MINUTES OF A MEETING OF THE CITY COUNCIL MARCH 23, 1999

A meeting of the Fayetteville City Council was held on March 23, 1999 at 4:00 p.m. in Room 219 of the City Administration Building, 113 West Mountain Street, Fayetteville, Arkansas.

ITEMS CONSIDERED	ACTION TAKEN	
Bid 99-25	Approved	Res. 39-99
White River Water System	Approved	Res. 40-99
TCA Building Renovation	Approved	Res. 41-99
Bid 99-30	Approved	Res. 42-99
Botanical Garden Report	No Action Required	
Softball Complex Phase 3	Approved	Res. 43-99
Razorback Estates Waiver	Approved	Res. 44-99
VA 99-2	Tabled on First Reading	
RZ 99-3	Left on Second Reading	
RZ 99-4	Left on Second Reading	
RZ 99-5	Left on Second Reading	
RZ 99-6	Passed	Ord. 4147
Rural Fire Contracts	Passed	Ord. 4148
CMN Bid Waiver	Passed	Ord. 4149
Cable Needs and Assessment	No Action Required	
VA 99-3	Passed	Ord. 4150
AD 99-1	Approved	Res. 45-99

MEMBERS PRESENT

Mayor 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 A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL

A meeting of the Fayetteville City Council was held on **March 23, 1999** at 4:00 p.m. in Room 219 of the City Administration Building, 113 West Mountain, Fayetteville, Arkansas.

PRESENT: Mayor Hanna; Aldermen: Reynolds, Austin, Davis, Trumbo, Daniel, Santos, Young, and Russell; City Attorney Jerry Rose; City Clerk Heather Woodruff; Staff; Press; and Audience.

CONSENT AGENDA

APPROVAL OF THE MINUTES
Approval of the minutes from the March 2 and March 9, 1999 meetings.

BID 99-25
A resolution awarding Bid 99-25 to Williams Ford Tractor for the purchase of tractors to be utilized by the City of Fayetteville Pollution Control Plant/ Sludge Management Site.

RESOLUTION 39-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

WHITE RIVER WATER SYSTEM
A resolution approving Amendment Number Three to an engineering contract with McGoodwin, Williams and Yates to provide for extra compensation in the amount of $58,793.63.

RESOLUTION 40-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

TCA BUILDING RENOVATION
A resolution approving an architectural contract with McGoodwin, Williams, and Yates in the amount of $27,988, for services relating to the renovation of the TCA Building.

RESOLUTION 41-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

BID 99-30
A resolution awarding Bid 99-30 to Franklin and Sons to re-roof the City Administration Building in the amount of $36,387 and approve a 10% contingency.

RESOLUTION 42-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Daniel moved to approve the consent agenda. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

No Old Business

NEW BUSINESS

BOTANICAL GARDEN REPORT
A review of an annual report from the Botanical Garden Society of the Ozarks, Inc.

Ms. Donna Porter, Director of the Botanical Garden Society, gave a progress report of the botanical garden. They had selected a designer to develop a master plan which would help in the fund-raising and the development of the garden. She added fund-raising was their primary focus.

SOFTBALL COMPLEX PHASE 3
Mayor Hanna introduced a resolution approving a construction contract and budget adjustment with Buildings, Inc. for Phase Three Softball Complex located adjacent to Holcomb School. The construction costs are $586,959 plus a project contingency amount of $40,000.

Mr. Eric Shultz, Parks and Recreation, stated the Parks and Recreation board had named the softball complex near Holcomb school after the late Gary Hampton. The center will enable the city to host state and national tournaments. Phase One was complete and they were currently working on Phase Two. He explained the design and facilities of the complex.

Phase Three would include bleachers, scorekeeper, signs, concession facilities, office and meeting rooms, and restrooms. The only remaining phase would be Phase Four, which was the widening of Salem Road and sidewalks. The estimate for this phase would be $105,000.

Alderman Daniel expressed concern about the amount of money the city had spent on the softball field.

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

RESOLUTION 43-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RAZORBACK ESTATES WAIVER
Mayor Hanna introduced a waiver of Ordinance 3793 to accept money in lieu as the park land requirement of the Razorback Estates Subdivision.

Alderman Young stated he would be abstaining.

Alderman Trumbo thought it was better to accept money in lieu of the park land dedication.

Alderman Davis moved to approve the waiver. Alderman Austin seconded the motion. Upon roll call the motion carried by a vote of 7-0-1, Alderman Young abstaining.

RESOLUTION 44-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

VA 99-2
Mayor Hanna introduced an ordinance approving vacation request VA 99-2 to vacate a 20-foot alley to the east of property located at 820 South College Avenue as submitted by Gary Kahanak and John Firmin of Build A Home.

Mr. Rose read the ordinance for the first time.

In response to questions from aldermen, Ms. Little explained when an alley was vacated one half would go to each adjoining property owner. She explained the property owner had planned to construct apartments and the additional room was needed.

Alderman Daniel asked what the alley looked like and stated she hated to see the vacation.

Ms. Little replied there was not a direct passage, but people were using it. In response to questions from aldermen she added the project might have to go to the Board of Adjustments. She explained the property was made up of four lots approximately 25 feet wide. The existing house would be removed.

Mayor Hanna explained this was part of the ongoing efforts to help clean up the south part of town.

Alderman Reynolds stated he would like to see the entire alley vacated.

Alderman Daniel moved to table the vacation on the first reading. Alderman Reynolds seconded the motion.

Mr. Don McCourtwright stated he had been the previous property owner. He thought the city would benefit from vacating the alley because the land was currently of no use except as a dump site.

Mr. Kahanak stated they did not need the space, but thought it would help the site by allowing room to provide a courtyard space for gardens. The alley was currently overgrown with trees and was used as a dumping ground. A couple of the homes along the street had fenced parts of the alley into their yards.

Mayor Hanna added this had happened all over the downtown area. The city had stopped maintaining the alley during the 1960's because it was too expensive and they were too small for the large city trucks to get into.

In response to questions from Alderman Santos, Mr. Kahanak stated they had already dedicated 15 feet off the front of the property for right-of-way. They could still make the project work, however they would not have as much greenspace and it would not be as appealing.

Alderman Austin noted the city would still maintain a utility easement where the alley was located.

Alderman Reynolds stated they needed to do the entire alley rather than just the one section.

Upon roll call the motion carried unanimously.

RZ 99-3
Mayor Hanna introduced an ordinance approving rezoning request RZ 99-3, submitted by Dave Jorgensen of Jorgensen and Associates on behalf of WHM Land Investments, Inc. For property located at Wedington Drive and Rupple Road. The request is to rezone the 2.37 acres property from A-1, Agricultural, to C-1, Neighborhood Commercial.

RZ 99-4
An ordinance approving rezoning request RZ 99-4 submitted by Dave Jorgensen and Associates on behalf of WHM Land Investment, Inc. For property located at Wedington Drive and Rupple Road. The request is rezone 4.09 acres from A-1, Agricultural, to C-1, Neighborhood commercial.

RZ 99-5
An ordinance approving rezoning request RZ 99-5 submitted by Dave Jorgensen and Associates on behalf of WHM Land Investments, Inc. For property located at Wedington Drive and Rupple Road. The request is to rezone 21.91 acres from A-1, Agricultural to R-2, medium density residential.

Mr. Rose read all three ordinances for the first time.

Alderman Young stated his only concern had been the commercial on the south side. He noted the entire area was a node, but he was okay with the commercial on the south side.

In response to questions from Alderman, Ms. Little stated R-2 was needed for mobile home parks.

Mr. Jorgensen stated he would offer a bill of assurance stating they would not construct a mobile home park. He explained the property which they had requested commercial zoning would create a node for commercial. The residential request had been reduced in acreage. He noted there was a proposed youth center and park to the south of this property. There would be a separate piece of property set aside for a park or youth center.

In response to questions, Ms. Little explained there were plans to extend Persimmon Street across a portion of this property.

Alderman Davis moved to suspend the rules and move to the second reading for all three ordinances. Alderman Reynolds seconded the motion. Upon roll call the motion carried unanimously.

Mr. Rose read the ordinances for the second time.

Alderman Daniel suggested leaving the rezoning on the second reading since it was a large piece of property.

The item was left on the second reading.

RZ 99-6
Mayor Hanna introduced an ordinance approving rezoning request RZ 99-6 submitted by John P. Marinoni for property located at 1142 Futrall Drive. The property is zoned R-1, Low Density Residential and contains approximately 0.54 acres. The request is to rezone the property to R-O, Residential Office.

Mr. Rose read the ordinance for the first time.

In response to questions from alderman, Ms. Little explained this was for an existing building which had been used for this use. She agreed that it would be an improvement to the property.

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

Mr. Rose read the ordinance for the second time.

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

Mr. Rose read the ordinance for the third and final time.

Upon roll call the ordinance carried unanimously.

ORDINANCE 4147 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RURAL FIRE CONTRACTS

Mayor Hanna introduced an ordinance amending section 33.046, Code of Fayetteville, to establish annual fees for Rural Fire Contracts for the two year period of 6/1/99 thru 5/31/01.

Mr. Rose read the ordinance for the first time.

In response to questions, Mr. Crosson explained the amount was based on a straight calcation.

Chief Jackson, fire chief, suggested changing the wording in the ordinance. He stressed the fact that rural contracts were for fire suppression only and not for fire protection.

In response to questions from aldermen, Mr. Crosson stated the same formula was used to get a true cost for fire service per household and pass the cost on to people outside the city limits.

Alderman Young moved to amend the ordinance to read fire suppression rather than fire protection. Alderman Russell seconded the motion. Upon roll call the motion carried unanimously.

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

Mr. Rose read the ordinance for the second time.

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

Mr. Rose read the ordinance for the third and final time.

Upon roll call the ordinance passed unanimously.

ORDINANCE 4148 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CMN BID WAIVER

Mayor Hanna introduced an ordinance approving a formal bid waiver of the requirements of competitive bidding for earth work, grading and subgrade work on the sections of Steele Boulevard and Van Asche that the city previously agreed to cost share in.

Mr. Rose read the ordinance for the first time.

Mr. Venable stated it was what the city had agreed to. He thought the city would get a better price by allowing them to select the bidder. The developer was going to meet with three contractors. The creek would only be touched to construct the bridge.

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

Mr. Rose read the ordinance for the second time.

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

Mr. Rose read the ordinance for the third and final time.

Upon roll call the motion carried by a vote of 7-1-0, Alderman Young voting nay.

ORDINANCE 4149 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CABLE NEEDS AND INTEREST ASSESSMENT
A presentation for informational purposes of the Cable Board's findings, known as the "Fayetteville Cable Franchise Needs and Interest Assessment." This study will be used as a basis from which the Franchise Negotiating Committee makes its decision concerning the terms of the Cable Franchise Renewal.

Mr. Marvin Hilton, Cable Administration, stated TCA Cable had several requests per day for Internet access. He expressed the need for this service to attract businesses. The needs and interest assessment reflected those concerns. Institutional network, a highspeed fiber optic network, would connect public buildings. They had identified forty-two possible connection points on the network. The advantage to the system was that it would supply information to all the computers in the system. Rather than physically carrying data from one location to another it would be transmitted instantaneously. The system would save money on labor and vehicles because information would be moved electronically rather than physically. They could also do surveillance. This kind of a network is most efficiently built by the cable company. While they were upgrading their system they could include addition cable for this network. He felt this type of information system would help attract businesses to this area.

Alderman Trumbo asked the dollar amount for the project.

Mr. Hilton stated it was hard to figure the amount until they know how much of the system they wanted. They would be offering this system to Springdale and Siloam Springs.

Alderman Trumbo thought TCA would be interested in providing this service.

Mr. Hilton stated TCA was estimating a cost of $30 to $40 per month to provide this service to individuals.

Alderman Russell asked if cable deregulation would affect the negotiations, and asked what would happen to the consumers.

Mr. Hilton thought the cable company would charge what the market would bear. He noted 10% of the customers in the area were using satellites rather than the cable.

Mr. Rose stated the negotiating committee were going to begin negotiating soon. He noted the programing and the cost could not be negotiated in the contracts. They had no control over the rates or the programing.

Mr. Reynolds stated he felt TCA need to provide programing to everyone within city limits.

Mayor Hanna replied it was normal for the home owner to pay for connections from the main line to the house. For example, the water and sewer, gas and electricity all required the home owner to provide lines into the house.

Mr. Rose explained the negotiating process and that it would come to the city council before it was final.

Mr. Ron Warren, Cable Board, explained many companies would need this type of service to stay in the community.

No action was taken.

VA 99-3
An ordinance approving vacation request VA 99-3 submitted by Laura Kelly on behalf of Town Creek Builders for property located at 404 West Sixth Street. The property is zoned C-2, Thoroughfare Commercial. The request is to vacate a 20-foot alley adjacent to the property.

AD 99-1
Approval of AD 99-1 requesting an amendment to the Master Street Plan submitted by Laura Kelly on behalf of Town Creek Builders for property located at 404 West Sixth Street relocating

the proposed north-south collector street west into a railroad right-of-way, parallel to the centerline of South School Street.

Ms. Little stated during the Planning Commission meeting they had discovered the railroad right-of-way had been purchased by an individual.

Mr. Rose read the ordinance for the first time.

Ms. Laura Kelly presented their request and what they proposed to do on the site.

Alderman Trumbo thought it was a great project because it would be improving a piece of property.

In response to questions, Mayor Hanna stated the alley had been used as the entrance to the feed mill. However, it had always been closed to the public.

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

Mr. Rose read the ordinance for the second time.

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

Mr. Reynolds asked if they had purchased the railroad property.

Mr. Robert Sharp stated they had spoken with the property owner and had agreed to purchase the property if this was approved.

Mr. Reynolds asked who would be paying for the street.

Mr. Sharp stated they would be addressing those questions during large scale development.

Mr. Rose read the ordinance for the third and final time.

Upon roll call the motion carried unanimously.

ORDINANCE 4150 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Trumbo moved to approve the resolution approving the amendment to the

Master Street Plan. Alderman Daniel seconded the motion. Upon roll call the motion carried unanimously.

RESOLUTION 45-99 AS RECORDED IN THE OFFICE OF THE CITY CLERK.