agenda in committee. Alderwoman Smith seconded the motion. There was no discussion. The motioned passed 7-0.

1. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Downtown Partnership, & Conway Area Chamber of Commerce)

1. Consideration to accept the nomination of Brad Teague to the Conway Corporation Board of Directors.

Alderwoman Smith motioned to accept the nomination of Brad Teague to the Conway Corporation Board of Directors for a 7 year term. Alderman Hawkins seconded the motion. There was no discussion. The motioned passed 6-0-1. Alderwoman Mehl abstained from voting.

2. Ordinance authorizing the issuance and sale of water revenue refunding bonds (Series 2015) for Conway Corporation.

O-15-41

Bret Carroll, Chief Financial Officer at Conway Corporation, stated we are taking advantage of the interest rate, which will allow us to save approximately \$85,000.00 a year and \$746,000.00 over the life of the bond. Jack Trumper, Stephens Inc., stated we have an interest rate of approximately 2.357% which will save a lot for Conway Corporation and the bonds carry an A+ rating, which was the current rating on the 2010 bonds. Alderwoman Smith motioned to waive the readings. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0. The clerk called roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

3. **Ordinance authorizing the issuance and sale of wastewater revenue refunding bonds (Series 2015A) for Conway Corporation.**

O-15-42

Bret Carroll, Chief Financial Officer at Conway Corporation, stated \$65,000,000.00 is what was drawn from the \$70,000,000.00 loan that was approved in 2012. Mr. Carroll explained the interest rates on the loans are down to 2%. Alderwoman Smith motioned to waive the readings. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance with an emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0. The clerk called roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

4. **Ordinance authorizing the issuance and sale of wastewater revenue improvement bonds (Series 2015B) for Conway Corporation.**

O-15-43

Mayor Townsell declared a public hearing for anyone who is for or against the issuance and sale of wastewater revenue improvement bonds to not exceed \$10,000,000.00. Bret Carroll, Chief Financial Officer at Conway Corporation, stated the \$10,000,000.00 will be used in part as retainage to the contractor to complete the treatment plant, the pump station on Mayor Lane, and some other miscellaneous improvements and additions at the treatment plant. Alderwoman Smith motioned to waive the readings. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance with the emergency clause. Alderman Hawkins seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0. The clerk called roll for the emergency clause with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

- B. **Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)**

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

- 1. Resolution setting a public hearing to discuss the closing of a portion of the alley running north and south, south of Pine Street, east of Sutton Street, West of Hamilton Street between Lots 1, 2, 3, 10, 11 & 12 Block 14 Burns Addition.**

R-15-20

Aldерwoman Smith motioned to set the public hearing on April 28th, 2015 at 6:30 p.m. Aldерwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

- 2. Ordinance granting a temporary franchise to Sam McFadin, owner of 921 Front Street to utilize the west end of the City's service alley from Front Street to Chestnut Street.**

O-15-44

Jack Bell, Chief of Staff, stated Sam McFadin, McFadin Global Inc. is going to refurbish both buildings including the Pentecostal church next door. Mr. Bell stated the plan is to deconstruct the North wall; and then rebuild it, which will require some support of the wall; 80 feet is from Front Street to Chestnut Street down to the back door of Bates Furniture. Mr. Bell explained Bates Furniture and the Sanitation Dept. are the 2 main entities that will be effected by this and we will work with our Sanitation Dept. and Kim Williams will work with Bates Furniture through this construction phase. Mayor Townsell stated this is a temporary franchise that will allow them to occupy public space exclusively during this phase. Aldерwoman Smith motioned to waive the readings of the ordinance. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. Aldерman Hawkins asked Mr. Bell if they will close the alley. Mr. Bell replied yes. Aldерman Hawkins asked will they reopen the alley. Mr. Bell replied he believes it will be reopened at the end of July 2015. There was no further discussion. The clerk called roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерwoman Mehl, Aldерman Ledbetter, Aldерwoman Smith, Aldерman Jones, and Aldерwoman Whitmore. The motion passed 7-0.

- 3. Ordinance accepting the annexation of lands comprised of 10 acres located at the northwest corner of E. German Lane & Bill Lucy Drive.**

O-15-45

Aldерwoman Smith motioned to waive the readings. Aldерwoman Whitmore seconded the motion. The motion passed 7-0. Aldерwoman Smith motioned to adopt the ordinance. Aldерwoman Whitmore seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Aldерman Hawkins, Aldерman Grimes, Aldерwoman Mehl, Aldерman Ledbetter, Aldерwoman Smith, Aldерman Jones, and Aldерwoman Whitmore. The motion passed 7-0.

- 4. Consideration to approve the settlement proposal with Gold Creek Baptist Church in regards to the Conway Western Loop project.**

Chuck Clawson, City Attorney, stated this was a law suit that was filed in 2013 and after speaking with the Trustees of Gold Creek Baptist Church's attorney, we believe this is a fair

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

settlement proposal that covers the issues that needed to be resolved to close the litigation without having to go to trial. There was no discussion. Alderwoman Smith motioned to approve the settlement proposal. Alderman Hawkins seconded the motion. The motion passed 7-0.

5. Consideration to rebuild the box culvert along the drainage ditch immediately east of Van Ronkle in downtown Conway.

Finely Vinson, City Engineer, stated the box culvert on Van Ronkle is failing with the side walls collapsing on one side. Mr. Vinson stated there is approximately \$30,000.00 in our 2015 street project surplus, which is enough for our Street Dept. crew to rebuild the box culvert. Mr. Vinson stated another option of freeing up funds would be to not rebuild Smith Street; repairing Smith Street is going to be quite an undertaking due to various obstacles. Mr. Vinson explained we have 3 options, one to ignore, which he does not recommend, two would be to bid the project out, and he feels the \$70,000.00 quote from SCI is a good estimate; we would need the street surplus funds, and funds from the Smith Street project to do this. Mr. Vinson stated our third option is to have our Street Dept. build it as he mentioned earlier. Mr. Vinson stated the street crew could start working on this project very soon. Mayor Townsell explained other projects that the Street Dept. has lined up, would be delayed. Mr. Vinson replied this is correct. Alderman Grimes asked how long it would take the Street Dept. to complete this project. Mr. Vinson replied it would be close to a month. Alderwoman Smith asked why it has not been taken out yet. Mr. Vinson replied that it has not been approved as a project yet. Mayor Townsell gave a brief synopsis of the issues found in regards to the box culvert and stated there is a need to repair this problem in a timely fashion. Mayor Townsell stated another issue the owner is looking to take down the electrical wires in that area, which will require Conway Corporation to dig in the area to bury service lines. Mayor Townsell stated SCI stepped in and gave us an estimate, because they found the problem in the first place; we can accept this estimate or we can bid the project out. Mayor Townsell stated one thing we required SCI to do is to get an engineer to design the box culvert which would require us to pay an engineering fee of \$3,595.00 for the design of the box culvert. Mayor Townsell stated we could pay this fee and bid the remainder of the project. Alderman Grimes asked if repairing Smith Street in a non-traditional way increase the original \$50,000.00 cost. Mr. Vinson stated \$50,000.00 is higher than it would have been for that short stretch of road. Alderman Grimes stated it would be easier to delay the Smith Street project. Alderwoman Mehl suggested to possibly incorporate Smith Street with the Markham Street project. Mayor Townsell explained he believes incorporating the Smith Street project with the Markham Street project would be a good idea because Smith Street project is from Front Street to Spencer Street. After some discussion Alderman Grimes stated the council agreed as a whole to add Smith Street to the 2015 street projects. Mr. Vinson stated he recalls discussing Mill Pond Road and Smith Street as a whole and he was unclear as to how council wanted to move forward on those; but now is the opportunity to. Alderman Jones stated we want to spend it in our Ward if possible as we are only doing one street project now. Mr. Vinson stated we can spend it on overlaying Mill Pond Road and stated we can spend it on whatever council wishes. Mr. Vinson stated he had to go back and review the minutes (regarding the 2015 street projects) after that meeting in order to be fully clear on how that money was to be spent and the minutes were not completely clear to him; his intention was to actually come forward prior to spending these funds and clarify the projects. Mayor Townsell directed the council back to issue at hand. Alderwoman Mehl stated when the box culvert collapses, we will have to fix it. Mr. Vinson stated if it collapses

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

we have 2 options, it could be rebuilt as an open ditch. Alderwoman Mehl asked if it would block traffic. Mr. Vinson stated it would block the ingress and egress of that building. Mr. Vinson went onto say he realizes there were decisions to be made on how the street project money was going to be spent and this is why he handed out the spreadsheet; his intent was for this meeting to be our opportunity to discuss this further. Mr. Vinson stated this project could also be paid for out of the Street Fund. Alderwoman Smith asked if council is okay with not bidding this project out. Alderman Grimes stated either bid the project or have our Street Dept. do the work. Mr. Vinson stated there are two separate decisions, who builds it and how it will be funded. Alderman Hawkins motioned to let the Street Dept. crew rebuild the box culvert. Alderwoman Smith seconded the motion. Mayor Townsell stated that would include paying the engineering fees as appropriate. Council concurred. There was no further discussion. The motion passed 7-0.

6. Consideration to approve the bid for the construction of a box culvert construction for the 6th Street Overpass Improvements.

Finely Vinson, City Engineer, stated this is the first of several bids for the Central Landing project and the box culvert was bid separately because it the critical path to start construction of the overpass; we wanted to do this bid first in order to meet the timeline for the rest of the construction. Mr. Vinson recommended awarding the lowest bid from Mobley Contractors, Inc. in the amount of \$1,557,292.06. Alderwoman Smith motioned to approve the bid from Mobley Contractors, Inc. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

7. Consideration to approve and acquire street right of way and construction easement from Nabholz Properties for the Amity Road-Elsinger Roundabout portion of the 6th Street Overpass project.

Finely Vinson, City Engineer, explained most of this is a temporary construction easement where a berm needs to be built; they will get this back at some point. Mr. Vinson recommended council approve this request and explained Nabholz Properties has agreed to a cost estimate totaling \$9,850.00 (\$2,550.00 for 252 sq. ft. of right of way and \$7,300.00 for 3,640 sq. ft. of construction easement). Alderwoman Smith motioned to approve the right of way purchase and construction easement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

8. Resolution authorizing the City Attorney's office to seek condemnation of certain properties related to the 6th Street over Interstate 40 & Amity Road - Elsinger Blvd Roundabout project.

R-15-21

Finely Vinson, City Engineer, stated this item relates to the box culvert for the 6th Street overpass; since the box culvert has to be rebuilt, it cannot be built in the same place so it is being moved over and will need to be constructed on Ms. Linn's property. Mr. Vinson stated we have sent her an appraisal, but we need to condemn it in order to meet our construction deadline, this does not mean that negotiations will stop and stated we are meeting with Ms. Linn tomorrow. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

C. Public Services Committee (Sanitation, Parks & Recreation & Physical Plant)

1. Consideration to approve the bid for a 2015 Commercial Rear Load Refuse Truck (CNG) for the Conway Sanitation Department.

Jack Bell, Interim Sanitation Director, explained we are requesting to purchase a truck that is not the lowest bid. Danny Alford, Sanitation Dept. Shop Manager, recommended the second low bid from Truck Centers of Arkansas in the amount of \$168,063.00 who partnered with Turner Utilities which is located in Searcy, AR; they are a new vendor for refuse trucks and we have done business with them for quite a while and we trust them. Mayor Townsell stated the lowest bid in the amount of \$166,977.00 is also from Truck Centers of Arkansas. Mr. Alford replied yes, but that company does not have a service center in Arkansas. Alderwoman Smith motioned to accept the second low bid from Truck Centers of Arkansas in the amount of \$168,063.00. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Consideration to approve the bid for a 2015 Automated Side Loading Refuse Truck (CNG) for the Conway Sanitation Department

Danny Alford, Sanitation Dept. Shop Manager, explained after a lot of research and driving them in route demonstrations he did not feel comfortable with the low bid because they do not have a service center in Arkansas and the truck was 260 days out as opposed to the truck we can get in 90 days. Mr. Alford recommended the bid from River City Hydraulics, Inc. in the amount of \$270,733.00 as we are familiar with the truck and the service center is in Little Rock. Alderwoman Smith motioned to approve the bid from River City Hydraulics, Inc. in the amount of \$270,733.00. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

3. Resolution accepting the renewal agreement from Aramark for concession services for the Conway Parks & Recreation.

R-15-22

Steve Ibbotson, Parks and Recreation Director, stated this is our renewal lease for concession services at City of Colleges Park, and after review from Chuck Clawson, City Attorney, it states that the commission rates will stay the same. There was some discussion among council to include healthy options on the menu. Alderwoman Mehl motioned to adopt the resolution with the strong recommendation to have healthy options. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 7-0.

D. Public Safety Committee (Police, Fire, District Court, CEOC, Information Technology, City Attorney, & Animal Welfare)

1. Consideration to approve the bid for the purchase of seven CNG conversion kits for the Conway Police Department.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

A.J. Gary, Chief of Police, stated this is for fleet vehicles which are normally purchased under state contract, however CNG conversion kits do not have a state contract so they have to bid out. Chief Gary stated Crain Automotive is the only company who submitted a bid in the amount of \$88,898.81. Alderwoman Whitmore motioned to accept the bid from Crain Automotive in the amount of \$88,898.81. Alderwoman Smith seconded the motion. Alderman Ledbetter asked if there will be any rebates on the CNG conversion kits. Chief Gary responded yes it is possible. Alderman Ledbetter asked would we have to buy it first and then receive the rebate. Mayor Townsell stated he believes we will receive that rebate based on funding. Chief Gary responded it does depend on funding and he believes there is a possibility we will receive reimbursements this year. There was no further discussion. The motion passed 7-0.

2. Consideration to approve the bid for a firing range target system for the Conway Police Department.

A.J. Gary, Chief of Police, recommended the higher bid from Advanced Training Systems in the amount of \$45,567.00. Chief Gary explained although we had a lower bidder, we would have had to supply personnel to do a lot of the construction and labor work, so therefore, Advanced Training Systems will be less expensive. Alderwoman Smith motioned to accept the bid from Advanced Training Systems in the amount of \$45,567.00. Alderwoman Whitmore seconded the motion. Alderman Jones asked if this will be for this year or next year. Chief Gary replied it will be for this year. There was no further discussion. The motion passed 7-0.

3. Consideration to approve the bid for a Rapid Deployment Vehicle for the Conway Police Department.

A.J. Gary, Chief of Police, explained unlike the vehicle we have had before, this vehicle is designed to be a response vehicle and is smaller. Alderwoman Smith motioned to accept the lowest bid from Superior Ford in the amount of \$84,867.00. Alderwoman Whitmore seconded the motion. Alderman Hawkins asked if this is part of the budget for 2015. Chief Gary replied yes this is a part of the fleet budget. There was no further discussion. The motion passed 7-0.

4. Consideration to removed fixed asset (tasers & accessories) from the City's inventory.

A.J. Gary, Chief of Police, stated these are old taser systems that are no longer in use that need to be disposed of since we have updated them to be less lethal. Chief Gary stated we have found a company, Accredited Security, which is willing to purchase the old tasers for the price of \$300.00 per taser and holster set. Alderwoman Smith motioned to remove the tasers from the fixed asset list. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0. The list of items removed from inventory are listed below.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

5. Ordinance appropriating assets forfeiture funds for concrete and electrical work & duty weapons for the Conway Police Department.

O-15-46

A.J. Gary, Chief of Police, stated the \$5,000.00 concrete and electrical work is a part of the targeting system and firing range project. Chief Gary requested to utilize forfeiture funds to finish the project. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

6. Ordinance waiving competitive bids for the purchase of duty weapons for the Conway Police Department.

O-15-47

A.J. Gary, Chief of Police, recommended purchasing duty weapons from the only Glock distributor, Cruse Uniform & Equipment. Chief Gary explained we are taking the city's confiscated weapons to trade into Cruse Uniform, along with our current duty weapons that are approximately 8 years old, in order to upgrade all of our fire arms for our officers, with only an additional cost of \$4,500.00 after all of the trade-ins. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Jones seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

7. Ordinance waiving competitive bids for the purchase of workstations and monitors for the Conway 911 Dispatchers.

O-15-48

Lloyd Hartzell, Chief Technology Officer, recommended waiving bids to accept the low quote in the amount of \$21,321.00 from Next Step. Alderman Hawkins motioned to waive the readings. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Hawkins motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called roll with the following voting "Aye": Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

E. New Business

- 1. Consideration to enter into agreement with Cavalier Homes for the purchase of the former Spirit Homes location.**

Item held in committee.

- 2. Ordinance authorizing funds for the potential purchase (earnest money) of the former Spirit Homes location.**

Item held in committee.

- 3. Consideration to accept the interest rate quote for five year financing for the purchase of Spirit Home building.**

Item held in committee.

- 4. Ordinance authorizing the issuance of a promissory note to provide short term financing for the purchase of property located at 901 McNutt Road (Spirit Homes).**

Item held in committee.

- 5. Resolution to obtain Nabholz Construction for the purpose of structural and environmental review of the Spirit Homes location. (*Resolution to be provided at meeting*)**

Item held in committee.

Adjournment

PASSED this 14th day of April 2015

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett