

**MINUTES OF A MEETING
OF THE
FAYETTEVILLE CITY COUNCIL**

JANUARY 18, 2000

A meeting of the Fayetteville City Council was held on January 18, 2000 at 6:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Mayor Fred 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 of the January 4, 2000 City Council meeting.

CONSTRUCTION MATERIAL: A resolution awarding bids for construction materials utilized by various divisions of the City.

RESOLUTION 3-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

POLICE RADIO EVALUATION: A resolution awarding a contract to RCC Consultants. The contract will be for services to evaluate the current radio system and recommend either a replacement or an upgrade.

RESOLUTION 4-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

CELLULAR ANTENNA: A resolution approving a contract with SWPCS for cellular antenna space on the Mount Sequoyah Water Tank.

RESOLUTION 5-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HWY 265 WIDENING: A resolution authorizing payment of \$647,000 to the Arkansas Highway and Transportation Department for additional right-of-way costs along Highway 265 and approval of a budget adjustment.

RESOLUTION 6-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

DRUG LAW ENFORCEMENT PROGRAM GRANT: A resolution authorizing the Mayor to apply for a federal grant in the amount of \$383,794.00; and approval of a budget adjustment in the amount of \$17,338 to bring Fayetteville's matching funds to \$63,338.00 and increase one sworn officer position.

RESOLUTION 7-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

OMI CONTRACT: A resolution approving Amendment No. 5 to the OMI Contract for operation and management services, Fayetteville Wastewater Treatment Plant at a total cost of \$3,715,901.00, inclusive of management fees of \$88,854.00.

RESOLUTION 8-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ALLTEL COMMUNICATIONS: A resolution granting a temporary revocable license for the placement of buried fiber optic communication cable in the street and alley rights-of-way.

ITEM WITHDRAWN FROM AGENDA.

MIDDLE SCHOOL: A resolution approving an agreement with the Fayetteville Public Schools for construction of an 8-inch water main from Mount Comfort Road to the Middle School Property within the Ruppel Road right-of-way.

RESOLUTION 9-00 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

RUPPLE ROAD CONSTRUCTION: A resolution authorizing the Mayor to approve a construction contract change order with APAC in the amount of \$53,334.70. The change order is for the installation of the proposed 8-inch water main from Mount Comfort Road to the Middle School property.

Alderman Daniel moved to approve the Consent Agenda. Alderman Santos seconded the motion. Upon roll call the motion carried unanimously.

OLD BUSINESS

There was no old business.

NEW BUSINESS

EGIS CONSULTING: An ordinance approving an agreement for professional services with EGIS Consulting Inc. regarding the USCOE 404 permit for the Arkansas Research and Technology Park. This contact amount is \$27,000.00. A bid waiver is requested.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

Alderman Trumbo made a motion to suspend the rules and go to the third and final reading. Alderman Davis seconded the motion. Upon roll call the motion carried unanimously.

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

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

ORDINANCE 4215 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

HWY 265 CONDEMNATION: An ordinance authorizing the City Attorney to seek possession of certain lands located along Highway 265 in the City of Fayetteville by the Power of Eminent Domain, in association with the required easements for the Highway 265 Water and Sewer Relocations. Such properties are owned by Anthony De Palma, Jeane and David Randle, and Timothy and Christine Klinger.

Mr. Rose read the ordinance for the first time.

Mr. Lamar Pettus expressed concern about the city directing drainage from the highway onto Mr. Randle's property. He noted Mr. Randle's property was surrounded on three sides by property owned by the city. He asked the council not to proceed with the condemnation, but to consider the possibility of purchasing the property from the Randles. They were willing to sell the property for the appraised value minus the \$11,500 the State had paid them for damages.

Charles Venable explained the city needed the easement in case there was a future problem with the water line. They needed room to work on the line. He did not believe the easement would detract from the property, because the building line was twenty-five feet from the right-of-way and the easement fell within the setback.

Mayor Hanna thought might be well to let our land man and our Engineering Dept and our City Attorney sit down with the Randles and their attorney and look at the options and what we are

going to actually need and see if we can do a little negotiating where it doesn't affect them so much. I don't know if that is possible or not.

Alderman Santos asked if it was possible to just scrap the whole condemnation and get an agreement from the property owners that we could get in there and do maintenance on the water line in the future and then let them keep their property?

Lamar Pettus replied he could not commit his client at this stage but thought there was a possibility of them just giving the city permission to work on the property.

Alderman Santos noted the proposed easement was already in the set back and that they were not going to be able to build on it anyway.

Alderman Young questioned the difference between an agreement and an easement?

In response to questions for Mr. Pettus, Mr. Venable explained the city would only have an easement and that they would still own the property. The City was not buying the property.

Mayor Hanna thought it would be a good idea to sit down with the engineering staff to see exactly what they are talking about. Two weeks probably won't interfere with the construction. He suggested leaving it on the first reading.

Alderman Russell stated another thing to think about was the difference between an easement and an informal agreement or less formal agreement between the City and the Randles. Who is bound by that agreement. If we get an easement and the Randles sell that property then we still have the easement?

Lamar Pettus replied the agreement would be filed with the county, like a covenant, and would run with the land.

THE ITEM WAS LEFT ON THE FIRST READING.

OPEN BURNING: An ordinance providing for regulations for open burning within the City of Fayetteville.

Mr. Rose read the ordinance for the first time.

Alderman Davis moved to suspend the rules and move to the second reading. Alderman Austin 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 move to the third and final reading.

Alderman Austin seconded the motion. Upon roll call the motion carried unanimously.

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

Mayor Hanna stated the ordinance would put the regulation and enforcement back into the hands of our own Fire Dept.

Fire Chief Mickey Jackson stated it was our plan to go out and start writing wholesale tickets for everybody who violates this ordinance or doesn't have a chance to get used to it with time. There is not even an emergency clause on it and it doesn't even go into effect for a month. We want to work with the people, do some education that there is a new regulation now and over time they will be expected to comply with. We don't anticipate writing citations in the near future except for flagrant or gross violations. Our plan is to work with the citizens and try to obtain their cooperation and cut out some of the burning that is going on in the community that is not in any way legal and there is no way we can even legally issue a permit for it.

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

ORDINANCE 4216 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

XEROX CORPORATION: A ordinance approving a bid waiver and a contract with Xerox Corporation for the purchase of two network copiers. Replacement of contract for non-networked copiers.

Mr. Rose read the ordinance for the first time.

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

Mr. Rose read the ordinance for the second time.

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

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

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

(ORD. 4217)
Meeting adjourned.