
MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

Conway, Arkansas
Tuesday 6:30 p.m.
August 11, 2009

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

1. *Call to Order*
2. *Roll Call*
3. *Minutes:* July 23 & July 28, 2009

Alderwoman Smith motioned to approve the July 23, 2009 and the July 28, 2009 minutes as submitted. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

4. *Recognition of Guests:*
5. *Public Hearings:*
6. *Report of Standing Committees:*

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

Alderwoman Smith motioned to suspend the rules to add an item to the agenda. Alderwoman Mehl seconded the motion. The motion passed 7-0.

Consideration to approve conceptual design for the new fair grounds.

Rick Sowell, Sowell & Russell Architects, stated the drawing shows the 3 main buildings of the facility, explaining the front north facing building will be subdivided into sections and can be used as a multi-purpose events area. The Conway Exhibit Hall sits to the west of the complex, it is 45,000 sq ft and can be used not only for fair exhibits but also for boat shows, car shows etc. The Livestock Pavilion sits to the east of the complex and will be open on the sides and can also be a multi-purpose area. Gene Salter, Salter Construction, was present to answer questions. Alderman Jones motioned to approve the conceptual design. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

1. **Consideration to enter into an agreement with the Boys & Girls Club of Faulkner County to provide funding for transportation services.**

Alderman Hawkins stated this agreement runs from August 11, 2009 through August 31, 2010. Robert Wright, Chief Professional Officer Boys & Girls Club, requested \$12,500.00 to cover fuel costs, half the insurance premium, and driver's expenses to transport children to the facility for the after school program. Mr. Wright went onto say that Independent Living Services (ILS) is partnering with them to provide two 15 passenger vans for transportation. At the present time we have only provided transportation from some of the elementary schools but we want to provide this service to all schools where there is a need. Alderwoman Smith motioned to enter into this agreement. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

2. Ordinance appropriating funds to provide transportation funding for the Boys & Girls Club.

O-09-92

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, and Alderwoman Smith. The motion passed 7-0. Alderman Jones motioned to add an emergency clause to the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. There was no discussion. The clerk called the roll for the emergency clause with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, Alderwoman Smith, and Alderwoman Whitmore. The motion passed 7-0.

3. Resolutions requesting the Faulkner County Tax Collector to place certified liens on certain properties as a result of incurred expenses by the City.

R-09-41

Ottie Cowgill, Code Enforcement Officer, explained the owners of 2704 Nutter's Chapel were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code at a cost of \$366.05 plus 10% collection penalty.

R-09-42

Bill Haynes, Code Enforcement Officer, stated the owners of 2735 Arrow Smith Lane were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on July 6, 2009 at a cost of \$152.24 plus 10% collection penalty.

R-09-43

Bill Haynes, Code Enforcement Officer, stated the owners of 1515 Freyaldenhoven were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on June 24, 2009 at a cost of \$170.91 plus 10% collection penalty.

R-09-44

Grant Tomlin, Code Enforcement Officer, stated the owners of 1140 Applewood Cove were properly served notices regarding the condition of their property; the owners failed to comply and the property was brought up to code on June 24, 2009 at a cost of \$117.72 plus 10% collection penalty.

Alderwoman Smith motioned to adopt resolutions R-09-41 through R-09-44. Alderman Grimes seconded the motion. There was no discussion. The motion passed 7-0.

4. Consideration to accept bids for Tucker Creek Trail Project from Prince Street to Gatlin Park.

Ronnie Hall, City Engineer, recommended awarding the bid to the low bidder, F.P. Bevins Construction Co in the amount of \$340,007.55. Alderwoman Smith motioned to award the bid to the low bidder. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 7-0.

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

1. Consideration to accept bids for a 2009 Flex Wing Rotary Cutter for the Sanitation Department.

Mayor Townsell stated the recommendation from Cheryl Harrington, Sanitation Director, is bid #4 from Ag-Pro of Conway in the amount of \$12,910.98 as this was the lowest bid that met all specifications. Alderwoman Smith motioned to accept the bid from Ag-Pro of Conway. Alderwoman Mehl seconded the motion. The motion passed 7-0.

2. Ordinance appropriating funds for the purchase of a Flex Wing Rotary Cutter for the Sanitation Department.

O-09-93

Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Hawkins seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, and Alderwoman Smith. The motion passed 7-0.

C. *Public Safety Committee (Police, CEOC, IT Technology, Fire, Dist. Court & City Atty., & Animal Control)*

1. Consideration to accept bids for a Copier/Scanner/Fax/Printer for District Court.

Mayor Townsell explained the recommendation is to accept the 3rd lowest bid from Capital Business Machines in the amount of \$8,422.93. Lloyd Hartzell, IT Director, explained there is only \$175.00 difference between the 2nd and 3rd low bidders and the IT Dept. would like to standardize the cities equipment to minimize vendors and to cut down on the different types of toners and supplies needed. Mr. Hartzell went onto say that DataMax did not meet bid specs, Business World miscalculated the sales tax, failed to put the cost per copy in the bid specs, and failed to list a cost for toner and maintenance, that being said if Business World will sell us a copy machine and not charge us to maintain it then we should probably go with them but noted that approximately 11 days after the bid opening was made public, Business World sent an email stating that the cost per copy would be .007. Mr. Hartzell recommends going with Kyocera as the IT Dept feels it is a quality product and stated the city already has several Kyocera office machines and noted we have had excellent service with Capital Business Machines. Alderwoman Smith asked if Business World was going to maintain the copy machine for free. Robert, Business World

Representative, explained the area left blank was *“PM schedule per copies (Please Specify number of copies & cost per copy)”*; the machine we bid is also a Kyocera KM 4050 and the PM is 500,000 and for that specific PM we do not charge for preventative maintenance. He did state he emailed Jeff West at a later to let him know we did not list our maintenance agreement on the bid because he did not see an area that asked for the cost for maintenance. He believes that Business World’s maintenance was the cheapest overall at .007 opposed to Capital at .0089. Mayor Townsell explained to Robert that it is hard to say if your company was the lowest bidder, and you might have been, but when something is submitted after the bid opening is made public we cannot make that claim. Mr. Hartzell stated that the bid spec item *“PM schedule per copies (Please Specify number of copies & cost per copy)”* was on the bid sheet. Alderman Vaught asked if the equipment is the same is the recommendation based on previous experience. Mr. Hartzell stated yes. Alderwoman Smith asked if he knew what the other company bid. Mr. Hartzell stated yes, the bids were opened on July 9, 2009 and he sent his email on July 20, 2009 so the bids were public at this time. Alderwoman Mehl asked if the bid has zero cost per page can we hold them to that. Mayor Townsell asked Robert if this something he would want. Robert stated no, he would have to decline because it is impossible to maintain a machine for free. Alderwoman Smith motioned to award the bid to Capital Business Machines. Alderman Hawkins seconded the motion. There was no further discussion. The motion passed 7-0.

2. Ordinance appropriating funds for expenses related to District Court automation.

O-09-94

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. There was no discussion. The clerk called the roll with the following voting “Aye”: Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, and Alderwoman Smith. The motion passed 7-0.

3. Ordinance accepting donated funds for the Conway Fire department.

O-09-95

Mayor Townsell explained this \$4,300.00 will be used for Fire Ground Strategies and Tactics Class for officers. Mike Winter, Asst. Fire Chief, explained this is a class we like to put our young officers through to help prepare them as they mature in the department. Alderwoman Smith motioned to waive the readings of the ordinance. Alderman Jones seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Mehl seconded the motion noting that the word "**Glass**" should be changed to "**Class**" in the first whereas paragraph. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, and Alderwoman Smith. The motion passed 7-0.

4. Ordinance waiving bids to purchase replacement fire hose for the Conway Fire Department.

O-09-96

Mike Winter, Asst. Fire Chief, was present to answer questions. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Mehl seconded the motion. The motion passed 7-0. Alderwoman Smith motioned to adopt the ordinance. Alderman Hawkins seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Mehl, Alderman Hawkins, Alderman Jones, Alderman Vaught, Alderman Rhodes, Alderman Grimes, and Alderwoman Smith. The motion passed 7-0.

7. Old Business

8. New Business

A. Consideration to allow Quality of Life Council to continue using Centennial Soccer Park for the yearly Holiday Light Festival.

Jennifer Held, volunteer Quality of Life Council (QLC), was present to answer questions. Amy Wheeler, QLC, stated one of the biggest projects they work on is helping organize the Festival of Lights and she explained how the festival began, how it has grown, and the direction they would like to proceed. Ms. Wheeler explained that the original agreement with the use of First State Bank Soccer Park (now known as Centennial Soccer Park) for 3 years, electricity expenses were covered by the city, and details regarding set up were worked out with the Parks Dept. Ms. Wheeler

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stated they have secured cash pledges to invest in electrical infrastructure, light displays, asphalt for drive through, safety fence, model train display, Santa display, and temporary heated structure for nightly events. Ms. Wheeler stated that this year they would like to have the festival in the same location, have the city cover the electricity expenses, have use of the community room, erect their temporary structure, and hold all pervious activities as normal. For 2010 we would like to move the festival to the Conway Fair Grounds and have the city cover the electricity expenses, use of a building for model trains, Santa, musical groups and additional activities, QLC will coordinate with Conway Corp. and secure resources to install needed electrical infrastructure, and they would like to donate their temporary structure to be used for the festival and Parks Dept. storage. Mayor Townsell stated his only question would be where we would put the temporary structure. There was discussion among council regarding the new fair grounds, the Holiday Festival of Lights, and how it can be used simultaneously by others who wish to use the facility. Alderwoman Smith motioned to allow the QLC to continue using Centennial Soccer Park with plans of using the new fair grounds in 2010 with the same conditions. Alderwoman Mehl seconded the motion. There was no further discussion. The motion passed 6-0-1. Alderman Rhodes abstained.

Adjournment

PASSED this 11th day of August 2009

APPROVED:

Mayor Tab Townsell

City Clerk Michael O. Garrett