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MINUTES OF THE CITY COUNCIL, CITY OF CONWAY, ARKANSAS

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Conway, Arkansas  
Tuesday 6:30 pm  
February 12, 2013

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 Pruitt, Alderwoman Mehl, Alderwoman Smith, Alderman Ledbetter, Alderwoman Whitmore, and Alderman Jones. Also, present and acting: Mayor Tab Townsell, City Clerk/Treasurer Michael Garrett, and City Attorney Michael Murphy.

**Call to Order: Mayor Tab Townsell**

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

**Minutes: January 22<sup>nd</sup>, 2013 City Council Meeting**

Alderwoman Smith motioned to approve the January 22, 2013 minutes as submitted. Alderwoman Whitmore seconded the motion. The motion passed 8-0.

**Announcements/Proclamations/Recognitions:**

**Resolution recognizing Jace Motley for being selected as a delegate to the 51<sup>st</sup> Annual United States Senate Youth Program.**

**R-13-10**

Alderman Jones motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**1. Report of Standing Committees:**

**A. Economic Development Committee (Airport, Conway Corporation, Conway Development, Historic District, Chamber of Commerce)**

**1. Consideration of the architectural contract from Garver Engineers for the New Conway Municipal Airport terminal building construction.**

Mayor Townsell stated due to time constraints and logistics we wish to move the work already performed by Architectural Alliance to a Garver Engineers. Mayor Townsell asked council to approve an architectural contract with Garver Engineers in the amount of \$117,000.00; the subcontractor of this contract for electrical, mechanical, and landscape design services will be through Rik Sowell Architects Alderwoman Smith motioned to approve the contract. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**2. Consideration of a change order from Weaver Bailey for the Stage 2A - paving contract for the New Conway Municipal Airport.**

Ronnie Hall, City Engineer, explained we have a \$5,060,000.00 grant to complete the concrete paving work with the low bid being approximately \$4.4 million, we propose to add \$650,000.00 to this which will allow us to have all earthwork stabilized and would allow for

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a non-deteriorating surface on all completed areas of earthwork. Alderwoman Smith motioned to approve the change order. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

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

- 1. Resolution setting a public hearing to discuss closing of a utility easement in the Mill Pond Acres Subdivision.**

**R-13-11**

Alderwoman Smith motioned to adopt the resolution; the public hearing will be held on February 26, 2013 at 6:30 pm. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

- 2. Resolution requesting the Faulkner County Tax Collector to place a certified lien on property located 2270 Cedar Oaks as a result of incurred expenses by the City.**

**R-13-12**

Alderman Hawkins stated the property address is 2270 Cedar Oaks; the cost of cleanup was \$273.06 (\$235.56 + Penalty \$12.55 + filing fee \$30.00). There was no one present to speak to this issue. Alderwoman Whitmore motioned to adopt the resolution. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- 3. Consideration to approve the FY2013 Community Development Block Grant budget.**

Alderman Hawkins stated this item was discussed earlier this evening at the committee meeting. Mayor Townsell stated this primarily continues our main emphasis as preceding years; he outlined the recommended projects and public services which are listed below. The total grant is \$824,480.52, which includes a carryover from previous years, in the amount of \$424,811.52; administration is 20% of the grant. Alderwoman Smith motioned to approve the 2103 Community Development Block Grant budget. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**Projects**

Pine Street Revitalization Project - \$60,000.00

Faulkner County Council on Aging - \$200,000.00

**Total Projects - \$260,000.00**

**Public Service (15% of total budget)**

Bethlehem House - \$5,000.00

Boys & Girls Club - \$10,000.00

Independent Living Services - \$9,669.00

Faulkner County Council on Aging - \$10,000.00

FCCDD - \$20,000.00

Women's Shelter - \$5,000.00

**Total Public Services - \$59,669.00**

- 4. Consideration of the nominations of board members of the Conway Tree Board.**

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Alderman Hawkins motioned to accept the following nominations. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

- Barbara Watkins - 3 year term
- Garry Conley - 3 year term
- Tonya Musial - reappointment of a 3 year term

**5. Resolution authorizing the division of the Planning and Development Department into two separate departments within the City of Conway.**

**R-13-13**

Mayor Townsell stated this issue was discussed at the City Council retreat and will revert to the old division of responsibilities; the departments will now be known as Planning & Development Department and Permitting & Code Enforcement Department. Alderman Hawkins motioned to adopt the resolution. Alderwoman Smith seconded the motion. Alderwoman Smith asked if there will be 2 department heads. Mayor Townsell stated yes. Alderwoman Mehl asked if there will be an additional budgeted position. Mayor Townsell stated not at this point, explaining he may come back with that recommendation at some point, but we will likely name an interim department head until we can make a decision on whom to move forward as a permanent department head. There was no further discussion. The motion passed 8-0.

**6. Consideration of annual bids for gasoline/diesel bid for the City of Conway.**

Ronnie Hall, City Engineer, explained this was re-bid due to confusion regarding Ethanol and BioDiesel content; explaining the way we bid fuel is based on the price the dealer would pay at Prothro Junction the day before the bids and he is unsure we can accurately determine this. Branch Satterfield, Satterfield Fuel, explained one fuel price on one day, for an entire year essentially has no meaning, fuel prices are too volatile and can change multiple times throughout the day as much as 10-12 cent changes inside a day. Mr. Satterfield stated the only way to accurately verify, and have a hard bid between competitors on fuel, is to index the price to a third party service; there are two available for the terminal systems in North Little Rock, these are Oil Price Information Service and Better Transmission Network "Fastracks". Mr. Satterfield stated you essentially take a previous days average, lows, means, etc. and each fuel supplier supplies a differential which is their difference to that benchmark price and this would be the price that changes; this information provided can be checked a verified a third party throughout the course of the year. Mr. Satterfield stated the differential is what matters as this is where suppliers make their money, the price is just a price and if the differential cannot be verified, you will never be able to verify the price. Mr. Satterfield stated the only other thing one can do is provide risk management services and remove the volatility out of the price, but he does not recommend doing this for an entire year, but it can be done at times throughout the year and can provide some significant savings. Mr. Satterfield stated he would be glad provide information to Mr. Hall or council to determine the best course of action for the city to take in terms securing a differential on fuel. Mayor Townsell asked what the add on would be after beginning with the numbers coming out of Prothro Junction. Mr. Satterfield stated that would be freight costs and their margin for GAP which is their profit. Mayor Townsell stated this method would make the

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comparison apples to apples, and stated this is not how this was currently bid. Mr. Hall explained we have done this for the past 3-4 years but Satterfield was the only bidder. Alderman Hawkins asked where Knox Nelson's fuel would originate from. Mr. Satterfield stated essentially North Little Rock. Mr. Hall stated they have a facility in the east Industrial Park but is unaware of how much storage is available. Steven Thompson, Knox Nelson Oil Co, stated their facility has approximately 20,000 gallons on site and stated that Mr. Satterfield's method of obtaining a comparative bid is a good way to get a fair and even bid; it is hard to tell what bid is high or low as it depends on the markup on the fuel at the time. Mayor Townsell asked the two bidders if they would be agreeable to obtaining a differential and a benchmark. Mr. Satterfield and Mr. Thompson stated yes; Mr. Satterfield stated we would need to agree on a benchmark. Alderman Ledbetter motioned to reject these bids and re-bid the fuel with the differential benchmark method. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**7. Consideration of an offer to purchase right of way located at the northeast corner of Prince Street & Salem from Trinity Development (Tract 9) for the Prince Street Improvement Project.**

Ronnie Hall, City Engineer, explained this tract has been appraised at \$179,067.00, Mr. Rankin countered with \$225,000.00, and at our request we offered to split the difference and settle for \$202,000.00; Mr. Rankin again countered with \$210,000.00. Mr. Hall stated Mr. Rankin is being significantly affected by this project and is losing significant parking; the appraiser included \$48,000.00 as space law value, \$28,000.00 for sign replacement, and land at \$8.50 per sq foot, stating we have paid up to \$11.00 per sq foot for land on this project. Alderman Hawkins motioned to offer \$210,000.00. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**8. Ordinance to rezone property located at 500 South Baridon from R-2 to MF-3.**

**O-13-17**

Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Brandon Huffman, Managing Partner, Agilia Holdings, explained 3 sides of this parcel is rental properties and explained this parcel is not actually a part of the neighborhood, and feels it would be a good addition to their project. After some discussion regarding access of emergency services the clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**9. Ordinance to rezone property located at 1405 South Donaghey Avenue from MF-1 to MF-2.**

**O-13-18**

Bryan Patrick, Planning & Development Director, stated the request was for MF-3 which is 24 units per acre but after discussion at the Planning Commission meeting it was agreed that MF-2 density was a better zoning alternative. Alderwoman Whitmore motioned to waive

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the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. Brandon Huffman and Gene Salter spoke in favor of the proposed rezoning. Alderman Pruitt asked how this type of project will affect the downstream flooding problem that exists on South German. Mr. Hall stated they would need to address the flooding issue and possibly improve some downstream drainage, or provide retention to see that the project does not worsen the situation. There was no further discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**10. Ordinance to rezone property located 3725 College Avenue (Back Achers Ranch from A-1 to O-1.)**

Mayor Townsell stated council should have received a memo from Ronnie Hall, City Engineer, regarding the floodway/floodplain in this area but nothing, at this time, prohibits us from addressing the rezoning. Mayor Townsell stated we should however hold the conditional use request until the floodway/floodplain issues are resolved. Bryan Patrick, Planning & Development Director, stated he recommends tabling the rezoning issue as well due to the fact that it was rezoned previously from office to A-1 to allow a public stable; if it were to be rezoned to O-1, a public stable is not allowed. The discussion during the passing of the train is inaudible. Mr. Patrick explained this was initially proposed and permitted as a commercial public stable. Mayor Townsell stated there are various related commercial enterprises allowed under A-1. Mr. Patrick stated once a full service restaurant is added you alter the original project. Mayor Townsell stated the sequential steps of this project may not have been followed as required, but feels this was done in good faith. Alderwoman Smith asked since it is an events center will band be allowed to play. Mr. Patrick stated the condition proposed by the planning commission suggested was to have the sound system turned off at 10:00 pm. After some discussion Alderman Grimes motioned to hold both items in committee until the floodway/floodplain issue is resolved. Alderwoman Mehl seconded the motion. There was no discussion. The motion passed 8-0.

**11. Consideration of a request from Letitia McMaster for a conditional use permit to allow a public stable, restaurant, and arena/events center for property that is located at 3725 College Avenue.**

Item held in committee along with item 1B-10.

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

**1. Consideration to accept bids for a Heavy Duty Pickup Truck and Zero Turn Mower for the Physical Plant.**

Mayor Townsell stated the recommendation is to accept the following bids:

- North Point Ford in the amount of \$21,787.00 for one three-quarter ton heavy duty pickup truck.
- Duncan Outdoors in the amount of \$10,259.70 for a Kubota ZD221 zero turn mower and \$12,588.41 for a Kubota ZD326P zero turn mower.

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Alderwoman Smith motioned to accept the recommended bids. Alderwoman Whitmore seconded the motion. Alderman Hawkins stated the bid from Triple C Sales is lower. Glenn Berry, Physical Plant, explained we already have 3 Kabota mowers and we lack the space to keep another set of parts for different brand of mower. Mayor Townsell stated Kabota was chosen in order to keep the same type of equipment so your parts are interchangeable. There was no further discussion. The motion passed 8-0.

**2. Consideration to enter into a professional service agreement with Crafton, Tull & Associates for the Rogers Park Plaza.**

Mayor Townsell stated the fee for professional service agreement is \$42,705.60. Alderwoman Smith motioned to approve this agreement. Alderwoman Whitmore seconded the motion. There was no discussion. The motion passed 8-0.

**3. Consideration to accept bid from Salter Construction for the Curtis Walker Concession Building.**

Steve Ibbotson, Parks Director, was present to answer questions. Mayor Townsell stated the facility contains concessions area, men's and women's restrooms, a family restroom, and storage for football and baseball programs. Mayor Townsell stated the low bidder, Slater Construction, has submitted additional alternates and value engineering items that brought the bid down to \$235,959.00. Alderman Hawkins motioned to accept the low bid. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**4. Ordinance waiving competitive bids for the purchase of bronze sculptures for the City of Conway.**

**O-13-19**

Mayor Townsell stated this item was discussed at the city council retreat and suggested we appropriate funds not to exceed \$36,000.00 from Parks Impact Fund Balance for 8 bronze sculptures naming Randolph Rose Company as sole source vendor for this purchase. Mayor Townsell stated Parks Impact funds can only be used for parks capital, and this is considered capital purchase; these will be distributed in the downtown area. Mayor Townsell explained this will further expand the concept of the downtown area being considered a park. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance and the emergency clause. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**5. Consideration to accept bid from RiverCity Hydraulics for a 2013 Side Automated Refuse Loading Truck for the Sanitation Department.**

Mayor Townsell stated the recommendation is for bid #4 from River City Hydraulics, Inc. in the amount of \$239,750.00 as this bid met all specifications; price includes tax and delivery.

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Alderwoman Whitmore asked if the others did not meet bid specifications. Cheryl Harrington, Sanitation Director, stated we require that a service center is located within a 60 mile radius; the other bids did not meet this requirement. Alderwoman Whitmore motioned to approve bid #4 as recommended. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**6. Ordinance authorizing a change in staffing levels for the Sanitation Department.**

**O-13-20**

Mayor Townsell stated this will change staffing at Sanitation to be increased by 2 senior mechanics and will not affect the 2013 budget. Alderwoman Smith motioned to waive the readings of the ordinance. Alderwoman Whitmore seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**D. Finance**

**1. Ordinance waiving competitive bids in conjunction with an audit of federal grant activity and enter into an agreement with Craft, Veach & Company.**

**O-13-21**

Mayor Townsell stated this company performed our federal grant activity audit this past year, and in the interest in maintaining continuity, we request to waive bids and/or proposals and approve this agreement not to exceed \$20,000.00. Alderwoman Whitmore motioned to waive the readings of the ordinance. Alderwoman Smith seconded the motion. The motion passed 8-0. Alderwoman Smith motioned to adopt the ordinance. Alderwoman Whitmore seconded the motion. There was no discussion. The clerk called the roll with the following voting "Aye": Alderwoman Smith, Alderman Pruitt, Alderwoman Mehl, Alderman Ledbetter, Alderman Jones, Alderwoman Whitmore, Alderman Grimes, and Alderman Hawkins. The motion passed 8-0.

**E. Personnel**

**1. Resolution authorizing a name change within the Administration Department.**

**R-13-14**

Mayor Townsell stated currently we have an Executive Assistant to the Mayor, but feels that the title of Chief of Staff better reflects the roles and responsibilities of Jack Bell. Mayor Townsell requests council approve this title change. Alderman Hawkins motioned to approve this change of title. Alderwoman Smith seconded the motion. There was no discussion. The motion passed 8-0.

**Old Business**

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**New Business**

**Adjournment**

**PASSED this 12<sup>th</sup> day of February 2013**

**APPROVED:**

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**Mayor Tab Townsell**

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**City Clerk Michael O. Garrett**