
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 pm
December 20, 2012

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: Alderman Hawkins, Alderman Grimes, Alderman Vaught, Alderwoman Mehl, Alderwoman Smith, Alderman Rhodes, and Alderwoman Whitmore. Also, present and acting: Mayor Tab Townsell, City Clerk Michael Garrett, and City Attorney Michael Murphy. Alderman Jones was not in attendance.

Call to Order: Mayor Tab Townsell

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

Minutes: December 11th, 2012 City Council Meeting

Alderwoman Whitmore motioned to approve the December 11, 2012 minute as submitted. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

Announcements/Proclamations/Recognitions: Employee Service Awards

5 Years

Athena Harris - Police Dept/CEOC

20 Years

Brenda Yarbrough - Finance Dept

Lt. Jeff Anderson - Police Dept

Major Joe Taylor - Police Dept

1. Report of Standing Committees:

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

- 1. Resolution supporting legislation to improve the sales tax collection information from the Arkansas Department of Finance and Administration.**

R-12-58

Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. Mayor Townsell stated the Arkansas Municipal League is trying to gain support of legislation to improve sales tax collection information; this will give us a way to double check local sales of alcoholic beverages, restaurant sales, and hotel sales etc by individual business. There was no discussion. The motion passed 7-0.

- 2. Consideration to accept nominations from the following boards: Historic District, Health Facilities Board, & the Bicycle & Pedestrian Advisory Board.**

Alderman Hawkins stated the recommendation from the Historic District is to reinstate the following individuals for an additional term:

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- Trey Massingill - term expiring 12/31/12; new term expiring 12/31/15
- Velton Daves - term expiring 12/31/12; new term expiring 12/31/15

Alderman Hawkins stated the Health Facilities Board received one nomination for David Vondron. Alderman Hawkins stated the Bicycle and Pedestrian Advisory Board nominates Todd Ake for a 3 year term and wishes to approve Peter Mehl and Duston Morris for additional 3 year terms. Mayor Townsell stated the Historic District also recommends Marianne Smith Welch for a 3 year term, expiring 12/31/15. Alderman Hawkins motioned to approve all these nominations as recommended by the various boards. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 6-0-1. Alderwoman Mehl abstained.

3. Consideration to accept the Request for Qualifications from Crafton Tull for the proposed Rogers Plaza located in Downtown Conway.

Alderman Hawkins stated one RFQ was received for this project. Alderwoman Smith motioned to accept the RFQ from Crafton Tull. Alderwoman Whitmore seconded the motion. Mayor Townsell stated we will now negotiate a fee for services and bring this back to council for consideration. There was no discussion. The motion passed 6-0.

4. Consideration to approve the 2013 annual materials and services bids for the City of Conway.

Ronnie Hall, City Engineer, stated the low bidder for all crushed stone items, except delivered crushed stone was Webco; Rogers Group was the low bidder on delivered crushed stone. Mr. Hall stated because they have not addressed the issues on West Tyler we would recommend that the bid for the delivered crushed stone, and all crushed stone items be awarded to Webco. Mr. Hall recommended the low bidder Mallard Ready Mix for concrete, Scurlock for pipe, Conway Block Company for concrete blocks, and Lasker Brothers for concrete work. Mr. Hall recommended rebidding the gasoline and diesel with more attention to specifications as there was confusion weather the unleaded fuel was ethanol free or contained ethanol. Mayor Townsell asked what our preference is. Hall stated ethanol free is what we currently purchase and stated that Knox Nelson bid ethanol and requested these items be awarded as shown on the memo in the council packet with the exception of gasoline and diesel and requested we rebid the fuel. Alderwoman Smith motioned to award the bids per Mr. Hall's recommendations. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

<u>MATERIALS OR SERVICE</u>	<u>CONTRACTOR</u>	<u>PRICE</u>
Crushed Stone FOB El Paso	Webco	\$7.90/Ton
Crushed Stone Delivered	Webco	\$12.21/Ton
Ballast Stone Delivered	Webco	\$13.17/Ton
Stone Backfill delivered	Webco	\$12.64/Ton
Riprap delivered	Webco	\$18.55/Ton
Concrete Class A	Mallard	\$82.27/CY
Concrete Class S	Mallard	\$84.43/CY
Added Cost for 1% Calcium added	Mallard	\$ 4.00/CY

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Reinforced Concrete Pipe:

12"	Scurlock	\$8.40/Ft.
15"	Scurlock	\$11.60/Ft.
18"	Scurlock	\$13.45/Ft.
24"	Scurlock	\$19.50/Ft.
30"	Scurlock	\$28.20/Ft.
36"	Scurlock	\$43.40/Ft.
42"	Scurlock	\$54.80/Ft.
48"	Scurlock	\$66.30/Ft.

Concrete Blocks:

Standard Weight Concrete Blocks	Conway Block Co.	\$ 1.57/Ea.
Interlocking Retaining Wall Blocks	Conway Block Co.	\$ 4.91/Ea.

Concrete Work:

4" Curb & Gutter	Lasker Brothers	\$ 4.25/L.F.
6" Curb & Gutter	Lasker Brothers	\$ 5.25/L.F.
Sidewalk	Lasker Brothers	\$ 1.00/S.F.
Concrete Pavement Repair	Lasker Brothers	\$ 9.00/S.Y.

5. Consideration to approve additional 2013 major street projects for the Conway Street Department.

Ronnie Hall, City Engineer, explained on the attached spreadsheet shows past street projects council has approved that will be funded by pay as you go sales tax and impact fees, along with 2 new projects, Midtown Parkway (Oak Street to Elsinger Overpass) and the extension of Bruce Street (Elsinger Overpass to Bruce St & Harkrider); these are both 3 million dollar projects and they are important to the redevelopment of the Cantrell Field Project. Mr. Hall stated to show the city's commitment to build these we ask council to add these to the major construction list. Alderwoman Smith motioned to add these 2 projects per Mr. Hall's recommendation. Alderwoman Whitmore seconded the motion. Mayor Townsell stated this construction list goes out to 2018 and it does contemplate loans for the Western Loop and the overpass. Mr. Hall stated in order to make this work we have shown a \$2.4 million loan in 2013 for Prince Street, a \$6 million loan in 2015 for the Western Loop, and a \$6 million in 2015 for Elsinger Overpass. Mr. Hall stated with these 3 loans the projects can be paid for with the pay as you go sales tax, impact fees, and most of the additional funds you will receive the one-half cent Highway Dept sales tax; these can be paid off in 2019. Mayor Townsell stated we may consider bonds but this can be discussed further in the future. There was no discussion. The motion passed 7-0.

6. Consideration/Discussion of naming the Western Arterial Loop.

Ronnie Hall, City Engineer, stated the Arkansas Highway Dept. has asked us to consider a name for the Western Loop; but there is no urgency. Mayor Townsell stated a suggestion has been made to possibly name it Baker-Wills or Wills-Baker since Robbie Wills, Speaker of the House, and Senator Gilbert Baker were instrumental in securing the extra funding needed for this project. Mayor Townsell stated we will ask for suggestions from the public. Alderwoman Smith motioned to open suggestions up to the public for a period of one month. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Consideration to accept annual bids for Universal refuse roll carts & recycling roll carts for the Conway Sanitation Department.

Mayor Townsell stated the recommendation is to accept the bid from Toter Inc. in the amount of \$50.47 each. Rebecca McHughes, Sanitation Dept., explained we have had carts from Toter for the last several years and they seem to be holding up well and the wheels are more durable. Alderwoman Smith motioned to accept the bid from Toter. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

C. Personnel

1. Consideration to accept a Request for Statement of Qualification regarding legal services for representation of Management in civil service commission appeal hearings.

Lisa Williams, HR Director, stated Larry Giles, Attorney at Law, has represented city management for the last 3 years; he is the only attorney to submit a RFP. Ms. Williams stated Mr. Giles has agreed to the same fee structure as the past 2 years and we have not had to use his services for the past 2 years and recommended Mr. Giles be used for 2013. Alderwoman Smith motioned to approve Mr. Giles for management legal representation in civil service commission for 2013. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

D. Finance

1. Consideration to approve the monthly financials reporting ending November 30, 2012.

Mayor Townsell stated we will be approving November 30, 2012 financials, not October 31, 2012. Tyler Winningham, CFO, summarized the revenues in the general fund; the increase in Ad Valorem tax from the county collections are shown, stating we will see another good number for December; the number from Payments In Lieu of Tax (PILOT) decreased from October as we paid the county what was owed to them. Mr. Winningham stated sales tax was up 5% over collections same time last year, reiterating we are in "good shape there". Mr. Winningham stated expenditures are being kept down by our departments, which allows us to save up a surplus and also address some other needs; the transfer of funds to our reserve account was also done in November. Mayor Townsell stated if you look at the balance sheet for November you see a surplus of revenues vs. expenses, "that is not lost on us" we need to note that we have taken a number of one-time expenses out of the proposed 2013 budget, expenses were not going to have to be made again in 2014. Mayor Townsell stated I will come back to council in early 2013 and request these one-time purchases out of surplus 2012 monies, we will use it all, but will take some of it in order to leave as much room as much room as possible in the 2013 budget for salary enhancements. Mr. Winningham stated you will see a new line item in the Street Fund for the severance taxes approved via Resolution R-12-55. Mr. Winningham stated the Sanitation Fund is in good shape; recycling was down as we have previously discussed. Alderwoman Smith motioned to approve the November 2012 financials. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance approving the FY2013 Budget for the City of Conway.

O-12-118

Tyler Winningham, CFO, stated the largest revenue source for our budget is sales tax, we have essentially budgeted flat for 2013 compared to what we projected our 2012 actuals to be. Mr. Winningham stated there will be inherent growth in this number due to newly rededicated one-eighth cent sales tax, which we will collect for a full year; which was only collected from May - December in 2012. Mr. Winningham stated another reason we can afford the new proposed salary scale is state turnback revenues will increase over the next few years in the form of LOPFI turnback, which has changed due to legislative changes; this will funnel more state insurance premium taxes back to cities. Alderman Hawkins asked how much will these increase. Mr. Winningham stated in years past it has been around \$600,000.00, in 2012 it was \$950,000.00. Alderman Rhodes stated we have actually budgeted more in sales tax than we did last year, but we have budgeted what we collected in 2012. Mr. Winningham stated the 2012 budget does not reflect any of the re-dedicated one-eighth cent sales tax. Mr. Rhodes asked "so we are budgeting the re-dedicated one-eighth, and there is an increase in sales tax, but there is no additional growth over 2012". Mayor Townsell stated that is correct. Mr. Winningham explained, on the expenditure side, the re-dedicated one-eighth cent sales tax has allowed us to address some expenditures including, employee appreciation bonus in July and December 2012, also capital needs that we were not able to get into the original budget, we have also been able to budget for capital in 2013. Mr. Winningham stated, as I mentioned in my budget remarks last year, we should evaluate our financial position midyear 2012, see if funds are available for expenditures that were not included in the budget, which we did and council approved, we will use the surplus we have accumulated in 2012 to take care of some capital needs that will allow us to get our employees paid at a pay rate that is closer to today's job market. Mr. Winningham stated the 2013 budget for street fund is slightly larger again due to the severance tax now going into the street fund; the new one-half cent State sales tax (10 year duration), which we will not see until September 2013, this could increase street revenues by approximately \$300,000.00. Mr. Winningham stated the Sanitation revenue is much more conservative in the sale of recycling materials due to market fluctuations, otherwise their revenues are fairly consistent with previous years. Mr. Winningham explained as a result with us being more conservative with recycling materials their expenditures are also down. Mayor Townsell stated there is an ordinance wrapped into this ordinance is the various pay scale increases; the money is included in here for the various departments that operational funds and payroll that is reflected in the pay scales and stated if you want to consider that at this time and vote on it, we can vote on the ordinance and then look at the pay scales, or we can move forward anyway council wishes. Alderman Grimes recommended handling the pay scale, then the budget, stating overall he believes the pay scale is good and it gets us to market averages for the most part, which is where we want it to be, or at least a starting point. Alderman Grimes motioned to hold off on suggested alterations of moving 10-15 individuals, from the JESAP study, above the mid-point and address those next year if needed through job review, job title review, or job description; if they need to be paid for more job functions they are doing, let's move them to the appropriate pay grade for the job they are performing; while removing those I would like to get everyone back to the JESAP mid-point level tonight, including full time elected officials and if we have other things to address we can do so early next year. Alderwoman Whitmore seconded the motion. Mayor

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Townsell stated this is for clarification: determine what the general fund number is, suggest a reconsideration of market pay next year for those already being compensated above JESAP mid-point; these individuals can send them through the Human Resources Committee and City Council. Alderman Grimes explained he is not saying they are not justified, but he would rather get everyone to mid-point tonight and then evaluate anyone, even those who are not on this list to see if reclassifications are in order. Mayor Townsell stated we can start this process and there are others than were previously suggested. Mayor Townsell explained elected officials were not included in the JESAP, but are included in a handbook (referenced by the Mayor) which shows statewide averages of cities with populations of 49,000; it is the same group who did the JESAP study, but not actually the JESAP study. Alderwoman Mehl asked for clarification that it did not include city council. Mayor Townsell stated no, it does not include city council. Alderman Hawkins asked Alderman Grimes for clarification of his motion. Alderman Grimes stated he motioned to take the JESAP study as is by taking all full time employees to mid-point, remove the list of individuals who were going to go above mid-point and review them later, and also include the 3 full time elected officials, Mayor, City Clerk/Treasurer, and City Attorney to bring them to mid-point of the salary study. Mayor Townsell asked for clarification on the "3 different 2 step". Alderman Grimes stated he would like to leave those, just remove the individuals, for job function reasons, that we need to look at again. Mayor Townsell stated he will get with the various department heads soon to discuss this issue and see if they wish to go back through the process of looking at the ratings, job descriptions, and job demands so we can tie that back to changes in pay. Mayor Townsell stated this motion will eliminate our current 7 step system. There was no discussion the motion passed 7-0. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderwoman Whitmore motioned to adopt the ordinance and the emergency clause. Alderwoman Smith seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Rhodes, Alderwoman Mehl, Alderman Vaught, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 7-0.

Mayor Townsell recognized Alderman Vaught and Alderman Rhodes for their service to the city over the past 6 years and 4 years respectively.

Adjournment

PASSED this 20th day of December 2012

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett