Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 - Robert Reynolds
Ward 1 Position 2 - Brenda Thiel
Ward 2 Position 1 - Kyle B. Cook
Ward 2 Position 2 - Don Marr
Ward 3 Position 1 - Robert K. Rhoads
Ward 3 Position 2 – Bobby Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

City Council Meeting Minutes February 15, 2005

A meeting of the Fayetteville City Council was held on February 15, 2005 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

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

Absent: Alderman Thiel and Alderman Rhoads.

Pledge of Allegiance

Mayor Coody: I have a couple of quick announcements. We have received the report on the Phase II environmental study for the Tyson Complex. It came back with what we expected to see with no surprises. We told Tyson today to go ahead and start the paper work on the closing procedure. So we are going to go ahead and move forward with it. Everything worked out exactly as we had hoped. Kit did a good job with his negotiating skills. He did a good job bringing home a contract that was good for us.

Kit Williams: It was a contract that complied with what the City Council told us they would agree to. We appreciate Tyson working with us because the kind of contract they normally deal with, with other cities was somewhat different than the contract that we agreed to.

Mayor Coody: We opened our first significant bid on the Wastewater Treatment System. The bid was on the overhaul of the east side Noland Plant. We certified $17.2 million to do the job. The three bids came in at $18 million, $17.1 million and $14.6 million. We came in very well on our first bid on the wastewater treatment system. Staff did a good job on that.

CONSENT:

Approval of the Minutes: Approval of the February 1, 2005 City Council meeting minutes.

CapitalSoft.net, LLC Contract: A resolution approving a contract in the amount of $31,575.00 with CapitalSoft.net, LLC for the purchase of utility rate and financial planner software.

Resolution 22-05 as Recorded in the Office of the City Clerk.

Motorola Radio Purchase: A resolution authorizing the purchase of eleven (11) portable radios with accessories and two (2) mobile radios from Motorola at a total cost of $55,155.78.

Resolution 23-05 as Recorded in the Office of the City Clerk.

North Point Ford Vehicle Purchase (A): A resolution authorizing the purchase of three (3) ¾ ton 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $77,862.00 for use by the Solid Waste, Parks, and Transportation Divisions; and approving a budget adjustment in the amount of $21,500.00.

Resolution 24-05 as Recorded in the Office of the City Clerk.

North Point Ford Vehicle Purchase (B): A resolution authorizing the purchase of six (6) compact extended cab 4x4 pickup trucks from North Point Ford of Little Rock at a total cost of $107,340.00 for use by the Meter Division and Building Safety Division.

Resolution 25-05 as Recorded in the Office of the City Clerk.

Landers Honda Vehicle Purchase: A resolution approving the purchase of one (1) 2005 Honda Element from Landers Honda in the amount of $18,869.00 for use by the Engineering Division.

Resolution 26-05 as Recorded in the Office of the City Clerk.

Landers Ford Vehicle Purchase: A resolution authorizing the purchase of four (4) mid-size Sedans from Landers Ford at a total cost of $49,080.00 for use by the Planning, Police, and Building Safety Divisions.

Resolution 27-05 as Recorded in the Office of the City Clerk.

Bale Chevrolet Vehicle Purchase: A resolution authorizing the purchase of nine (9) trucks from Bale Chevrolet at a total cost of $148,301.00 for use by Parks, Code Enforcement, Fire, Fleet, and Building Safety Divisions; and approving a Budget Adjustment in the amount of $148,301.00.

Resolution 28-05 as Recorded in the Office of the City Clerk.

J.A. Riggs Tractor Co. Asphalt Roller Purchase: A resolution approving the purchase of one (1) double drum vibratory asphalt roller from J.A. Riggs Tractor Co. in the amount of $38,800.00 for use by the Transportation Division.

Resolution 29-05 as Recorded in the Office of the City Clerk.

AHTD Reimbursement: A resolution approving a payment to reimburse the Arkansas Highway and Transportation Department (AHTD) in the amount of $330,000.00 for right-of-way acquisition for the widening of Gregg Avenue between Township Street and the Fulbright Expressway; and approving a Budget Adjustment in the amount of $360,000.00.

Resolution 30-05 as Recorded in the Office of the City Clerk.

West Mud Creek Trail Project Change Order: A resolution approving Change Order #3 to the contract with Sweetser Construction, Inc. in the amount of $59,295.43 as final reconciliation of the West Mud Creek Multi-Use Trail Project.

Resolution 31-05 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda. Alderman Marr seconded the motion. Upon roll call the motion passed 6-0. Alderman Thiel and Rhoads were absent.

UNFINISHED BUSINESS:

VAC 04-1136 (U of A Parking Garage, 483): An ordinance approving VAC 04-1136 to vacate and abandon a portion of right of way for William Street, Buchanan Avenue and two fifteen foot alleys located between William Street and Dickson Street as described on the attached map and legal description. Also, accepting the dedication of easements for Southwestern Bell, the City of Fayetteville, and the public in general, described in the attached easement documents labeled as exhibits hereto. ***This ordinance was left on the First Reading at the August 17, 2004 City Council meeting and tabled to the November 16, 2004 City Council meeting. This ordinance was left on the First Reading at the November 16, 2004 City Council meeting and tabled to the February 15, 2005 City Council meeting.***

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed 6-0. Alderman Thiel and Rhoads were absent.

Kit Williams: Before I read the ordinance I wanted to make sure the City Council knows that Exhibit D which was originally submitted as an easement to the City has been substituted with the General Utility and Access Easement which was handed out to you at the agenda session. That is a new Exhibit D that will be a part of this ordinance.

Mr. Williams read the ordinance.

Mayor Coody: Would you please explain what change Exhibit D represents.

Kit Williams: There was some concern about the original easement that it only provided for utilities, this easement talks about granting to the City of Fayetteville *the right of ingress and egress for vehicular and pedestrian traffic written as a permanent access easement over along and across the following described land.* This means the public shall have the right to use, walk and drive over this easement that has been granted to the City of Fayetteville.

Kevin Beaumont, McClelland Consulting Engineers: I have been working with the University on this issue over the last several months. To answer Kit Williams questions, yes the meaning behind that terminology is to provide pedestrian and vehicle assess for all citizens of Fayetteville and beyond. There is no limitation to that.

Mr. Beaumont gave a brief description of the project. At the time of the first reading the Council expressed concerns about off site improvements in particular the impact of traffic. The University commissioned an extensive transportation study that was undertaken with the cooperation of the City. This study is being carried out by Martin, Alexiou & Bryson transportation, planning and traffic engineer consultants.

George Alexiou with Martin, Alexiou & Bryson: We are undertaking a very comprehensive transportation study for the University working with your staff, the Regional Commission and the Highway Department. We are looking at street improvements and general transportation improvements. We are also looking at ways to reduce traffic and parking needs on the campus.

Mr. Alexiou explained the parking garage and the traffic flow from this facility. He stated this is not a net increase of 2,100 spaces on the campus. The intent is to replace parking that is being displaced by a project. The primary reason for this parking facility is to keep up with the parking on the campus and provide a little bit for growth. The traffic implications are going to be significantly less than if this was a totally new project on the campus.

He explained the study they are working on and what they are looking at in the study.

Alderman Marr: How many lots are being combined with this? Where are the lots that are being combined currently located?

Mr. Alexiou: Some have already been displaced, where the deck is and lots along Buchanan. He continued to explain other lots that will be eliminated over time.

Alderman Marr: The plan is to park them in this deck?

Mr. Alexiou: Like any University parking system everyone will be shuffled around but there will be a number of people that will move over into this facility.

Alderman Ferrell: You said the net new spaces will be 600 after you take the slack out for the ones that are being used. In the next five years do you forecast more net space?

Mr. Alexiou: As we look at the long term parking needs and the growth at the campus there is the potential need for another parking facility. We haven't concluded on that yet. One possibility is to do a shared arrangement with something on Dickson Street. We are also looking at a possible parking facility on north campus.

Alderman Marr: At agenda session the other day I think our concern was that we keep looking at this as two points of entry and you all keep saying five. What are the five roads they will be coming out onto?

Mr. Alexiou: I believe it's actually five entry points into the parking deck itself. There are two at different levels on Williams, there are two on Duncan, and there is one on Harmon.

Alderman Marr: So is it the plan that the northern exits would go from Duncan to Dickson Street?

Mr. Alexiou: Not necessarily, I guess it depends on where you are parked.

Alderman Marr: The reason for my questions are your comments that you feel the majority of the people will not access the southern pieces of the property but that there will be significant pieces that will go north. This raises two questions in my mind. One is the only exit is really Duncan to Dickson and Dickson really only goes east.

Mr. Alexiou: A significant amount of the traffic will go north. I don't want to under estimate the amount of traffic that comes from the south. There is a lot of traffic that will come from the south. We are looking at the whole road system around the campus and where we can make improvements for not only the traffic efficiency but more importantly for pedestrian safety as well. We will be looking beyond the immediate vicinity of that parking facility more intensely as we look at the whole campus as part of the master plan.

Mr. Beaumont: In light of what the transportation consultants just presented to you and the impact of traffic around the Harmon Avenue parking facility and the University's commitment to work with the City in looking at various ways that traffic flows can be improved, I am hoping that you can move forward with full support for the vacate documents as they have been presented to you and with the ordinance. I would like to request that you suspend the rules and move to the third and final reading of the ordinance. There are some important projects that the University is wanting to process forward with. I hope they have adequately demonstrated their willingness to work with you and that maybe these issues can move on and not cause any further delay to this vacate process. Thank you.

Alderman Ferrell asked Alderman Marr if he thinks a lot of people will leave the deck and head south.

Alderman Marr: I do think that will happen. I think my concerns have always been that we are taking dispersed lots and consecrating spaces in a tighter area that were maybe a little more spread out. I would rather have decks instead of tearing down neighborhoods in my ward to make surface parking. So I appreciate the effort the University is making on that side of it. The concerns I have though are those intersections. Safety is an important issue to me. I do think we are going to have a different dynamic when that deck opens. I was hoping that we would maybe control the northern exit out of the high school area or we would do something to protect that particular intersection and that we would have some commitment on record of the willingness to participate with the city in looking at these intersections because that is my concern. I am glad they are doing it in terms of the effort but I just worry about whether we are prepared for the volume.

Mike Johnson, Associate Vice Chancellor for Facilities at the University: I will make a verbal commitment to Alderman Marr that the University has committed and continues to commit that we will work with the City and the school district. Not only on that intersection of Center and Harmon but the other intersections of Center and California and Sixth and Garland. There are a number of them that we will have to look at.

He explained the lots that are being replaced. He stated 1,400 to 1,500 lots were in the immediate area around the deck. Those have been coming into that area and will continue to come in and go out. There will be some additional traffic.

He went on to explain the traffic and the peak times of the traffic. He explained some of the traffic issues they are working on and the things they have completed to improve pedestrian safety.

Alderman Marr: The information packet that was given to us and the school district did you get any response or feedback from the school district on that?

Mike Johnson: No, not at all. I have talked to the superintendent on a couple of occasions.

Alderman Jordan: I think a lot of these issues can be discussed tomorrow when we meet at facilities management with the University.

Alderman Marr: I don't want to hold it up any further obviously the thing is built, we have a commitment to work together to move forward and we have the change on the easement issue. I appreciate your openness to hearing our concerns.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0. Alderman Thiel and Rhoads were absent.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Thiel and Rhoads were absent.

Ordinance 4675 as Recorded in the Office of the City Clerk.

<u>Highway 71 East Square Redevelopment District #1 Project Plan Amendment:</u> An ordinance amending the Project Plan for the Highway 71 East Square Redevelopment District Number One, finding the Plan is economically feasible and declaring an emergency. ***This ordinance was left on the first reading at the January 25, 2005 City Council Meeting. This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Kit Williams: Even though we have read it for the third and final reading we have not received all the information back from our bond counsel and our underwriter for this. They wanted to have all that in the project plan. Even though we can discuss it, I am not going to recommend that you approve it tonight. I would recommend that you table this.

Tim Conklin: I did talk to one of the developers of the Mountain Inn this afternoon and he understood that we were tabling this until the March 1, 2005 City Council meeting.

Alderman Marr moved to table the ordinance until the March 1, 2005 City Council meeting. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0.

<u>Central Emergency Medical Services, Inc. Contract Renewal:</u> An ordinance waiving the requirements of formal competitive bidding and approving a contract for services in the amount of $250,000.00 between the City of Fayetteville and Central Emergency Medical Services, Inc. to operate and maintain an emergency ambulance service to serve the residents of Fayetteville. ***This ordinance was left on the second reading at the February 1, 2005 City Council Meeting.***

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Alderman Ferrell: Do I understand that Fayetteville is the only City that contributes money, not gifts in kind but money to this EMS?

Chris Bosch, Fire Chief: Yes that is correct, the County provides funding support to Central EMS, and the City of Fayetteville does as well. The City of Springdale provides its own ambulance service. The County provides that support on behalf of those smaller communities as well as the unincorporated areas of the County.

Alderman Ferrell: My understanding was the County uses Turn Back Funds from the State, but the County also gives Turn Back Funds to those cities.

Chief Bosch: I don't know how they deal with the Turn Back Funds at the County. Where the funding comes from or how they differentia I do not know.

Tony Hickerson, Administrator of Central EMS: I also do not know. Our contract just states that they will give us the money. We have never discussed where that funding comes from specifically.

We discussed at the last meeting the funding and the salaries of our employees. One of the points that I wanted to make is that our employees are our most important resource in providing the service and is naturally employee intensive. That is our largest cost as well. One of the other issues we discussed at the last meeting was response times and the differences between average response times and fractal response times. We want to go hopefully where this whole study is leading us. In large cities with large markets response times are usually 90% at some particular time interval. That time interval is often 8 minutes and 59 seconds or less for life threatening emergencies. Last year in Fayetteville for red lights and siren response, Central EMS's fractal response time for 8 minutes and 59 seconds or less was 83%. Which quite frankly is a pretty good response time for a small market that has competitors taking resources out of the market. So we are standing now with 83% and most type of systems look at 90% which is certainly achievable for us particularly if all the resources in the whole system, non-emergency and emergency are devoted to the emergency ambulance service.

Mayor Coody: I know the County has put a committee together to look at the MEMES Model for Central Arkansas. Is there any kind of a rough timeframe when they might conclude that meeting?

Tony Hickerson: I don't know for sure. I think their timeframe is 6–7 months. The RFQ is not let yet but will be probably be in the next couple days or so.

Mayor Coody: The RFQ would be exactly for what?

Tony Hickerson: For a consultant to help move the transition into what we envision would be a public utility model.

Alderman Ferrell: Is the City going to be involved in the funding for that?

Mayor Coody: Yes, I think there is a $5,000 cost and the City will provide half of that cost.

Alderman Reynolds: I understood that West Fork, Lincoln and Prairie Grove have their own ambulance service?

Tony Hickerson: No sir. We station an ambulance in West Fork, Lincoln and Prairie Grove. They provide the facilities for us to station an ambulance there. Those ambulances are part of the whole Central EMS system.

Alderman Reynolds: Do those cities pay for that service?

Tony Hickerson: Other than paying in kind for allowing us to stay at the fire stations no they do not.

Alderman Reynolds: The County pays that bill too?

Tony Hickerson: The individual cities do. In other words we stay rent free at those fire stations.

Mayor Coody: They contribute the facilities.

Tony Hickerson: Right.

Alderman Reynolds: So Goshen, Greenland, Farmington, Elkins and Johnson do not contribute?

Tony Hickerson: No.

Alderman Reynolds: Is there a reason why because we do.

Tony Hickerson: I'm sure that is one of the issues that will be addressed in this study, who should pay and what amount they should pay. Ideally the long term goal is to have a market large enough to help reduce both City and County assistance and depend more on fee for service. We are not at that point now because the market is not large enough.

Alderman Reynolds: It just seems that the City of Fayetteville is paying a-lot of money and I think these other cities need to come up with some money.

Mayor Coody: I think that is the plan at looking at the public utility model for us to get to that position where we are not contributing out of the General Fund to support the ambulance service. We want it to be self supporting and self sustaining after that.

Alderman Reynolds: I have heard that for six years.

Mayor Coody: Well this year it is going to happen. At least I am assuming that it will. Do you want to fill us in on having a public utility model and making this work?

Tony Hickerson: I think the general thrust of this whole study is to move toward a public utility model. The primary focus of a public utility model is to look at clinical sophistication, clinical ability of your service, response time reliability, economic efficiency and customer satisfaction, all with external oversight. If a system is large enough and has enough call volume then they can theoretically be self supporting. That requires that all of the resources such as emergency and non-emergency business goes to the emergency provider rather than like we have now. Right now anyone that wants to can come into Fayetteville and start hauling patient's not only non-emergency but emergency patients. The whole system is to have a well defined public utility model that takes care of all aspects of the emergency system from first responders, dispatch all the way up through the care and transport of the patients.

Alderman Ferrell: The utility model that they are looking at, do they use firemen to dispatch or do they use a third party?

Tony Hickerson: The only public utility model I am aware of is in Little Rock. That is Metropolitan EMS or MEMES. They do their own dispatching. Most public utility ambulance services do their own dispatching.

Alderman Ferrell: But do they use City personnel firemen to dispatch in Little Rock?

Tony Hickerson: For first response. Using the Fire Department for first response followed up by an ambulance service is one of the most economic efficient models.

Chief Bosch: When an EMS call is received it goes to two points of contact, Central EMS and it also comes to the Fire Department. We can respond quicker because we are more strategically placed. We respond as a first responder in what we call a tiered system. All of our fire fighters are certified as EMT's. They are on the scene within 4-6 minutes. They begin patient assessment and help to stabilize the patient and they will begin to package the patient so that when Central EMS arrives we can transfer care from the basic life support to the advanced life support which is the paramedic level. We work together hand in hand.

Alderman Ferrell: Do you have any paramedics?

Chief Bosch: We do have some folks in the department that are paramedics. We do not have the authority in our organization to operate at the paramedic level at this time.

Alderman Marr: Is the City of Springdale's ambulatory service within the City? They don't contract any outside service?

Chief Bosch: Yes. They do some service outside the City as well.

Alderman Marr: What is their rationale for doing that within their city as opposed to contracting services?

Chief Bosch: From the conservations that I have had with them they want to guarantee their response time.

Alderman Jordan: On the campus of the University we have first responder teams on campus. If there is an accident on campus and there is someone that has been certified as a first responder on campus they will show up first even before the Fire Department gets there. That is something maybe we could explore City wide is that possible.

Chief Bosch: There are four levels to the system, first responder that supplies basic first aid.

Alderman Jordan: Do we have that within the City. I was thinking about citizen participation.

Chief Bosch: We can work on that. We can work in that direction if that is the Council's desire.

Alderman Jordan: I am just throwing that out. I know it has worked on campus.

Alderman Cook: How is the firm selected that ultimately provides who is the sole provider?

Chief Bosch: What we will do is hire a consultant to build an RFQ then we will put that out for bid.

Alderman Cook: How does the utility model work? Is it basically fee based? How do you collect your money?

Tony Hickerson: The sources of revenue are not based necessarily on the model. You can have any number of models providing the service and different structures for collecting the revenue for that model. A public utility model does not necessarily address the funding. It is an attempt to make the system more economically efficient as well as perform at a higher level.

Alderman Cook: What does Little Rock do?

Tony Hickerson: It is completely fee for service at this time.

Alderman Marr: What is their population number that they are working from?

Tony Hickerson: It is about one half a million. They run about 70,000 calls a year.

Alderman Lucas: How many ambulances do you have housed in Fayetteville?

Tony Hickerson: We have three.

Alderman Reynolds: You had a pretty good loss on your accounts receivable. Did that loss come from inside this City or from the County?

Tony Hickerson: We are working on that to determine that issue. Our bad debt last year for patient accounts was about 16%. In the ambulance business that is very good. We also had a large write off, the write off is Medicare and Medicaid charges that we can not bill the patients. That is something over which we have no control.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 5-2. Alderman Cook, Marr, Lucas and Jordan voting yes. Alderman Ferrell and Reynolds voting no. Mayor Coody voted yes thus passing the ordinance. Alderman Thiel and Rhoads were absent.

Ordinance 4676 as Recorded in the Office of the City Clerk.

Mayor Coody: Alderman Ferrell what is your concern on this?

Alderman Ferrell: My concern is when I look at our budget and I see all these budget adjustments and going from $156,000 one year to $250,000 the next year. I will support fire, police and emergency service whenever I can. I am also concerned about who all is providing funding for this service throughout the County.

Tony Hickerson: I understand that it is a large jump looking at it this year but looking at the last ten years the average increase per year that the City has put into Central EMS has been 2%. In one year we had a reduction followed by two years with no increase at all. I think a 2% average increase over ten years overall is not bad it is kind of like we are catching up. Maybe we should have had higher increases in the previous years so this year's increase would not have been as large.

Mayor Coody: Alderman Reynolds is that essentially your concern as well?

Alderman Reynolds: Essentially. I hop this year we complete that study and try to get this corrected. I would be interested to know where the bad debt comes from the County or the City.

Mayor Coody: Could you complete a quick report on this?

Tony Hickerson: It will not be real difficult for us to find out by pick up location. The rest will have to be done manually. Ambulance rates for a base rate range from $414 to $575 for an emergency. On a $414 bill Medicare allows $204. They pay 80% of the allowable. The patient is responsible for the other 20% and the rest has to be written off. On the $575 bill Medicare allows $334.

NEW BUSINESS:

__City of Elm Springs Inter-Local Agreement:__ A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Elm Springs, Arkansas to provide animal sheltering services to the City of Elm Springs for 2005.

Alderman Reynolds: Do we go to the cities to pick up animals?

Jill Hatfield: No we do not. They are brought to us by citizens or their animal control officers will bring them to the shelter.

Alderman Marr: How did you come up with the rates?

Jill Hatfield: What we are looking at is the sheltering program and the expenses involved in that. When you look at expenses for 2004 we are looking at about $385,000. This is just for sheltering it does not include the vet clinic or the emergency and patrol officers. When you look at the expenditures and you look at the animals we took in, in 2004 which was 5,091 animals the cost that we spent is $75 which is a five day hold. That is what we have contracted with the cities in the past and that is what we again are going to do. The City of Fayetteville's ordinance states that we hold stray animals for five days.

Alderman Reynolds: So we are averaging $75.74 per animal per year for up keep?

Jill Hatfield: Per five days.

Alderman Lucas: The City of Greenland pays an annual sheltering fee of $525 is that for the entire year?

Jill Hatfield: That is for the entire year because they are bringing in seven animals.

Alderman Lucas: So they are only going to be allowed seven animals?

Jill Hatfield: Correct. We base this on the previous year. That is what they brought in, in 2004 so that is what we bill for and contract for in 2005. The one increase that we have seen in animal intake is through the County.

Mayor Coody: Do we get reimbursed for the extra animals that we might collect in a given year?

Jill Hatfield: If they continue to contract with us, if they do longer contract with us we would be out those funds. We would get reimbursed for the overages in the next year.

Alderman Marr: If something happens and we have an increase in a cost we do a budget adjustment. I still struggle with why you don't look at a per animal basis so we get our money within the year and if they go over that they do a budget adjustment or they look at other programs that might drive that cost down. To me it doesn't really give them an incentive to manage the cost once it is locked in.

Jill Hatfield: I agree with you. I think that is something that we need to look at.

Mayor Coody: Would now be a good time to do that?

Jill Hatfield: I think we can do that, I think that is possible.

Alderman Lucas: If we turn this down are we losing money from last year?

Jill Hatfield: No.

Alderman Reynolds: I am in favor of changing these contracts so everyone pays the same fee that our residents pay.

Mayor Coody: What do our residents pay?

Jill Hatfield: It is comparable.

Alderman Marr: What is the down side of us not approving these contracts tonight?

Jill Hatfield: I don't think there is a down side necessarily. There is a little more work involved. I don't think anyone is not going to contract with us.

Alderman Marr: So if a person from one of those cities brings an animal to our shelter while we don't have a signed agreement we would continue to take the animal and they would pay under what rate? The old rate?

Jill Hatfield: No. That might be a legal question.

Kit Williams: Don't we already have an approved contract with the County?

Jill Hatfield: It is approved it has not come to the Council.

Kit Williams: I would be reluctant to say that the contract we have asked them to approve that we are not going to approve. That is certainly up to the City Council if you want to do that. These things can be redone. Keep in mind that you are creating additional paper work and billing requirements for the animal shelter if they have to start billing these cities every time they get an animal as opposed to doing a yearly contract and billing them once a year.

Alderman Lucas: Do you bill them every month?

Jill Hatfield: They are automatically billed. Accounting bills them through this contract on a monthly basis.

A discussion followed on the billing.

Alderman Cook: I think the Fayetteville Animal Shelter does a great job of trying to adopt animals out. I think if we go to the per animal fee I think that would produce an incentive but I also think there will be the opposite effect and they won't bring them in.

Alderman Marr: I really would like in the future to see us base this on current cost and to look at a per animal basis.

Jill Hatfield: I agree.

Alderman Reynolds: I think with the population growth that we have had in Washington County in the past year this number is probably going to two fold this year or worse.

Jill Hatfield: That is a possibility.

Alderman Lucas: I think you do a great job but I agree with Alderman Marr. Fayetteville a lot of time carries the load for everyone else and I think they should start carrying some of their own.

Steve Davis. Finance and Internal Services Director: Getting these contracts on a more current cost is a side benefit we hope to experience once we get the user fee policy adopted and get our user fees updated.

Alderman Cook moved to approve the Resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed 6-0. Alderman Thiel and Rhoads were absent.

Resolution 32-05 as Recorded in the Office of the City Clerk.

City of Greenland Inter-Local Agreement: A resolution approving an Inter-Local Agreement between the City of Fayetteville, Arkansas and the City of Greenland, Arkansas to provide animal sheltering services to the City of Greenland for 2005.

Alderman Jordan moved to approve the Resolution. Alderman Cook seconded the motion. Upon roll call the resolution passed 6-0. Alderman Thiel and Rhoads were absent.

Resolution 33-05 as Recorded in the Office of the City Clerk.

Motorola Laptop Purchase: An ordinance waiving the requirements of formal competitive bidding until December 31, 2007; approving the purchase of seven (7) additional laptop computers and docking stations in the amount of $39,772.00 for use by the Fayetteville Police Department; and approving a Budget Adjustment in the amount of $54,595.00.

Mr. Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Thiel and Rhoads were absent.

Ordinance 4677 as Recorded in the Office of the City Clerk.

RZN 04-1358 (Camillieri): An ordinance rezoning that property described in Rezoning Petition RZN 04-1358 for property located at 1208 N. Garland Avenue containing approximately 0.24 acres from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

Mr. Williams read the ordinance.

Jeremy Pate: The Planning Staff and Planning Commission is recommending approval of this.

Alderman Marr: This is item that I referred to at agenda session about the timing in terms of the lease agreement. I request to have us look at all three readings tonight. This is in Ward II and we have received no negative comments on it.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Alderman Marr moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Thiel and Rhoads were absent.

Ordinance 4678 as Recorded in the Office of the City Clerk.

Amend § 173.08(B): Unsafe Buildings: An ordinance clarifying responsibility for enforcement of § 173.08(B), Unified Development Code: Unsafe Buildings.

Mr. Williams read the ordinance.

Kit Williams: This is basically a house keeping procedure that was presented by staff to make sure our ordinances comply with what we are practicing.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Reynolds seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Thiel and Rhoads were absent.

Ordinance 4679 as Recorded in the Office of the City Clerk.

Solid Waste and Recycling Bid Waiver: An ordinance waiving the requirements of formal competitive bidding during 2005 for the purchase of 2 to 8 yard dumpsters, roll-off style boxes and receiver boxes and to approve the purchase of 2 to 8 yard dumpsters in an amount not to exceed $20,000.00; and to approve the purchase of roll-off style boxes in an amount not to exceed $40,000.00.

Mr. Williams read the ordinance.

Alderman Reynolds moved to suspend the rules and go to the second reading. Alderman Marr seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Alderman Cook: How many boxes does that buy?

Brain Pugh: The cost is about $700 for a 2 to 8 yard container.

Alderman Jordan: What was the cost per container a year ago?

Brain Pugh: It has doubled since last year. I think you have that reversed the 2 to 8 yards are $40,000 and the roll-off is $20,000.

Alderman Reynolds moved to amend the ordinance. Alderman Jordan seconded the motion. Upon roll call the motion to amend passed 6-0.

Kit Williams: That amended the title, section II and section III.

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0.

Mr. Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Thiel and Rhoads were absent.

Ordinance 4680 as Recorded in the Office of the City Clerk.

Alderman Marr: I wanted to thank the management team from Solid Waste publicly. They have been working with us in Ward II on some trash issues that we have had. I wanted to thank Carol Hill and her team and Gary Dumas tonight. We appreciate your support.

<u>NANCHAR, Inc. and MSB Properties LLC Supplemental Agreement:</u> A resolution to approve a Supplemental Agreement for cost share of early construction of Van Asche Boulevard with NANCHAR, Inc. and MSB Properties, LLC and to approve a budget adjustment of $1,982,788.00.

Kit Williams: I received by fax the back page of the contract that we had presented for their approval and it has been properly signed by all of the principles. This is the same contract that was handed out at agenda session.

Micki Harrington for CMN Properties: I would like to thank Mayor Coody who has been pushing on this for a very long time. We really appreciate the City being proactive on opening the street to the west. My clients could not have done it at this point in time. With the City's participation in moving this forward it is going to be good for everybody. I want to thank you all for this. Is there a contingency in these numbers?

Kit Williams: You would have to ask Mr. Petrie our City Engineer if there were any contingencies in his estimate.

Micki Harrington: Is a Phase III plat required in order to dedicate this road to be built? I think my clients will probably want to do that regardless because it will make sense but if there is some reason that it is not required we would like to know that.

Tim Conklin, Director of Planning and Development Management: There could be the possibility to do a lot split on this or a property line adjustment. We will need to get with Micki Harrington and her clients to determine the best way to do it.

Micki Harrington: We would like to see if there are ways to reduce the cost.

Alderman Cook: I still think Van Ashe needs to go all the way through to 112.

Mayor Coody: We are working on that.

Alderman Marr moved to approve the Resolution. Alderman Jordan seconded the motion. Upon roll call the resolution passed 6-0. Alderman Thiel and Rhoads were absent.

Resolution 34-05 as Recorded in the Office of the City Clerk.

Dan Coody, Mayor

Sondra Smith, City Clerk/Treasurer

Meeting Adjourned at 7:35 PM.