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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 7:00 pm  
September 22, 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: Alderman Hawkins, Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. Also, present and acting: Mayor Townsell, City Attorney Chuck Clawson, and City Clerk Michael O. Garrett. Alderman Pruitt was not in attendance.

**Call to Order: Mayor Tab Townsell**  
**Roll Call: City Clerk Michael Garrett**

**Minutes: September 8, 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 6-0.

**Employee Service Awards**

**5 Years**

Carl Bonton – Sanitation Dept.  
Don Meeks – Sanitation Dept.

Mayor Townsell read a proclamation recognizing Caleb Hunt for his heroism shown towards his neighbor Sue Watson who had fallen in her garage and took it upon himself to go and assist his neighbor in need.

Alderman Ledbetter entered the meeting.

**Monthly Financial Report August 31, 2015**

Tyler Winningham, CFO, explained sales tax was up approximately 12% over the same month last year; year to date we are up 3.75%. Mr. Winningham stated revenues as a whole are slightly ahead of where we expect to be and expenditures are slightly below where revenues are, which shows a positive bottom line. Mr. Winningham stated most of the Airport expenditures line will be replenished by the various outstanding aeronautics grants. Mr. Winningham stated our general fund balance appropriations are now up to \$277,805.00 after approving the three additional IT positions. Mr. Winningham moved onto the Street Fund and explained the bottom line is just over \$1 million and reminded council that most of this is our highway department sales tax revenue that we are saving for any major street projects or maintenance. Mr. Winningham moved onto the Sanitation Fund and stated revenues are on track and expenditures are down. Mayor Townsell stated you will notice the capital outlay (under budget portion) is very close to the net revenue to date, and if you consider spending your budget as you authorized it, based on current revenues we are doing okay, but know you will not have a \$1.3 million surplus at years end. Mr. Winningham moved forward to the Airport Fund explaining we have a positive bottom line and not much has changed over last month's figures. Mr. Winningham pointed out the accounts receivables fuel vendor amount is high and explained we received a check this week to settle up through August. Mr. Winningham stated the final page reflects the major project funds and explained having these figures available, and discussing them at the beginning of the meeting is good, because on the

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agenda tonight there is an ordinance funding the planning software; the funding will come from the Street Impact and Parks Impact fees and this report shows what we have available in both of those two funds. Alderwoman Smith motioned to approve the August 2015 monthly financial reports. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

**1. Report of Standing Committees:**

**A. Public Hearing/Ordinance to close the alley in Block 79 of the Boulevard Addition running south from South Blvd to Robins Street.**

**O-15-98**

Mayor Townsell opened the public hearing. Tim Tyler, Tyler Group representing Central Baptist College (CBC), explained CBC now owns the majority of the property on this block and they are in the process of re-platting and they seek approval to close this north and south alleyway so they can utilize this property; the utility easements will remain and will become CBC's property if approved. Mayor Townsell closed the public hearing. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith 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": 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, and Conway Housing)**

**1. Resolution setting a public hearing to discuss the closing of an alley and retain said alley as a public drainage and utility easement in Block 22 of the Robinson's Plan.**

**R-15-50**

Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0. The public hearing will be held October 13, 2015 at 6:30 pm.

**2. Consideration to approve George Covington to serve a full term on the Central Business Improvement District #1.**

Mayor Townsell stated Mr. Covington has already served a partial term when we organized the district, he did not serve a full term so he is eligible for re-appointment to a full 3 year term. Alderwoman Smith motioned to approve George Covington to serve a full term which will end October 31, 2016. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0.

**3. Resolution approving Metova to participate in the tax back program as authorized by the Consolidated Incentive Act of 2003.**

**R-15-51**

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Alderwoman Whitmore motioned to adopt resolution. Alderwoman Smith seconded the motion. Mayor Townsell stated this is one of the few tools given to cities to help a local business in terms of growing the business in economic development. There was no discussion. The motion passed 7-0.

- 4. Resolution approving the acquisition of alley right of way and public access easements for Block 7 Addition Re-plat for the Community Development Department. Ordinance accepting and appropriating grant funds for the Bicycle and Pedestrian Advisory Board.**

**R-15-52**

Alderwoman Smith motioned to adopt the resolution. Alderwoman Whitmore seconded the motion. Mayor Townsell stated you will remember this as a part of a memo of understanding with Acklin Funeral Home as well as a part of a long standing plan we have to change the orientation of this block, and closing this alley is a part of this plan. There was no discussion. The motion passed 7-0.

- 5. Consideration to enter into an agreement with FTN Association for the preparation of Brownfields Cleanup plan for the former Conway Scrap Metal yard.**

Finley Vinson, City Engineer, explained FTN & Associates has already been selected to do the comprehensive site assessment and they are on the states approved list of environmental firms which qualifies them to proceed with the next step of this project. Alderwoman Smith motioned to approve entering into the agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 7-0.

- 6. Ordinance accepting grant proceeds and appropriating funds for the Historic District Commission.**

**O-15-99**

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. Alderwoman Smith seconded the motion. Mayor Townsell stated we have received \$1,500.00 from the Arkansas Historic Preservation Program. There was no discussion. The clerk called the 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 accepting and appropriating donation funds for the Conway Tree Board.**

**O-15-100**

Alderman Hawkins stated the Tree Board has received \$5,350.00 in donations. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith 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": Alderman Hawkins, Alderman Grimes, Alderwoman

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Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**8. Ordinance appropriating funds for the purchase of software for land-use permitting and code enforcement for the Planning & Development Department.**

**O-15-101**

Wes Craiglow, Planning & Development, stated he addressed council back in 2014 regarding some of the challenges they have in Planning & Development/Permits & Inspections Departments as it pertains to our ability to process development applications quickly and make that process/functions as painless as possible. Mr. Craiglow stated some of what we noticed during this process was that our peer cities are using software to make that process easier; they are able to accept applications, conduct reviews/approvals, collect fees, and access a database with all of that information. Mr. Craiglow stated in some cases they are able to take all of this information and go beyond staff level and put it out into the community for public consumption. Mr. Craiglow stated this would ultimately provide a higher level of service to both our development community and the public at large, while rising levels of employee productivity which improves man hour efficiencies. Mr. Craiglow explained after the 2014 presentation an RFP process began and he is recommending Accela Software out of Central California, as they offer every service we need. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Smith asked if this would also expedite Conway Corporation in their part as well. Mr. Craiglow stated yes there are 5 key agencies that participate in review and approval of each development which include the Sanitation Dept., Fire Dept. Conway Corp., Street Dept., and Permits & Inspections. Alderman Hawkins asked about training. Mr. Craiglow stated training was one of our RFP requirements and Accela will have all staff members participate in a week long training session; there are also customer service hotlines, community forums, and online training. Alderman Grimes asked if the software will be easy for the public and developers to understand. Mr. Craiglow stated yes, the forum on this was critical to us and we took the forum, the layout, and the interaction of the software very seriously and found that it is user friendly. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Mayor Townsell stated you will notice part of this is a purchase price of the software and part of it is a 2 year subscription and technical support cost, which we are pre-paying to receive a discount; this will be funded by the street and parks impact fees, which is allowed. There was no discussion. The clerk called the 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.

**9. Consideration to approve the construction of Central Landing Blvd from Vine Street to 6th Street to be performed by the Street & Engineering Department.**

Finley Vinson, City Engineer, explained based on our estimates and Tyler Winningham's (CFO) funding projections, the cushion of available revenue is getting quite thin, thinner than they like and one cost saving alternative we discussed is to use Street Dept. forces for the construction of the southern half of Central Landing Blvd. from Vine to 6th Street. Mr. Vinson stated the current cost estimate for this project is approximately \$1.2 million and we

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feel if the Street Dept. does the work we could bring the cost of that down by about one-half, which would be a savings of approximately \$600,000.00. Alderman Hawkins asked if we have the forces to do this. Mr. Vinson stated yes, but it would probably have impact on what we would be able to build ourselves next year and stated we would want to focus more on overlays and less on reconstructions. Mr. Vinson stated one entire crew would likely be working on this project the entire year, but he feels it is worth it. Mayor Townsell stated if you keep a running tally of what we are authorizing tonight, plus the monies we have authorized previously and right of way acquisitions, this is by far the largest program of street work the city has ever done; this project and others coming will cost over \$31 million and we will release all those bids this year. Mayor Townsell stated we can handle it but this gives us more wiggle room, and the offsetting argument of this is that it will impact what we can do with our regular street work program in rebuilding/reconstructing streets. Mayor Townsell stated this \$600,000.00 will be the only money coming out of the Street Fund, everything else will be paid by bonds proceeds, pay as you go sales tax, or one-half cent highway department sales tax. Mayor Townsell stated this is one of two sections of a road that will start at the traffic light just west of I-40 on Oak Street, go south between Roller McNutt Funeral Home and 5th Avenue Park and on around to 6th Street just to the east of Knights of Columbus. There was no further discussion. Alderwoman Smith motioned to approve Street Dept. forces and funds to construct the southern half of Central Landing Blvd. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

**10. Consideration to approve right of way acquisitions and easement values for the Central Landing Boulevard project and I-40/6th Street Overpass project.**

Finley Vinson, City Engineer, stated unfortunately he thought they had an agreement with Mr. & Mrs. Halter, but that is not the case as they have submitted a counter offer that is substantially higher than what is shown in the packet. Mr. Vinson stated the previously agreed amount for the appraised value of \$39,700.00 was based on approximately \$3.00 per sq. ft. and they have asked for approximately \$8.00 per sq. ft., which is much higher than anything else in the area. Mr. Vinson recommended approving all of these as it would give them the opportunity to change their mind again and accept the offer. Mr. Vinson stated he spoke to O.R. Colan & Assoc. via telephone and their recommendation was to send them a letter with the final offer, which is the same as previously agreed and proceed to condemnation if they are not willing to accept it. Alderman Hawkins motioned to approve all offers but the Halter's. Alderwoman Smith seconded the motion. Mr. Vinson reviewed the other acquisitions as outlined below and stated the Target offer has been verbally approved and feels that the SEAYCO offer will also be accepted. Alderwoman Smith asked if the agreement with the Halter's was written or verbal. Mr. Vinson stated we provided them a written offer and they provided us a verbal approval, but they have not signed anything. Mayor Townsell stated we are approving these amounts so if they are accepted, we can proceed. Mayor Townsell explained that the Halter's and Knights of Columbus (which do not have interstate frontage) are asking the same price per square foot (\$8.00 sq. ft.) as what we are looking at for the Target and SEAYCO properties which does have interstate frontage; they are asking for a price on a finished product that is not appropriate for what the finished product will be and is simply not worth that much money.

Tract 31 - Target Corporation: (Not ROW purchase but Permanent Easement for Street embankment)

- Appraised value (9,445 sq. ft.) embankment easement - \$85,005.00

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- Temporary construction easement (20,295 sq. ft.) - \$36,532.00
  - Site Improvements (paving & site lighting) - \$38,236.40
- Subtotal - \$159,772.40 - rounded to \$160,000.00***

Tract 32A SEAYCO - I-40 6th Street - Vacant Lot 8 South of Target Site

- Right of way - (45,397 sq. ft.) - \$454,000.00
  - Temporary construction easement (4,125 sq. ft.) - \$8,250.00
  - Site improvements (lighting, landscaping, & paving) - \$67,250.00
- Total appraised value - \$529,500.00***

Tract 32B - SEAYCO - Logan's Site - I-40 6th Street Overpass

- Right of way & permanent easement - \$272,200.00
  - Temporary construction easement - \$22,200.00
  - Site Improvements (fence, landscaping, lights) - \$33,650.00
  - Sign relocation - \$37,750.00
  - Damages to remainder of property - \$147,000.00
- Total appraised value - \$513,200.00***

**11. Consideration to approve change order request #1 for the I-40 / 6th Street Overpass project regarding insurance requirements and extending 9th Ave.**

Finley Vinson, City Engineer, stated this change order adds insurance coverage required by the previously approved Side Letter Agreement with the Conway Commons owners/leasers; the cost of the added insurance is \$1,000.00. Mr. Vinson's stated also included in this change order is the added cost of extending 9th Avenue across the runway to connect to 6th Street which was included in the 6th Street project plans, but was needed prior the start of that project to maintain area traffic connectivity after the overpass embankment progresses. Mr. Vinson asked council to approve this change order. Alderwoman Smith motioned to approve the change order. Alderwoman Whitmore seconded the motion. The motion passed 7-0.

**12. Consideration to approve the bid for the Bruce Street and 6th Street Improvement Project (Harkrider Street to 8th Street).**

Finley Vinson, City Engineer, explained this is the section between the overpass and Harkrider (6th Street, Bruce Street and 3 roundabouts) and recommended awarding the low bid to A&B Dirt Movers in the amount of \$3,449,443.00; funding may come from the street project sales tax revenue or from the Cantrell Field Access Improvements Bond proceeds. Alderwoman Whitmore motioned to approve the change order. Alderwoman Smith seconded the motion. The motion passed 7-0.

**13. Consideration to approve the bid for the Hwy 64 Interchange Traffic Operation Improvement Project.**

Finley Vinson, City Engineer, recommended awarding the low bid to Mobley Contractors Inc. in the amount of \$5,283,458.30 and explained that the contract will be reduced by \$13,083.84 or \$29,106.00 depending on the type of fence used. Alderwoman Smith motioned to approve the low bid. Alderwoman Whitmore seconded the motion. After some discussion the motion passed 7-0.

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

**1. Consideration to move forward with a feasibility study with the team of Larkin Aquatics and Ballard King Associates for an aquatic facility.**

Steve Ibbotson, Parks Director, explained this is the first step towards council's request regarding RFQ's for the feasibility study for an aquatic facility. Mr. Ibbotson stated we interviewed all 3 RFQ's submitted and stated the unanimous decision of our group was to recommend the team of Larkin Aquatics and Ballard King Associates (who provides planning, feasibility, and operations consulting services). Alderman Hawkins asked what the study will cost. Mr. Ibbotson stated the cost will be less than \$30,000.00. Alderman Hawkins asked if this ties us to using these companies. Mr. Ibbotson stated no, it is strictly a feasibility study to gather information, receive public input, and determine the size of area we need, projected costs, operational costs, staffing needs, programs and revenues, and what kind of competition we could face in the future. Mayor Townsell stated all 3 proposals had points that caught our attention, but we felt that Larkin/Ballard King Associates not only provided the wet side but also the dry side, which would be the community center aspects of it that we will likely need in place along with an aquatics center to have a broader appeal to the public. Alderwoman Whitmore motioned to move forward with the study. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 7-0.

City Clerk Michael Garrett exited the meeting.

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

**1. Ordinance appropriating funds for travel for the District Court DWI Team.**

**O-15-102**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 7-0. Alderwoman Jones motioned to adopt the ordinance. Alderwoman Smith seconded the motion. Mayor Townsell stated this grant is for \$15,000.00. There was no discussion. The Mayor called the 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.

**2. Ordinance appropriating funds for civil service expenses related to police and fire promotional testing.**

**O-15-103**

Mayor Townsell stated we need to appropriate \$3,950.00 for these expenses as these are not budgeted. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 7-0. Alderman Jones motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The Mayor called the roll with the following voting "Aye": Alderman Hawkins,

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Alderman Grimes, Alderwoman Mehl, Alderman Ledbetter, Alderwoman Smith, Alderman Jones, and Alderwoman Whitmore. The motion passed 7-0.

**3. Ordinance to appropriate funds for legal representation to assist the City Attorney's office.**

**O-15-104**

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. City Attorney Chuck Clawson explained we currently have 6 pending law suits either in federal court or state courts and many of these are being handled by the Municipal League, but the others are being handled in-house. Mr. Clawson stated considering most of these cases are set for trial in 2016, we have one case the city has been named as a third party defendant, and in assessing his offices resources, manpower, time, and energy he feels it is best to hire outside legal counsel. Mr. Clawson stated we will still be heavily involved with any pleadings and reviews in this case and will try to help control costs the best we can. Mr. Clawson stated we are requesting \$10,000.00, and we may use some of it, all of it, or it may be necessary to request more. Mr. Clawson stated the claims for damages could be substantial and he wants to make sure it gets the attention that it needs. There was no further discussion. The Mayor called the 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.

**4. Ordinance to reclassify an Administrative Assistant I position within the City Attorney's office.**

**O-15-105**

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 and the emergency clause. Alderwoman Whitmore seconded the motion. City Clerk Michael Garrett entered the meeting. Mr. Clawson stated this is specifically addressing the need in District Court; recently there were major changes in District Court one being the addition of a second Judge which gives us two dockets going on at any one time. Mr. Clawson stated they have done a good job of limiting the size of the docket but the cases are still coming in, so we have more dockets and more court dates. Mr. Clawson explained he is heavily involved in District Court on a regular basis and Mr. Jones is there twice a week, which takes time away from other areas. Mr. Clawson stated we have been fortunate to hire new police officers; one of the criteria looked at when hiring new police officers is that "citizen to officer" ratio and as long as we keep that in balance, but hiring more officers leads to more arrests, citations, and more court which falls on the city attorney's office. Mr. Clawson stated when he came on board approximately 3 years ago we took over the District Court's appeals; these are very time consuming to manage as is the sobriety court and the problem solving court. Mr. Clawson stated we have an opportunity now and he feels it would be best to reclassify the Administrative Assistant I position to a full-time Deputy City Attorney position, but warned he will be asking for the Administrative position back next year because we are understaffed. Mr. Clawson stated if you look at the numbers, the average full time attorney in the city attorney's office ratio to citizens is approximately 18,000



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per full time attorney. Mr. Clawson stated right now we are at 32,000 per citizen per full time attorney, and stated we are grossly understaffed considering the volume in District Court. Mr. Clawson stated he is asking for this now because the money for the administrative position is already in the budget; the ordinance lists out approximately \$3,400.00 above and beyond what is in that position, and after discussions with CFO Tyler Wunningham we feel we are okay money wise. Mr. Clawson stated by asking for this now we can have someone hired and brought up to speed by January. Mayor Townsell stated what Mr. Clawson did not list on his benchmark cities is the attorneys that are actually attached to the Mayor's offices and we rely heavily on the city attorney's office as well. There was no further discussion. The clerk called the 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.

**5. Consideration to dispose of computers and other technical equipment for the Information Technology Department and remove from asset inventory records.**

Mayor Townsell explained and these items will be auctioned, recycled through e-waste, or disposed of. Alderwoman Smith motioned to approve the disposals. Alderman Jones seconded the motion. There was no discussion. The motion passed 7-0. A list of the items removed from inventory are available in the Conway City Clerk's office.

**6. Consideration to approve a radio system vendor for the City of Conway.**

Lloyd Hartzell, IT Director, stated our Communications Committee consisted of Mayor Townsell, Chief of Staff Jack Bell, Alderman Mark Ledbetter, Fire Chief Mike Winters, Asst. Fire Chief Bill Keathley, Police Chief A.J. Gary, Major Jody Spradlin, Major William Tapley, Major Larry Hearn, Jeff West (IT Dept.), Brian Edwards (CEOC), and himself. Mr. Hartzell explained on July 1st we published an RFP and by August 12th we had received responses from Motorola in the amount of \$2,995,839.00 and Harris Corporation in the amount of \$2,975,000.00. Mr. Hartzell explained both submitted proposals for a standalone system with integration to the Arkansas Wireless Information Network (AWIN) and Motorola also proposed a secondary proposal expanding the AWIN. Mr. Hartzell stated he spoke to both vendors and the committee traveled to Russellville, Arkansas and observed a Motorola system and spoke to the users of that system, and then the committee traveled to Broken Arrow, Oklahoma to observe the Harris system and visited with their users. Mr. Hartzell stated after much discussion it was the conclusion of the committee to select Harris as the vendor of choice. Mr. Hartzell explained the overall cost of a Harris System is \$20,000.00 less than Motorola, Harris proposed a 10 channel system as opposed to a 7 channel system, handheld radios are \$525.00 less per radio than Motorola, mobile radios are \$780.00 less per device than Motorola, and dispatch workstations are a 1-piece solid state device, opposed to having a PC as part of each workstation. Mr. Hartzell stated the consensus of the committee was that Harris Technology was more cutting edge and would allow for the city to take advantage of new technology and system growth. Alderman Grimes stated if one mobile radios is \$780.00 less per device than Motorola, how much does 1 radio cost. Mr. Hartzell stated approximately \$4,000.00. Alderman Hawkins stated \$4,500.00 per mobile and \$4,600.00 per handheld. Mayor Townsell stated that is not an upfront cost that is what you pay as you replace radios on an ongoing basis. A.J. Gary, Chief of Police, stated he does not have a lot to add but feels the process we used for selection was good and supports the committee's selection of Harris. Mike Winter, Fire Chief, stated the Fire Dept. is somewhat

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different as we just purchased new radios and had nothing to gain other than an operating system which is crucial to communication from inside a structure, to the outside personnel. Chief Winter stated he was unable to see the demonstration of the Harris system but he did speak with numerous personnel that attended the Harris demonstration and they all concurred that Harris was the best selection for Conway and he supports this decision. Mayor Townsell asked if Chief Winter attended the meeting in Broken Arrow, Oklahoma. Chief Winter stated yes, and stated he spoke to their communication expert who had been with the city for 34 years and he has been through various systems and they have no issues with the Harris system. Mayor Townsell stated he did not attend the two technical demonstrations nor did he sit through the presentations but he did sit in discussions with AWIN, and because a related but separate component of this is whether we actually join the AWIN system verses standalone. Mayor Townsell stated there were very definitive and strong opinions about this and the recommendation not only includes going with Harris, but also to maintain a standalone system. Mr. Hartzell stated yes, that is correct. Mayor Townsell stated we will need to discuss that at some point tonight. Alderman Hawkins asked if this is addressed in each proposal. Mayor Townsell stated both proposals provided a proposal for standalone systems and Motorola also provided a proposal for joining AWIN and believes Motorola is the provider typically of AWIN, although both of these systems will work with AWIN, we will not turn the system over to AWIN if we chose to standalone. Alderman Ledbetter stated during his 40 years with the City we have always had Motorola products and were well pleased with them and the reason we are having to replace our system now is not a Motorola problem, the system is just worn out. Alderman Ledbetter stated the main thing Motorola offers over Harris is the service aspect of it and he believes there are service centers in Little Rock and Fort Smith. Alderman Ledbetter stated he worked with the 911 system for a while after retiring from the City and explained if the system went down you would have to wait for someone to come up and get the system up and going, and in his opinion it is not very logical to use someone that is coming from so far away when Motorola has technicians all over the state of Arkansas. Alderman Hawkins asked how many police officers and firefighters we have. Chief Gary stated 117 sworn. Fire Chief Winter stated 107. Alderman Hawkins asked if these departments are the two biggest users of the product. Mayor Townsell stated that is correct although many people use us as their backbone for communications i.e. the Sanitation Dept., UCA, etc. but if we are going to buy a radio system, the Fire and Police Departments is why we justify a \$3 million expense. Alderman Hawkins asked how either system coordinates with the State Police, Faulkner County, and with other Police/Fire Depts. in this area. Joe Gordon, Motorola Sales Manager, stated he cannot speak to his competitors system but the State Police is an AWIN user and has been since AWIN was rolled out, and stated if the City joined AWIN you would be a part of the larger public safety community which has 28,000 users. Alderman Hawkins asked how Harris connects to the larger group. Joshua Billis, Harris Corporation, stated AWIN is considered a public safety system and by federal standards P25 is supposed to be inter-operable with multiple agencies, so your system will be fully inter-operable with all those other systems. Mr. Billis stated the system will be on a 700-800 MHz type frequency and the radios will work on AWIN and we will provide different types of gateways for all your other agencies that might be on VHF and the like, and stated we have covered all the bases including AWIN. Alderman Jones stated we said we were not going with AWIN. Mayor Townsell stated we said we were not going with AWIN but we will have interoperability and we will be able to talk to AWIN but we will not turn our system over to them, we will retain control of our system. Alderwoman Mehl asked if there has been discussions with other municipalities that use our system now, and if they are on board with

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this and also asked if they are going to share in the cost. Mayor Townsell stated it will be approximately 1 year before we go live with this so there is time, and no one is volunteering to step up and do anything, and if anything happens it will not be one of us pulling the trigger it will be you all pulling the trigger. Mayor Townsell stated Chief Gary has introduced this idea to the other area agencies. Alderwoman Mehl stated they will be impacted because we are going to a new system and it is whether or not they are going to be a part of it or not; they have to make that decision. Mayor Townsell stated we will be the backbone of their system. Chief Gary stated we have had one preliminary meeting where we let them know that we would be purchasing a new radio system and it was unclear how that would impact some of these agencies; the intention is that once these decisions are made then we will have additional meetings with them. Alderwoman stated they could just go with AWIN they would not have to come on board with us. Chief Gary stated that would be up to them. Alderman Grimes stated regardless there are no more "free lunches" involved here; we cannot purchase a \$3 million system and let others use it for free. Alderman Grimes asked how many users are there on our system. Mr. Hartzell stated Conway School District, Greenbrier, UCA, and Faulkner County Sheriff and Guy, who has frequencies on our system but it is used for emergencies but stated there are a lot of users on the Conway system. Alderman Grimes asked how long will this system last. Mr. Hartzell stated 10-15 years. Alderwoman Mehl asked if there is ongoing maintenance costs in addition to the \$3 million. Mr. Hartzell stated for the first 3 years there is no maintenance cost from either vendor, and after that hopefully we can be somewhat more self-maintained to reduce the cost of maintenance. Alderman Hawkins asked how much do we have in the maintenance budget. Mr. Hartzell stated this year was \$115,000.00 and at one point it was up to \$165,000.00. Alderman Hawkins stated over a period of 3 years we would see a savings of approximately \$400,000.00. Mr. Gordon stated he wanted to make a point about his evaluation; if you look at the total price difference of \$20,839.00; we are building public safety and people's lives are at stake. Mr. Gordon stated from a financial point of view it is not just the initial investment it is the total cost of ownership and both vendors included maintenance, but you really have to look at this over 10 years; most consultants would evaluate those bidders based on that 10 year window. Mr. Gordon stated we have the exact same technology and there is "a little" difference in the equipment but no one knows what the total cost of ownership would be over that period. Mr. Gordon stated they did mention on their AWIN proposal it would save the city over \$1 million over 10 years. Alderman Hawkins asked for clarification. Mr. Gordon stated the state pays all the maintenance and upgrade costs on AWIN, the city would never have to pay that. Alderman Hawkins explained the state is not very current on their AWIN right now. Mr. Gordon stated the State is his vendor and he knows they are looking at a lot of upgrades. Mr. Billis stated Mr. Gordon is correct, this is a public safety system and that is what Harris does, we are the largest supplier for US NATO forces and we know how to do this right and when you talk about your investment, that is why Harris is at the table, we are not here providing you a system for \$3 million, we are here to partner with you to keep your officers, firemen, public, and pocketbooks safe. Mr. Billis stated we are providing you technology that does not end and we are the only one that can build a system that is future ready, and will stop you from having to be married to proprietary equipment that will cost you money down the road. Mr. Billis stated the service contract will be bumper to bumper for the first 3 years, which is what we were required to bid, however in our bid we have also provided all the training so you can self-maintain and will not incur all those large recurring costs. Mayor Townsell asked for someone to speak to the issue of AWIN and why we want to maintain a standalone status as this is a critical component of what this recommendation is. Chief Gary stated while visiting with AWIN there were many things

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said that that concerned him, one being if we had another disaster such as a tornado; those channels would be used by so many users at some point the system maxes out and nobody else can talk on it. Chief Gary pointed out that the disaster may not be in our city but in Faulkner County; our day to day operations would continue and we need to know how this would impact our response to Fire and Police Department calls. Chief Gary stated this is why he personally leans towards a standalone system and feels better knowing those channels would be ours to use and control. Fire Chief Winter stated AWIN is approximately 7 updates behind; Motorola has offered us 7 channels and Harris has offered us 10, and with the P25 system this capacity is doubled, which would give us 14 channels with Motorola and 20 channels with Harris, and stated AWIN cannot support that. Chief Winter stated he does not believe AWIN is going away because they have too many communities that rely on that system, however he would not be surprised if they eventually started charging communities a user fee because they are so far behind on system updates, and if this were to happen the cost of that fee is unknown. Chief Winter stated we now have a standalone system and we can get on AWIN; we use them quite often with mutual aid calls through the county or with the bomb squad traveling across the state etc. and feels there are too many unknowns to use them day to day. Mayor Townsell stated this is not a Motorola issue that is a state funding issue that does have us concerned, and there are a host of reasons we feel it would behoove us to maintain our independence and interoperability so we can always upgrade as we see fit. Alderman Hawkins stated he is concerned that Harris did not reach out to our Fire Dept. Terry Adley, Harris Corporation, stated the oral presentations that we did were pre-arranged by the city and it is very unfortunate that our date happened to fall upon a tragic situation in relation to the Fire Dept., but to respect the RFP process we are not allowed to reach out and stated, if we would have been asked to change our date we would have worked around that. Mayor Townsell stated that is a fair statement. Alderman Grimes asked Mr. Adley if you are the same Harris Corporation that trades under stock symbol HRS. Mr. Adley stated it could be. Alderman Grimes stated he has heard of Motorola but not Harris and he believes HRS is your company and stated you are a defense contractor and provide communications for the armed forces. Alderman Grimes stated it appears that both companies are great companies and it is not a question of which company could do the job, as it sounds like both companies can do the job. Alderman Grimes stated it looks like Harris is in 125 countries but not Arkansas and asked if there is a reason for this, and asked if you trying to get in now. Mr. Adley stated yes, we are in Arkansas as far as our equipment but as far as a system, Conway would be the first system in the state of Arkansas. Doyle Clay, Conway resident, stated he retired from Motorola after 30 years and spent 5 years with Grace Communications as a manufacturing representative for Motorola. Mr. Clay stated Motorola changed ownership the 16th of this month and he has tendered his resignation with Grace Communications, and stated as a citizen of Conway and he has a great concern for the safety and well-being of our Fire and Police Departments. Mr. Clay stated he is here to discuss process and the city has always been very diligent about spending their money. Mr. Clay stated \$3 million dollars is a lot of money, which is money he will help pay as a tax payer, and urged this committee to look at having a professional engineer evaluate the RFP just to make sure it covered all the points that are necessary to provide our city with a competent system, and to evaluate the responses of both vendors. Alderwoman Smith asked if we had addressed all points of the RFP. Mayor Townsell stated yes, and we believe our process does not need the opinion of an engineering consultant. Mayor Townsell asked Mr. Hartzell if his recommendation is to go with the standalone Harris system in the amount of \$2,975,000.00. Mr. Hartzell stated yes. Alderwoman Smith motioned to award the RFP to Harris Corporation. Alderman Jones

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seconded the motion. There was no further discussion. The motion passed 6-1. Alderman Ledbetter voted in opposition.

Police Chief A.J. Gary addressed council explaining he had intended to retire at the end of next year but he has accepted another job and will be retiring on October 31, 2015.

**Adjournment**

**PASSED this 22nd day of September 2015**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**