MINUTES OF A MEETING OF THE CITY COUNCIL APRIL 15, 2003

A meeting of the Fayetteville City Council was on April 15, 2003 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

PRESENT: Alderman Thiel, Cook, Marr, Rhoads, Davis, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Reynolds was absent.

Mayor Coody read the Earth Day Proclamation

Alderman Davis moved to add two items to the new business section of the agenda, a Juvenile Accountability Incentive Block Grant and a Drug Law Enforcement Grant. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

CONSENT:

Approval Of The Minutes: Approval of the March 18, 2003 meeting minutes and approval of the April 1, 2003 meeting minutes.

Black & Veatch: A resolution to award an engineering services contract to Black & Veatch in the amount of $126,300.00 for a comprehensive study and rehabilitation recommendations for the existing 36 inch water transmission line from Beaver Water District into/through the City of Fayetteville. Approval of a project contingency in the amount of $20,000.00 is also requested.

RESOLUTION 47-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Black & Veatch: A resolution approving Contract Amendment Number 3 with Black & Veatch for continuing services associated with the 2002/2003 Water and Sewer Rate study. Approval of a project contingency in the amount of $5,000.00 is also requested.

RESOLUTION 48-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Community Development Block Grant 1.5 FTE: A resolution to approve 1.5 FTE for the Community Development Block Grant.

RESOLUTION 49-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Community Development Block Grant Allocation: A resolution to approve the acceptance on the 2003 Community Development Block Grant (CDBG) partial allocation in the amount of $217,000.00.

RESOLUTION 50-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADM 03-2.00 Master Street Plan 46th Street: A resolution to amend the Master Street Plan to include changing 46th Street to a Local Street from a Collector Street and to add Broyles Avenue extension as a Collector Street.

RESOLUTION 51-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

ADM 03-11.00 Master Street Plan Bridgewater Lane: A resolution to amend the Master Street Plan to relocate Bridgewater Lane and an unnamed minor arterial street, as well as accept a lesser dedication for the unnamed minor arterial.

Alderman Thiel had a correction to the March 18, 2003 minutes. She requested the minutes be amended.

RESOLUTION 52-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Thiel asked for a correction to the March 18, 2003 minutes.

Alderman Davis asked to pull the April 1, 2003 minutes; he did not have a chance to read them.

Alderman Marr moved to approve the Consent Agenda as read with the amendments as stated above. Alderman Jordan seconded. Upon roll call the motion carried unanimously.

OLD BUSINESS:

Compactor and Dropbox Business Expansion: A resolution approving a budget adjustment in the amount of one million one hundred seventy-three thousand two hundred eight dollars ($1,173,208.00) to allow the Solid Waste and Recycling Division to implement a new commercial drop box program. The resolution was tabled at the March 18, 2003 City Council meeting.

Alderman Thiel moved to table indefinitely. Alderman Marr seconded. Upon roll call the motion to table indefinitely passed unanimously.

New Commercial Compactor And Drop Box Program: A resolution authorizing the hiring of seven (7) additional full time employees to implement a new commercial compactor and drop box program. The resolution was tabled at the March 18, 2003 City Council meeting.

Alderman Thiel moved to table indefinitely. Alderman Marr seconded. Upon roll call the motion to table indefinitely passed unanimously.

Alderman Davis moved to table indefinitely. Alderman Marr seconded. Upon roll call the motion to table indefinitely passed unanimously.

NEW BUSINESS:

R-PZD 03-1.00 (Jackson Place): Planned Zoning District Jackson Place: An ordinance establishing a Residential Planned Zoning District titled Jackson Place (R-PZD 03-1.00) located south of Skillern Road and east of Crossover Road; amending the official zoning map of the City of Fayetteville.

Mr. Williams read the ordinance.

THE ORDINANCE WAS LEFT ON THE FIRST READING.

VAC 03-4.00 (Bencore): An ordinance approving VAC 03-4.00 to vacate and abandon a portion of a 12' alley in Block Ten (10) of Ferguson's Addition to the City of Fayetteville, Washington County, Arkansas as described on the attached map and legal description.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Alderman Thiel voiced her support of this ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

Shall the ordinance pass. Upon roll call the ordinance passed unanimously.

ORDINANCE 4477 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Public Hearing on Raze and Removal at 1233 S. Washington Avenue: A resolution to approve the raze and removal of 1233 S. Washington.

Mayor Coody opened a Public Hearing to hear the raze and removal of 1233 S. Washington Avenue.

Hugh Earnest, Chief Administrative Officer presented a slide presentation on the property.

City Attorney, Kit Williams asked if either of these houses are being lived in.

Mr. Earnest answered no.

Alderman Davis moved to approve the resolution. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

RESOLUTION 53-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Public Hearing on Raze and Removal at 525 S. Lytton Avenue: A resolution to approve the raze and removal of 525 S. Lytton Avenue.

Mayor Coody opened a Public Hearing to hear the raze and removal of 525 S. Lytton Avenue.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

RESOLUTION 54-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Banc of America Leasing Agreement Amendment 78: An ordinance to approve a master lease agreement with Banc of America Leasing & Capital, LLC. The leasing agreement provides the opportunity for the City to utilize Amendment 78 to obtain fire apparatus vehicles.

Mr. Williams read the ordinance.

Alderman Marr stated he was on the RFP Selection Committee and he thinks it is a great financing option to us.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the motion carried unanimously.

ORDINANCE 4478 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

LEECO's Fire Equipment: A resolution authorizing the City to accept the low bid from LEECO Fire Equipment to purchase two replacement pumpers, one replacement aerial ladder unit and one expansion pumper for Fire Station 7 in the amount of $1,769,865.49 and to authorize the city to execute the necessary agreements the necessary agreements with Banc of America Leasing and Capital, LLC for a lease to own lease agreement for the fire apparatus units.

Chris Bosch, Fire Chief gave a presentation on the condition of the present equipment, replacement of present equipment, apparatus down time, price controlling, proactive preventive maintenance program and the maintenance cost on the current apparatus.

Mayor Coody said if this bid waiver is approved we can still go out for bids in the future.

Chief Bosch said the average age of our fleet today is seven years and the average life span of a front line apparatus is 5-7 years. The benefit of this resolution is the initiation of a standardized fleet, reduction of maintenance cost, reduction of apparatus down time and improvement of our service delivery. The additional benefits are increased availability of reserve apparatus, reduction of the insurance service offices fire defensive rating as based on the quality of your reserve and first line fleet, and it will assist the fire department in achieving some of the Council's guiding principles.

Alderman Rhoads asked about the down time and how it rates with other cities similar to our size.

Chief Bosch said he did not have that information but he can get it.

Alderman Rhoads asked the request to waive the bid process why can't you bid all the equipment out in the aggregate and therefore have several companies give you the same program.

Chief Bosch said we did go out for bid the bid specifications were sent out to the four major single component manufacturers across the country. There are four primary sole source manufacturers and we bid with all four of them.

Alderman Jordan said if we are going to continue to grow this city we have to build the infrastructure to match that growth. We have to provide proper public safety in this city. I think the equipment that has been bought in the past probably has not been as top grade as we are proposing to buy and I think that is going to save us money in the long run.

Alderman Jordan thanked the Fire Department and the Police Department for the response to a fire in his neighborhood. The fire truck responded within two minutes and they saved that structure.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

RESOLUTION 55-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Emergency One Fire Apparatus & LEECO Fire Equipment, Inc.: An ordinance to waive further competitive bidding granting the City the authority to enter into a fifteen (15) year purchasing agreement with Emergency One Fire Apparatus and Leeco Fire Equipment, Inc.

Mr. Williams read the ordinance.

Alderman Davis said when you read this it gives the impression that for 15 years we can not have anyone else bid our fire apparatus, is that correct.

Chief Bosch said what this does is it allows us to work collectively with Leeco and Emergency One so when we need a fire apparatus we can pick up the phone and call them without bidding. Council will have the final approval. We are trying to maintain consistency in our fleet. We retain the right if need be to go out for bid.

Alderman Jordan said so we are not locked in.

Chief Bosch said that is correct.

Alderman Rhoads asked what is the significance of the 15 years.

Chief Bosch said the 15 years establishes a long term working agreement between the City and the vendor. It also reduces the need to draft specifications every time we go out for a new purchase. It also helps us to maintain warranty and working relationships.

Alderman Marr asked what is the rational behind the 15 years or staying with the vendor, is it to accomplish the consistency in equipment purchase? When this originally went out for request for proposal, were all of the suppliers made aware that we were looking at a long term replacement of our entire fleet.

Chief Bosch answered yes to both questions.

Alderman Davis said we will put the responsibility on the Chief to make sure that in the event that these individuals are beginning to get out of sink with what the actual cost is, per fire apparatus, to make sure the tax payers are not paying too much for equipment.

Chief Bosch said that is why we plugged in a cost control mechanism. If we maintain this long term purchasing agreement with them we will have a mechanism for controlling those cost, so that we don't get caught up in the market and the cost increase that can come when jumping from vendor to vendor.

Alderman Jordan said so if anything gets out of wack you can rein it in.

Alderman Rhoads said so after year one, if we decide we are not happy we can walk away.

Chief Bosch said we retain the right to write a letter and let them know that we are not happy with the process and then we can come back to Council to let them know we are not happy and what we think we need to do at that time and then we can step away.

The only people we are committed to is the leasing company, because it is a five year leasing plan, but with the vendor no.

Alderman Rhoads said would you have to use the leasing company for new equipment.

Chief Bosch said yes.

Steve Davis, Finance & Internal Services Director said the 15 year procurement cycle program is a bid waiver that is valid for a 15 year time period, neither Lecco or Emergency One has asked us to sign anything. This just gives us the ability to not have to competitively bid future fire apparatus. If the future equipment purchases exceed the inflation amount excluding changes made by National Fire Standards, we would be in a position to negotiate that price back down or go to an alternate vendor.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Jordan seconded. Upon roll call the motion passed unanimously.

Mr. Williams read the ordinance.

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

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the motion carried unanimously.

ORDINANCE 4479 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Cato Springs Road and Highway 45 Land Exchange: A resolution to approve a land exchange between the Water and Sewer Fund and the General Fund. The Water and Sewer Fund is exchanging land owned by the utility on Cato Springs Road and Highway 45 East plus $105,000.00 for approximately 61 acres in the South Industrial Park owned by the General Fund. Approval of a budget adjustment is also requested in order to appropriately record the exchange.

Alderman Davis asked why we didn't look at the Paul Noland plant.

Greg Boettcher, Water and Wastewater Director said the part that is adjacent to Fox Hunter Road is taken up by flood plain. There is a lot of ground on the other side of the White River, in looking at the site, although we have a lot of land the distance from the center part of town, the distance from our fleet operations where we have to have our equipment serviced, the driving times and traveling times we think it would be very inconvenient and it would slow responses.

There are no sanitary sewer services on the far side of the White River. We feel although there is an abundance of ground it would be very inconvenient for the operations to be that far east on that property.

Alderman Marr asked how would we fund the raze and removal or cleanup of the current site.

Mr. Boettcher said we would budget the raze and removal to take that building down when we see the route of that site. It would probably be the first part of 2006 before we would do that. We would certainly budget to clean the site up because we wouldn't want it to be an eye sore or worse than it is now.

Alderman Thiel said we may be able to sell that property with the buyers cleaning it up, so it may be something we would not have to bear the cost for.

Jeff Erf, a Fayetteville resident said he had a concern about the land in the Industrial Park. It is land that we wouldn't be collecting tax from and there wouldn't be any businesses out there hiring employees and generating tax dollars for the City of Fayetteville. Have you considered the impact of tying up that land for city use rather than for profit use?

Mayor Coody said the location out there is advantageous for this use because it is next to existing city buildings and this would help consolidate our operations. It is a good central location with easy access.

Mr. Boettcher said the property on Cato Springs could be freed for a higher and better use that might cancel out the other. The Fayetteville Water and Wastewater operations is a 15 million dollar a year business with 70 employees and I think finding a suitable home for them is equally important.

Mr. Erf asked if the $105,000 from the Gulley Road property is going to be used to fund the transaction.

Steve Davis, Finance & Internal Services Director said we are giving up, out of the Water and Sewer Fund, $1,116,000 worth of real estate and the General Fund is selling the Water and Sewer Fund $1,221.000. The difference will be taken out of the cash reserves that the Water and Sewer Fund has. We have not closed on the sale with Ozarks Electric so that money is not money that we are transferring over.

Mr. Erf asked is the total project over $4 million for the building, land preparation and utilities.

Mr. Boettcher said the current budget for the project is $3.25 million for the construction and professional fees. The rest is trading land equities.

Mr. Erf said we are selling it to ourselves rather than to a business so that is an opportunity lost.

Mayor Coody said we are also putting land into circulation that is not in circulation that probably has a higher value to it.

Mr. Erf said I went through the 2002 CIP and I couldn't find any mention of the operations center.

Mr. Davis said this was originally planned in the 1992 CIP as a potential project and was funded in 1997 and has been postponed many times since then as a carry forward project.

Alderman Marr moved to approve the resolution. Alderman Thiel seconded. Upon roll call the motion passed unanimously.

RESOLUTION 56-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Cromwell Architects Engineers, Inc.: A resolution approving a contract with Cromwell Architects Engineers, Inc. in the amount of $237,490.00, a 9.5% contingency of $22,510.00 for a total budget authorization of $260,000.00. The contract addresses architectural design, construction and additional services to construct a Water and Wastewater Operations Center at South Industrial.

Alderman Jordan moved to approve the resolution. Alderman Lucas seconded. Upon roll call the motion passed unanimously.

RESOLUTION 57-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

The following two items were added to the agenda at the beginning of the Council meeting.

Juvenile Accountability Incentive Block Grant: A resolution authorizing the Fayetteville Police Department to apply for and accept a Juvenile Accountability Incentive Block Grant in the amount of $30,562.00 to fund D.A.R.E. and D.A.R.E. Plus programming; Gang Resistance Training, software and training to conduct threat assessments for the school population.

Rick Hoyt, Chief of Police gave the Council information on the grant. Chief Hoyt said we have money in our 2003 budget to match this; it is a 10% match.

Alderman Jordan moved to approve the resolution. Alderman Marr seconded. Upon roll call the motion passed unanimously.

RESOLUTION 58-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Edward Byrne State and Local Law Enforcement Assistance: A resolution authorizing the Fayetteville Police Department to apply for an Edward Byrne State and Local Law Enforcement Assistance and formula grant from U.S. Department of Justice to assist in funding the Fourth Judicial District Drug Task Force.

Chief Hoyt said we have had a drug grant since 1991, we are the lead agency in this area, we manage the grant, and there are others that participate in the drug grant. This is a 75/25 matching grant and we have the matching share in our budget.

Alderman Jordan moved to approve the resolution. Alderman Davis seconded. Upon roll call the motion passed unanimously.

RESOLUTION 59-03 AS RECORDED IN THE OFFICE OF THE CITY CLERK.

Alderman Cook challenged folks to pick up trash; he is going to pick up trash as he walks to the Council meetings for next few meetings. He will bring the trash collected to the Council meeting to see how much is collected.

There will be a ribbon cutting at the new hangar tomorrow afternoon at the airport

Meeting adjourned at 7:10 PM

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Sondra Smith
City Clerk