

Searcy City Council – Special Session
March 19, 2014 4:00 p.m.
Minutes

Mayor David Morris called to order a Special Session of the Searcy City Council. Alderman Mike Chalenburg gave the Invocation, with the Pledge of Allegiance following, led by Alderman Steve Sterling. City Clerk Jerry Morris called the roll with the following Aldermen answering “present”: Logan Cothorn, Mary Ann Arnett, J R Howard, Steve Sterling, Dale English, Don Raney, and Mike Chalenburg. Alderman Dale Brewer was not present. Also present was City Attorney Buck Gibson.

Item (3) on the agenda was for an explanation/review of the Request for Qualifications (RFQ) sought by the City of Searcy in 2013 (responses were to be received by July 3, 2013). City Engineer Mark Lane provided the explanation/clarification of the process of this RFQ. The RFQ was sent out (advertised in the newspaper) and the responses received were to be kept on file for a one year period, which is in accordance with what state law requires to be done. In response to the City’s request, seven (7) submissions detailing the qualifications of the responding firms were received. Responding firms were instructed to supply three (3) sets of their responses to the city. The seven (7) firms that responses were received from are as follows:

- Thomas F. Black, P.E.
- ETC Engineering and Architects, Inc.
- Garver
- McClelland Consulting Engineers, Inc.
- SCM Architects
- Terracon Consultants, Inc.
- Whitlow Engineering Services, Inc.

On February 26, 2014, after the February 11, 2014 Special Election in which the temporary (8-year) one percent sales and use tax was approved, the members of the Searcy City Council were asked to schedule a time to come in to City Hall and review/discuss the RFQ responses received from the seven aforementioned firms, with the assistance of Mr. Lane if so desired. The purpose of this review of responses was in preparation for a called special meeting of the Searcy City Council (March 6, 2014) which was called for the purpose of discussing the qualifications of the responding firms and possible selection and ranking of the firms to provide assistance for the development and implementation of the planned work/projects called for in regard to the revenue generated from the temporary sales and use tax.

Mayor Morris then asked City Attorney Buck Gibson to explain how state law addresses the Request for Qualifications process. Mr. Gibson explained that what is being discussed is the provision of professional services pursuant to Arkansas Code provision §19-11-802 which authorizes municipalities in the state of Arkansas and its political subdivisions to negotiate professional services. §19-11-802 states “In the procurement of

professional services, a state agency or political subdivision which utilizes these services may encourage firms engaged in the lawful practice of these professions to submit annual statements of qualifications and performance data to the political subdivision or may request such information as needed for a particular public project.” It also states “The state agency or political subdivision shall evaluate current statements of qualifications and performance data of firms on file or may request such information as needed for a particular public project whenever a project requiring professional services is proposed.” Mr. Gibson explained that the question is whether the City of Searcy engaged in the proper process with the 2013 RFQ process or whether it can select specific projects for which to enter a request for RFQ’s. Mr. Gibson further explained that the City of Searcy can do either.

Item (4) was for discussion and possible cancellation of the Special Council meeting that had been set for Thursday, March 20, 2014 at 4:00 p.m. This meeting had been called for the purpose of interviewing and possible selection of architectural/engineering firms to enter into negotiations with regarding work to be performed in connection with the revenue generated by the temporary one percent sales and use tax. Three (3) firms had been selected to be interviewed, at the called Special Council meeting held on March 6, 2014, from the submission of RFQ’s received by July 3, 2013. The interviews were to take place at the Special Council meeting called for March 20, 2014. Mr. Raney stated that he would like to discuss the possibility of cancelling the called Special Council meeting of March 20, 2014. He further stated that the RFQ’s had been received prior to the declaration of specific uses/projects to be undertaken using the revenue generated by the temporary one percent sales and use tax, as shown in Exhibit A of the City of Searcy Resolution 2013-23 (approved December 19, 2013). He stated that the city may receive a better presentation in the RFQ’s if the city re-issued for RFQ’s based on these specified projects. He further said that he thought that the city might benefit from specifically tailored RFQ’s based on the stated projects. Mr. Cothorn reiterated this concern that, since the RFQ’s on file had been received prior to the declaration of the proposed specified projects, the city may be better served to ask for submission of RFQ’s based on these specific uses/projects. Mr. Sterling expressed his concern regarding the extra amount of time that would be required pertaining to the selection/ranking of firms to be interviewed if the city chooses to re-issue the Request for Qualifications. City Engineer Mark Lane was asked the question of ‘what timeframe is specified for receipt of submissions when an RFQ is issued’. Mr. Lane responded that typically it is requested for submissions to be received within a four to six week period after the issuance of the RFQ. Mr. Howard stated that ample time needs to be given if the city chooses to re-issue the Request for Qualifications. Mr. Lane explained that the RFQ request sought in 2013 was for general information regarding a firm’s experience and qualifications and that no specified projects were listed to respond to. Mr. Raney stated that he thought that a new RFQ should be issued requesting responses tailored to the specified projects as identified in Exhibit A of Resolution 2013-23. Mr. English stated that a more informed and better decision could be made regarding the qualifications of a firm if the RFQ is re-issued with the responses tailored to the specified projects. A motion was then made by Mr. Raney, seconded by Mr. English, to cancel the Special Council meeting called for March 20,

2014 and proceed to item (5) on the agenda. The motion carried by a vote of seven (7) “yes” and zero (0) “no”, with the following voting “yes”: Arnett, Howard, Sterling, English, Raney, Chalenburg, and Cothorn.

Item (5) on the agenda was for discussion and consideration of issuing a revised Request for Qualifications (RFQ) for the projects to be funded with the revenue generated by the temporary one percent sales and use tax as identified in Exhibit A of Resolution 2013-23 that would require the assistance of a professional services firm. The revised RFQ would ask all responding firms to specifically tailor their RFQ to a selected project, any combination of the projects, or all of the projects. Mr. Raney stated that the next process would be to issue the revised RFQ to be tailored to the specified projects giving a one month timeframe for submissions to be received. Motion was made by Mr. Raney, seconded by Mr. Cothorn, to re-issue the Request for Qualifications for the projects to be funded with the revenue generated by the temporary one percent sales and use tax and ask all responding firms to specifically tailor their RFQ to a selected project, any combination of the projects, or all of the projects. This motion also included allowing a 30-day timeframe for receiving the firm’s submission. The projects identified as possibly requiring professional services assistance are as follows:

- Street reconstruction
- Drainage work
- New Fire Station number 2
- Information Technology building and generator
- Library boiler and HVAC
- Swimming Pool and related facility
- Youth football restrooms and concessions
- Softball concessions and press box
- Yancey Park splash pad

Motion carried with a vote of six (6) “yes” and one (1) “no”. The following are recorded as voting “yes”: Howard, English, Raney, Chalenburg, Cothorn, and Arnett; and Alderman Sterling recorded as voting “no”.

Item (6) on the agenda was for establishing a schedule for discussion and possible adoption of a Capital Equipment Fund budget for 2014. This item had been proposed to be included on the agenda for the March 20, 2014 called special meeting. By action taken in item (4) above, this meeting was cancelled. Mayor Morris explained that the recommendations/proposals for the Capital Equipment Fund budget for 2014 were not ready in time for distribution to the Council members as expected. This does not allow for adequate time for the Council to study or seek further information pertaining to the 2014 Capital Equipment Fund budget. Mayor Morris suggested that, with no objection, a special meeting will be called for Friday, March 28, 2014 at 12:00 p.m. for the purpose of discussion/consideration and possible adoption of the Capital Equipment Fund budget for 2014. No objections were expressed.

Mayor Morris announced that State Representative Jeremy Gilliam of White County has been selected as Speaker of the House of Representatives.

He also announced that since the 'pothole hotline' has been established, numerous reports of potholes in city streets (as well as ones in other cities) have been received and that the Street Department is working hard to fix these reported spots.

A motion was made and seconded to adjourn.

Minutes Approved: April 8, 2014

/s/ David Morris
MAYOR

ATTEST:

/s/ Jerry Morris
CITY CLERK

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