MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL

A regular meeting of the Fayetteville City Council was held at 5:30 p.m. February 2, 1999, in room 219 of the City Administration Building, 113 West Mountain, Fayetteville, Arkansas.

ITEM CONSIDERED	ACTION TAKEN	
Approval of the Minutes	Approved	
Gregg Avenue	Approved	Res. 10-99
Trolley Operations Agreement	Approved	Res. 11-99
Bid 99-11	Approved	Res. 12-99
Airport Lease Modifications	Approved	Res. 13-99
Fire Station #4	Approved	Res. 14-99
ADS Environmental Services	Approved	Res. 15-99
LDS and Glide Slope	Approved	Res. 16-99
Library Master Plan	Approved	Res. 17-99
Northwest Arkansas Aviation	Approved	Res. 18-99
Water and Sewer Bonds	Approved	Res. 19-99
RZ 98-23.00	Approved	Ord. 4137
VA 98-13.00	Approved	Ord. 4138
RZ 98-24.00	Approved	Ord. 4139
Backflow Prevention	Approved	Ord. 4140
Stonegate Subdivision Greenspace Waiver	Approved	Res. 20-99
OMI Amendment No. 4	Approved	Res. 21-99

PRESENT
Mayor Fred Hanna
Aldermen:
Robert Reynolds
Ron Austin
Bob Davis
Trent Trumbo
Heather Daniel
Kevin Santos
Cyrus Young
Kyle Russell
City Attorney
Jerry Rose
City Clerk
Heather Woodruff
Staff, Press and Audience

MINUTES
OF THE
FAYETTEVILLE CITY COUNCIL
FEBRUARY 2, 1999

A meeting of the Fayetteville City Council was held on February 2, 1999 at 5:30 p.m. in the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Hanna, Aldermen Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young and Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff, Public Works Director Charles Venable, Administrative Services Director Kevin Crosson, Planning Director Alett Little, press and audience.

ABSENT: None.

Alderman Daniels announced a former alderman, Joan Chapman, had died January 26, 1999. She recognized her accomplishments and services.

CONSENT AGENDA

Mayor Hanna stated they would be removing item E. Water and Sewer Refunding Bonds from the Consent Agenda.

APPROVAL OF THE MINUTES

The approval of the minutes from the January 19, 1999 meeting.

GREGG AVENUE

A resolution approving partial payment of $35,000 to the Arkansas Highway and Transportation Department for preliminary engineering for the design of improvements and widening of Gregg Avenue from Highway 71 B north to Mud Creek Bridge.

RESOLUTION 10-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

TROLLEY OPERATION AGREEMENT

A resolution approving an agreement between the City and Jones Transportation Services for the provision of trolley operations services for March 1, 1999 through December 31, 1999 and providing for four one-year renewals.

RESOLUTION 11-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BID 99-11
A resolution awarding Bid 99-11 to Ferrara Fire Apparatus, Inc., in the amount of $167,747 for a new fire department pumper.

RESOLUTION 12-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

AIRPORT LEASE MODIFICATIONS
A resolution approving the modification of lease agreements with all four car rental agencies currently serving Drake Field.

RESOLUTION 13-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

FIRE STATION #4
A resolution awarding Bid 99-14 to Heckathorn Construction in the amount of $611,520 and approval of a 5% contract contingency.

RESOLUTION 14-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

ADS ENVIRONMENTAL SERVICES
A resolution awarding contract for flow monitoring and services to ADS Environmental Services, in the amount of $235,455, approval of a contingency of $9,400 and sales tax of $10,945, less a trade in of $31,000, for a net cost of $224,800.

RESOLUTION 15-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

LDA AND GLIDE SLOPE
A resolution approving a lease and transfer agreement with Federal Aviation Administration in the amount of $627,220 providing for the Localizer-Type Directional Aid (LDA) with Glide Slope (GS) facility site and transfer of associated equipment, and approval of a budget adjustment.

RESOLUTION 16-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

LIBRARY MASTER PLAN
A resolution amending a contract with Meyer Scherer and Rockcastle, LTD. in the amount of $34,465 to extend the Master Plan for Library Services and Facilities to evaluate two design options; and the approval of a budget adjustment.

RESOLUTION 17-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

NORTHWEST ARKANSAS AVIATION
A resolution approving a lease with Northwest Aviation Technologies Center to lease an executive hanger located at 4248 south School Avenue and approval of a budget adjustment to bring the building up to current building code standards.

RESOLUTION 18-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

There were no comments.

Alderman Daniel moved to approve the Consent Agenda. Alderman Davis seconded the motion. The motion carried unanimously.

OLD BUSINESS

NEW BUSINESS

WATER AND SEWER BONDS
The Mayor introduced a resolution approving a letter agreement with Stephens, Inc. to perform underwriting services in connection with the proposed issuance of water and sewer refunding bonds. The cost is $9.50 per $1,000 of bonds issued to be paid from bond proceeds.

Mayor Hanna stated there would be no cost to the city, unless they decided to refinance the bonds. If they did, then it would come back before the city council for approval. Before any money or decisions were made it would have to come before the Council. This would only allow the bond firm to get bids on the bonds.

Mr. Crosson explained in 1992 the city had issued bonds to help finance the reinforcement of their system. Their first call date would be in 1999. They would be allowed to call the bonds at 103 % at that point. They were taking this as a opportunity to refinance. They were estimating their issuance expense at $150,000, a net savings would be approximately $600,000. They would bring the issue back to the council when they were ready to make a decision.

Alderman Trumbo thought it would be the prudent thing to do.

Alderman Young asked if there would be any out of pocket expenses if they did not float the bonds.

Mr. Brain Swain replied there could be a small fee of a couple of thousand dollars.

Alderman Daniel moved to approve the resolution. Alderman Austin seconded. Upon roll call the motion carried unanimously.

RESOLUTION 19-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BID WAIVER
The Mayor introduced an ordinance providing for a bid waiver to purchase a self-propelled wedge foot roller for use in the Street Maintenance Program.

City Attorney Rose read the ordinance for the first time.

Alderman Austin moved to suspend the rules and go to the second reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

City Attorney Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and go to the third and final reading. Alderman Daniel seconded. Upon roll call the motion carried unanimously.

Mayor Hanna recognized the good job the Street Department had been doing.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

ORDINANCE 4136 AS RECORDED IN THE OFFICE OF THE CITY CLERK-
RZ 98-23
Mayor Hanna introduced an ordinance approving rezoning request RZ 98-23 changing 19.74 acres from A-1, Agricultural, to R-O, Residential Office. This request was submitted by Kurt Jones of Crafton, Tull on behalf of Washington Regional.

Alderman Young stated he would be abstaining because he worked for the firm representing the item.

Alderman Trumbo stated this would be a nice addition.

City Attorney Rose read the ordinance for the first time.

Mr. Jones stated they had submitted a large scale development for this property. They were planning to make improvements to the existing ponds. The developer was willing to make assurances not to disturb the pond. He thought the pond would be classified as a wet land.

Alderman Daniels expressed concern about the springs being disturbed during construction. She thanked them for preserving the pond.

Mr. Jim Tim? stated they were going to try and make the pond a focal feature and they had hoped to make it a park like setting.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Reynolds seconded the motion. Upon roll call the motion carried 7-0-1, Alderman Young abstaining.

City Attorney Rose read the ordinance for the second time.

Alderman Russell moved to suspend the rules and move to the third and final reading. Alderman Davis seconded. Upon roll call the motion carried by a vote of 7-0-1. Alderman Young abstaining.

Mayor Hanna called for the vote. Upon roll call the ordinance carried by a vote of 7-0-1. Alderman Young abstaining.

ORDINANCE 4137 AS RECORDED IN THE OFFICE OF THE CITY CLERK

VA 98-13.00
Mayor Hanna introduced an ordinance approving vacation request VA 98-13.00 as submitted by Andre and Marcos Gies vacating a portion of the 50' wide Cedar Street right-of-way located between lots 5 and 6 of the Garner-Larimore Addition, Block B subject to the existing utility easements and sewer easements were required.

City Attorney Rose read the ordinance for the first time.

Alderman Daniel noted the Planning Commission had approved the vacation unanimously.

Alderman Davis moved to suspend the rules and go the second reading. Alderman Daniel seconded. Upon roll call the motion carried unanimously.

City Attorney Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and go to the third and final reading. Alderman Daniel seconded. Upon roll call the motion carried unanimously.

City Attorney Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

RZ 98-24
Mayor Hanna introduced an ordinance approving rezoning request RZ 98-24, submitted by Deborah and Calvin Laningham for property located at 731 North Leverett to rezone .40 acres from C-1, Neighborhood Commercial to R-3, High Density Residential.

City Attorney Rose read the ordinance for the first time.

Alderman Daniel stated the staff had been concerned about parking. She asked if there was a bill of assurance that the developer would only construct eight units.

Ms. Little, Planning Director, stated they did not have a bill of assurance, but they had seen the initial plans for the site and only eight units had been planned. She stated there was room for only eight. They would not be able to approve the building permit unless there was adequate parking. She did not know that a bill of assurance should be required. She had noted the parking to caution the developer not to expect a large number of units. She reiterated a building permit would not be issued unless there was adequate parking.

Alderman Daniel stated she was very interested in limiting the size of this development.

In response to questions from Alderman Reynolds, Ms. Little stated there had been a rezoning request for this property three years ago to rezone the property from R-3 to C-1. The previous plan did not come to pass. They were requesting the property be rezoned back to its original zoning. She added this would allow for the reuse of the property. The Planning Department did not have an official submission of the plans. She had looked at the plans and most of the units were one bedroom.

Alderman Austin thought this was the type of improvement the city should encourage, by replacing old buildings with new and increasing the density in the downtown area.

Alderman Reynolds moved to suspend the rules and move to the second reading. Alderman Young seconded. The motion carried unanimously.

City Attorney Rose read the ordinance for the second time.

In response to questions from Alderman Russell, Ms. Little explained the parking ordinance required one parking space per bed room, whether the apartments were two bedroom or one bedroom. The parking would be based on the number of bedrooms.

Alderman Russell moved to suspend the rules and move to the third and final reading. Alderman Reynolds seconded. Upon roll call the motion carried unanimously.

City Attorney Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the ordinance passed unanimously.

ORDINANCE 4139 AS RECORDED IN THE OFFICE OF THE CITY CLERK

BACKFLOW PREVENTION

Mayor Hanna introduced an ordinance amending Chapter 51, Water and Sewers, of the Code of Fayetteville, to add Section 51.146, Backflow Prevention, providing for Cross Connection Control Standards and requirements for the design, construction and maintenance of connections to the public water supply.

City Attorney Rose read the ordinance for the first time.

In response to comments from aldermen, Mr. Crosson stated the city had increased staff to accommodate the requirements of the Federal Government and the Arkansas Department of Health. The city had been following their requirements for some time. The city had been waiting for them to finalize their requirements before passing an ordinance.

In response to questions from Alderman Daniels, Mr. Jim Smith gave several examples where the backflow prevention would be beneficial. He added this would help protect the public water supply. He thought there would be approximately 1500 accounts which would be affected by this. He added a large majority of them would already meet this requirement.

Alderman Daniel moved to suspend the rules and go to the second reading. Alderman Davis seconded. Upon roll call the motion carried unanimously.

City Attorney Rose read the ordinance for the second time.

Alderman Santos moved to suspend the rules and go the third and final reading. Alderman Austin seconded. Upon roll call the motion carried unanimously.

City Attorney Rose read the ordinance for the third and final time.

Mayor Hanna called for the vote. Upon roll call the motion carried unanimously.

ORDINANCE 4140 AS RECORDED IN THE OFFICE OF THE CITY CLERK

STONEGATE SUBDIVISION
Mayor Hanna introduced a resolution waiving Ordinance 3793 and accepting money in lieu of park land as a requirement for Stonegate Subdivision.

Alderman Daniel stated she was not in favor of this waiver because this was a large development. She noted the Parks Department would only be receiving $20,000. She added the Parks department's reasoning for their recommendation had been based on the fact there was no other land for them to connect to increase the size of the park. She noted the existing parking land was not conveniently located. She felt the new residents would be land locked. She added they did not have to spend a lot of money on the park and suggested paths and park benches.

Mr. Terry Gulley, Parks Department, stated there would be two entrances into the subdivision one by Manor Drive, the other would be in Boardwalk Subdivision. He noted Park Place and Boardwalk also had greenspace. He noted this property was very steep and there was the possibility there would be a retention pond located on the property. He noted this would be the smallest amount of park land they would have ever taken. He continued they were looking for a larger piece of land in that area. They were wanting something along Hwy 265.

Ms. Brenda Theil, Parks Board, stated the proposed lots were three quarter acre lots. The park would only be one and one quarter acres. She noted the yards would almost be as large as the park. She noted the development would only have fifty-one lots. She noted the property had a steep slope. She added the Parks Board had voted 6-1 for the greenspace waiver. She thought it would be pointless to have such a small park with such large lots.

Alderman Trumbo thought the city needed to increase the dollar amount. He felt the land had been undervalued.
Alderman Daniel stated they did not have to be formal park. It could be left greenspace, which would be environmentally friendly.

Ms. Theil replied in the type of subdivision proposed the residents would complain. She did not believe that it would work in that area.

Mr. Crosson stated a lot of the complains the city received was that these parks that were taken in subdivision was that they resembled vacant lots when they did not mow them.

Alderman Austin thought a private individual would do a better job than the city could.

Ms. Theil stated the land proposed for the park was a low area where a pond might be located. She thought the land would be maintained as greenspace for that reason. The property owners association would have to maintain them.

Alderman Trumbo thought the money should be more like $40,000 per acre.

Ms. Theil replied they had to take an average cost of land across town.

Mr. Tom McKinney, Sierra Club, supported small neighborhood parks because a maintained yard did not have the same benefits as a natural area. He stated the monetary value was too small for this acreage.

Mr. Dave Jorgensen, Developer's representative, stated it would have been easier to dedicate the park land, however, the parks department was having a difficulty in maintaining them. He noted the lots were going to be large.

Alderman Russell thought the solution would be to require the home owners association to set aside land and maintain it or to increase the budget for the Parks Department so they maintain the smaller parks.

Alderman Austin moved to approve the resolution. Alderman Davis seconded. Upon roll call the motion carried by a vote of 7-1-0. Alderman Daniel voting nay.

RESOLUTION 20-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK

OMI

Mayor Hanna introduced a resolution authorizing the execution of amendment number four for the operation of the Paul Noland Treatment Plant, and the approval of a budget adjustment. The amendment provides for a total of $3,632,992 for operations services during 1999.

Alderman Trumbo moved to approve the resolution. Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

Meeting adjourned at 6:45 p.m.