City Council
Meeting Minutes
April 6, 2004

A meeting of the Fayetteville City Council will be held on April 6, 2004 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

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

The meeting was called to order by Mayor Coody.

Alderman Marr was absent during the roll call only.

Earth Day Proclamation: Mayor Coody read the Proclamation.

Nominating Committee Report: No report was given at this meeting.

CONSENT:

Approval Of The Minutes: Approval of the March 16, 2004 meeting minutes.

Fire Department Uniform Purchase: A resolution awarding Bid #04-18 to Cruse Uniform Company in the amount of $21,334.00 to provide new uniforms for Fayetteville Fire Department personnel.

Resolution 43-04 as Recorded in the Office of the City Clerk.

Fire Department Fitness Equipment: A resolution awarding Bid #04-24 to Push Pedal Pull in the amount of $34,408.00 for the purchase of commercial grade fitness equipment for use in the Fayetteville Fire Department's Wellness Program.

Resolution 44-04 as Recorded in the Office of the City Clerk.

Central Emergency Medical Services, Inc.: A resolution approving renewal of the contract for services in the amount of $156,000.00 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.

Alderman Marr asked that this item be removed from Consent.

Springwoods Subdivision Revised Interceptor Sewer Alignment: A resolution to approve an agreement with Legacy Project, LLC for interceptor sewer realignment for Springwoods Subdivision.

Resolution 45-04 as Recorded in the Office of the City Clerk.

RJN Group, Inc. Springwoods Amendment No. 1: A resolution to approve Amendment No. 1 to the engineering services contract with RJN Group, Inc. in the amount of $4,000.00

Resolution 46-04 as Recorded in the Office of the City Clerk.

Environmental Consulting Operations Springwoods Amendment No. 1: A resolution to approve Amendment No. 1 to the environmental consulting contract with ECO, Inc. in the amount of $5,000.00.

Resolution 47-04 as Recorded in the Office of the City Clerk.

Selective Traffic Enforcement Grant: A resolution accepting a continuation of the Selective Traffic Enforcement Program Grant (STEP) in the amount of $32,000.00 for the purpose of paying overtime to officers engaged in DWI/DUI and Seatbelt Enforcement; and approving a budget adjustment.

Resolution 48-04 as Recorded in the Office of the City Clerk.

ADEQ Post Closure Trust Fund: A resolution authorizing the City to accept $40,500.00 in funds from the Landfill Post-Closure Trust Fund for the "Site Characterization Study", approve a budget adjustment for the receipt of this $40,500.00 and approve the Memorandum of Agreement between the Arkansas Department of Environmental Quality and the City of Fayetteville.

Resolution 49-04 as Recorded in the Office of the City Clerk.

Solid Waste Forklift Truck Purchase: A resolution approving the purchase of a Nissan CL80LP Forklift Truck by the Solid Waste & Recycling Division from Lift Truck Service Center in the amount of $36,208.75

Resolution 50-04 as Recorded in the Office of the City Clerk.

McClelland Engineers Task Order #4 Taxiway: A resolution approving Task Order No. 4 with McClelland Consulting Engineers in the amount of $84,110.00 to design and provide engineering services for the extension of Taxiway "A" to meet the extension of Taxiway "E" at the Fayetteville Municipal Airport.

Resolution 51-04 as Recorded in the Office of the City Clerk.

Sweetser Construction, Center Prairie Multi-Use Trail Construction: A resolution to approve the award of the construction contract for Center Prairie Trail to the low bidder, Jerry D. Sweetser, Inc. in the amount of $374,530.55 with a project contingency of $37,453.00 and approval of a budget adjustment of $411,984.00.

Resolution 52-04 as Recorded in the Office of the City Clerk.

White River Baseball Complex Lighting: A resolution to approve a contract with the low bidder, Lillich Bossler, Inc. to provide and install new ball field lighting at the White River Baseball Complex for the amount of $250,000.00 plus a contingency of $25,000.00 and to approve a budget adjustment of $67,955.00.

Resolution 53-04 as Recorded in the Office of the City Clerk.

Alderman Davis moved to approve the Consent Agenda with Item # 4 Central Emergency Medical Services, Inc. removed. Alderman Jordan seconded the motion. Upon roll call the motion passed unanimously.

The Following Consent Item Was Pulled From Consent For Discussion.

Central Emergency Medical Services, Inc.: A resolution approving renewal of the contract for services in the amount of $156,000.00 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.

Alderman Marr asked about the response time.

Chief Bosch: We have been trying to get the response time from Central EMS and should have it by the next meeting.

Alderman Jordan moved to table this resolution until the April 20, 2004 City Council meeting. Alderman Marr seconded the motion. Upon roll call the motion to table passed unanimously.

OLD BUSINESS:

Rules of Order and Procedure, Public Notification and Participation: A resolution amending the Rules of Order and Procedure for the Fayetteville Mayor/City Council, Section A. City Council Meetings, Subsection 6. Public Notification and Participation.
This resolution was tabled at the March 16, 2004 City Council meeting to the April 6, 2004 City Council meeting.

Alderman Reynolds asked the City Attorney to read the resolution.

Kit Williams: Do you want me to read it as it was originally proposed or with the deletion of the section that stated the Mayor and Alderman can not respond.

Alderman Reynolds: Please delete the section that stated the Mayor and Aldermen can not respond.

Kit Williams: This is in the Rules and Procedures that deals with public participation. What has been added is that ***no statement shall exceed 3 minutes in duration unless the City Council by unanimous consent agrees to extend further time to the speaker*** (this is during a regular meeting). A new paragraph has been proposed to be added which would be ***after the last item on the agenda has been acted upon by the City Council, members of the public shall be accorded the right to address the City Council on any topic of the speakers choosing for a period of three minutes each not to exceed 30 minutes total.*** Those were the two changes proposed.

Alderman Cook: Read a letter from Cyrus Young regarding this resolution.

Alderman Reynolds moved to approve the resolution. Alderman Thiel seconded. Upon roll call the resolution failed 3-5. Alderman Reynolds, Thiel and Cook voting yes. Alderman Marr, Rhoads, Davis, Lucas and Jordan voting no.

The Resolution Failed.

NEW BUSINESS:

Transportation Division Hiring 6 Full Time Employees: A resolution authorizing the hiring of 6 full-time employees (patch and asphalt preparation crews) in the Transportation Division; and approving a budget adjustment in the amount of $340,811.00 for same.

Terry Gulley: Budget has reviewed this and made the cost projection for the next five years from the Street Fund. We will still have a remaining balance at the end of the five year period. This will up our projected amount of paving for this year from 13.4 miles to around 17.5 miles.

Mr. Gulley spoke of a long term plan to maintain the streets. He also gave an overview of his plans for the additional personnel for the remainder of this year.

Alderman Davis: What will these individuals be doing during the off season when they can not do the asphalt work.

Mr. Gulley: We can also use them on the sidewalk program and any of the other programs that we have. We have plenty of items that we can accomplish with these additional employees.

Alderman Marr: You gave us a report of the proposed overlay funding program. The additional overlay projects in the ward, are these projects the ones that are going to be done with this additional funding?

Mr. Gulley: That is correct.

Alderman Marr: Did these projects go through the Street Committee for prioritization by ward?

Mr. Gulley: The Street Committee did not prioritize them but they have been seen and approved by the Street Committee.

Alderman Marr: I would like to ask the Street Committee if the additional items on this list as additional items for this funding have you evaluated these items against the entire list to prioritize this.

Alderman Davis: We approved the list that is correct. The committee at that point in time agreed to recommend this to the City Council.

Alderman Jordan: Projects that were slated to be done in 2003 if they were not done, how does that work?

Mr. Gulley: We went back and reevaluated everything; some streets deteriorate faster than others so some moved up in priority.

Alderman Jordan: I guess what I am asking is if it was not done in 2003 then that does not necessarily mean that it will be done in 2004.

Mr. Gulley: Not everyone, but most of them are currently on this list. Not all are because other streets are now in greater need of repair and took their replace. We revised the list when we reevaluated. These are the ones we feel we need to get repaired immediately after reviewing the entire 2003 and 2004 list.

Alderman Rhoads: How do you know when you are where you want to be on the streets?

Mr. Gulley: What we did to come up with the 15 year plan is we looked at an asphalt deterioration curve. It really stops dropping off after about a nine or ten year period if there is not any maintenance done. We are trying to stay above 40 percent deterioration.

Alderman Rhoads: How much quicker do you get to that point by adding these employees?

Mr. Gulley: In a 15 year period we will have been there and ready to roll back on the first street again. We are also going to put in other programs to hopefully extend the 15 year period. We are constantly getting more streets every year on every subdivision that is approved so our number of streets is continually growing. We are hoping we can get an increase in the life expectancy and that will off set the increase in the amount of roads that we are receiving over that period.

Mayor Coody: Your crew has done a remarkable job. You have done a good job with the department. This is a long term sustainable program that I think everyone is going to benefit from. This is a good way to get a lot of work done at the best possible price. We appreciate your help.

Alderman Davis: The concern I continue to hear from the people that have called me is that this is a recurring expense from a budget that has $2 million in reserves and that has nothing going back into the budget. The question has been instead of overlaying the current street, which really doesn't help the traffic congestion that we are having, why not look at the traffic study that we had completed and try to take these dollars toward an item in the traffic study that would be a one time expense.

Mayor Coody: This money comes from the fuel tax that is refunded back to the city, so this money keeps getting replenished every year.

A discussion followed on the project.

Gary Dumas: We constantly struggle with maintaining the streets that we have so that it doesn't deteriorate and building new capacity in the system. Those are the two functions that we have to balance on how to allocate the resources. We have a tremendous asset in the pavement we have on the street now, we can not replace that. If we allow it to deteriorate without continual maintenance the street system will eventually end up like or worse than South School Street. What we want to try to do is get to a point where streets are not like that but are above that 40% deterioration as Terry talked about. That is one use of our resources; the other use is to build capacity in our street system where there are capacity constraints. The capacity issue problems are much more expensive to solve than a maintenance program that attacks the entire system. There are many ways that we can begin to attach the congestion problem. I don't have an answer, we all recognize that there is a problem. To abandon the maintenance would create a worse problem and it would not significantly impact the congestion issues that we are all aware of.

Mayor Coody: On state highways we are talking to the highway department about turn lanes and we are looking at doing a partnership with the highway department in doing a cost share arrangement. We are trying to do what we can to take care of both, the quality of the existing roads and congestion. It is not easy since we are the lowest taxing city in Northwest Arkansas.

A discussion followed on the project.

Aldrerman Thiel: In Ward 1 we appreciate the overlay program. I think it is very important that we do try to get ahead of the curve. I think if this is what it takes to do so then I think it is something that is well worth the funding.

Alderman Marr: A few months ago Steve Davis talked about the new **GASB** accounting principles and the depreciation of city assets and used roads as an example. He stated we would have to begin to take off our asset list roads that depreciate in value because of their need for repair. This allows us to have a program to maintain more of those assets at a higher value. That is one reason I support this. The number one issue on the citizen survey was not only new roads but the overlay of our current system. I think this accomplishes both of these.

Alderman Jordan: I agree. It is like you have this great big huge need and you have very little money to work with, so you have to pick and choose what you can do. It is a very difficult decision making process that we have with the amount of money that we have. Roads and drainage is what I hear the most about in my ward.

Alderman Davis: Ward 3 does appreciate the overlay program. These are just comments that I received from local citizens, they were not all from Ward 3.

Randy Allen stated he had a problem with spending funds from an unreserved fund balance with no defined source of revenue to regenerate that income. He stated that he does not think we have the revenue stream to carry this many people in transportation.

Steve Davis, Finance and Internal Services Director: Adding these employees will use the Street Fund reserve. The financial policy that this City Council adopted for the General Fund has a target of 60 days expenditures in reserves at all times. At the end of 2008 we will still be well above that target number for the Street Fund. It is an expenditure and reserve management policy that this Council has chosen to adopt for General Fund. We haven't formally asked you to adopt the same policy for the Street Fund. It is the same kind of policy that is incorporated into the Water and Sewer Bond Indentures that we operate our Water and Sewer utility out of as well.

Mayor Coody: We could keep all of the money in the bank but if we are collecting it for roads why wouldn't we put it on roads where the tax payers can actually benefit from it. I think that is why the City Council voted on this minimum fund balance as the good government rule of thumb that most governments try to do. A lot of states make it illegal for cities to collect a bunch of tax money and just keep it in the bank and not use it as it was intended.

Steve Davis: There can be questions if you have too large of a reserve, that you are not providing enough services and that you may not need all the money you are collecting.

Alderman Marr: If I understood Mr. Allen right he said this reserve was a nest egg for some future major capital project. Have we done that in the past with the amounts that have been in the account? Have we pulled funds out to do a major capital project to bring it back down to the 60 days?

Steve Davis: There have been occasions where we have pulled money out to build specific streets.

Alderman Lucas: As we grow and get more streets it just seems reasonable that we are going to have to spend more money for people and materials to keep up with the growth. I am in favor of this.

Alderman Jordan: If I remember the highway study correctly we needed approximately $44 million from now to the next 10 years. We are going to have to have another revenue source.

Mayor Coody: We collect 1¾ percent sales tax where our neighbors collect 2 percent. That one fourth per cent is about 3 million a year to the city.

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

Resolution 54-04 as Recorded in the Office of the City Clerk.

Fayetteville Library Building Purchase: A resolution to purchase the Fayetteville Public Library building from the Library Board of Trustees for an appraised value of $1,200,000.00 and to approve a budget adjustment for $1,220,000.00.

Patty Besom stated that unless the city has a clear purpose for the building she does not want us to purchase the building. She also suggested the city sell the annex. She also said that putting a children's museum in the building would be a very costly venture. She stated that ticket sales do not substain a museum. She does not see a children's museum to be a public need in our area. She does not support the city pursuing this, if a private entity wants to pursue this then she would not have a problem with it.

Karen Reece, a member of the Children's Museum Coalition requested that the city purchase the library building for a children's museum. She stated that she has received several calls and emails in support of a children's museum in this building. She said they hired consultants to study the building for this use. She thinks this will generate money for the City of Fayetteville. She also stated that they have some individuals that are willing to donate funds toward the operation of a children's museum.

Jim Key with Key Architects said he was hired to conduct a study of the building. He spoke on the cost to rehabilitate this structure for a children's museum. He talked about the items that need to be repaired or replaced in the future. He said this buildings load bearing would support using this building as a children's museum. He also said nothing would have to be done to bring this building up to the current code if this building is used as a children's museum. He said they feel the library was not in too bad of disrepair and thinks the building is useable as is. He presented the City Council with a report that his firm prepared. He asked the City Council to consider purchasing this building.

Mayor Coody: This looks like a very thorough assessment that you have prepared.

Alderman Rhoads: What would it cost to use this building as a museum?

Jim Key: We were not asked to complete a detailed cost estimate.

Alderman Rhoads: Do you have a rough estimate?

Jim Key: $10,000 to $20,000. To do renovations or specific repairs that amount of funding has not been determined.

Rick McKinney spoke in favor of the city purchasing the building for the use of a museum.

Margo Ganster spoke in favor of the city purchasing this building for a children's museum.

Brian Gott spoke in favor of the city purchasing this building for a children's museum.

Bob Nickel said if this building is not purchased for this purpose there are other buildings that can be redone and converted for less cost. He feels whoever purchases this building is going to have to spend a lot of money to update the building. He is not in favor of the city purchasing this building at this time.

Mayor Coody: We looked at doing a justice center in the building because that is our number one need. Realistically that is not a compatible use for the neighborhood so that would be the most expensive thing that we could do. I hope it was made clear to everyone that while it was examined to see how much it would cost, knowing that if we did purchase it that really would not be a compatible use for the neighborhood. That just gave us the worst case scenario as far as the cost of rehab.

Kathy Thompson asked for the Council's help to keep that building. She asked that we figure out as a city, neighborhood and a community what can be done to make that building a part of the community.

Nanette Balmick said it is not everyday that the city has an opportunity to get a building like this. She said there are numerous ways of using that building. She asked the city to not pass up this opportunity.

Mayor Coody: We do not own the land; the Library Board owns a little over two thirds of that property. If the city were to purchase the building we would have to pay about $1.2 million for the building. We own the western annex building but everything from that building to the east is owned by the Library Board of Trustees.

Alderman Davis: How many dollars of pledges have you received at this point in time?

Karen Reece: I can't come to you with a business plan and a dollar amount tonight. I can't tell you who we have supporting us because there seems to be sides on this and people do not want to come out publicly against the library. We have verbal commitments. I believe we can cover all the operating expenses and the renovations and the displays with the funds that we will raise.

Alderman Davis: Can you tell us how much you expect the monthly fees to cost.

Karen Reece: I think we are looking at a ball park figure of several hundred thousand dollars a year. I think we can keep generating that. We would like to lease the building from you. We probably can not generate the funds to set up the museum and buy the physical space.

Alderman Davis: Should you fall short who are you going to be leaning on to pick up the difference?

Karen Reece: If this project doesn't fly you have buyers for the building. If we can't come back to you next month with a firm business plan and the pledges in hand can you not just sell it to one of those parties then?

Alderman Thiel: How many people are in this organization?

Karen Reece: You have a list in the back of you packet of the people who are members of the coalition. I think about 20 people or so.

Alderman Thiel: Why didn't you come up with this earlier?

Karen Reece: It was only recently that we heard that the building might be used for office space.

Alderman Jordan: Is the building okay according to our fire code?

Chief Bosch: When a building of that nature changes occupancy if it stays close to or within the same occupancy type I do not believe we require it to be brought up to a different code, it can stay within the same code range. I would assume that if it is currently being used and it is meeting the code requirements then it is okay.

Alderman Jordan: Louise what is your time frame on selling this building?

Louise Schaper: We are out of time we need to move forward.

Alderman Jordan: So we do not have a lot of time to spend on this?

Louis Gottsponer Library Board President: We need to make a decision today; we have to move out by August. If the city is not going to buy the building then we will begin the RFP process and that process will take us to late July or August to get completed. We do not have the funds available to operate or maintain two buildings. We need to move forward.

Alderman Jordan: Steve Davis where is the money going to come from to purchase the library building?

Steve Davis: The General Fund Reserve Account.

Alderman Jordan: If we purchase this and it does not work out what happens then.

Steve Davis: The city has an established ordinance on how to dispose of public property. We have to advertise it, post it and take bids.

Kit Williams: We exempted the part that we own at this point in time so that we would be able to sell it together with the library. If you purchase the library then the current ordinance that you have passed to sell property requires two appraisals, sealed bids and we have to take the highest bid. One reason you did not want to do that in this case is you wanted to have some restrictions.

Alderman Jordan: We would also have to include any repairs that we might have to make if they have not been made.

Mayor Coody: Steve, a couple of times tonight we referred to the funding for the streets, that fund does get replenished with gasoline tax doesn't it.

Steve Davis: The Street Fund does get replenished with gasoline taxes but we would be spending down the reserve account.

Mayor Coody: I understand that but it is not like there isn't any money going into that fund from here on.

Steve Davis: That is correct.

Mayor Coody: We would all like to see a public use for this building. It would cost the city approximately $3 million for the city to get this building up to use. I would like the City Council to take a little more time, two weeks and give Ms. Reece time to come up with a plan. If there is a serious group of people out there, they haven't called any of us, but I don't want to close the door if there are donors out there that want to participate. If you have people that are wanting to back this, now is the time, they can't be reluctant to step forward. Can you have them call me tomorrow?

Louis Gottsponer: The reason time is of the essence is we have to finish the building and part of paying for the building is foundation funds that are going to come in over a three to six year period so we do not have all of those funds available to us today. The sale of this building is highly important to us to be able to finish the new building. Our next board meeting is in two weeks.

Mayor Coody: If we decide not to buy this building tonight then if we could get this hammered out within the next two weeks to where these donors can come in and talk to you that would still be a feasible thing to have happen.

Louis Gottsponer: That would be correct. Just because we start the RFP process doesn't mean the city can not buy the building during that process. The city can take part in that process and bid.

Mayor Coody: It would be highly unlikely for us to pony up the money for this but if there are private funds out there then we would certainly encourage them to step forward as soon as possible.

Alderman Thiel: I think the Library Board needs to go forward with advertising the bids and if we want to hold off making this decision on whether or not we want to purchase it, I don't think it's critical that we do so.

Alderman Davis: In the event the city goes ahead and buys this building, we make the improvements that are suggested, at that point in time the citizens have paid approximately $2.2

million. Is the library before you open or any time after you open going to come back and ask us for additional funds?

Louise Schaper: Yes. That was presented to the Council with the 2005 budget numbers.

Alderman Davis: What were those numbers?

Louise Schaper: A bare bones additional funding of $435,000 to a partial funding of $635,000 to full funding of $850,000. I think what you saw was about $500,000.

Alderman Reynolds questioned the asbestos that might be in the building.

Mayor Coody stated that he did not think there is an asbestos problem unless some remodeling is done. Once it is distributed then you have a problem.

Alderman Marr said he loves the idea of a children's museum. He discussed the Downtown Plan and the primary focus that the Council has been asked to look at which is infrastructure, parking, services related to the area and encouraging private development. He talked about the core services within the city and that they should be their number one priority. He said when they get into other items the Council has to prioritize those things that are currently being funded versus the things they are going to add to the funding. He has received calls from citizens that like the public use of the facility but has also heard that about other building structures that may come before us this year. He does not think our core competency is development or real estate. He thinks our core competency is services, health, safety and welfare for the city. He is concerned about no financial commitment towards this project. He thinks private funding should be used for this building. He does not support tabling this because he does not think it is the city's responsibility to be in the private functional side.

Mayor Coody: I think we should let Ms. Reece and her group have two weeks to get their business plan and their people together.

Alderman Marr: I hope we learned a lesson; this was talked about more than a year ago. We really needed to do something a year ago.

Alderman Jordan: I struggle with this too. The area of town I come from thinks about good schools for their children, repair of their roads, adequate fire protection, sprawl and the over crowding of our roads. I heard an Alderman say on this Council one time that the most important thing that an Alderman does is to properly manage the money of the city. I think this is a great vision but for every vision that we have someone has to pay for that vision. I hope that this can be funded privately. I have concerns about taking $1.2 to $2 million dollars out of our General Fund to do this. If something else could be worked out I would support that but I would hate for this to come out of the General Fund.

Alderman Thiel: I think the concept of a children's museum came about because of wanting to save that building and find a use for it. I don't believe I can support that. I hope you don't give up the idea of the children's museum.

Alderman Lucas: A children's museum sounds great; it troubles me that it was just brought up to save the building. I don't see the city in this role. I encourage the group to stay together and raise funds. If we knew what we were definitely going to use this for we might think differently about it.

Alderman Davis: I agree with everyone else it is hard to allocate the funds at this point in time to this type of project.

Alderman Cook: I would hate to see this building go to something that is not a civic or cultural use, I would also hate to see city funds go towards it. I think we should give it a little longer to see if they can come up with pledges. This property was originally given by the Fulbright family for a cultural use. I don't think two weeks is going to make that much difference.

Alderman Cook moved to table the resolution until the April 20, 2004 City Council meeting. Alderman Marr seconded. Upon roll call the motion to table passed 4-4. The Mayor voted yes and broke the tie. Alderman Marr, Jordan Thiel and Cook voting yes. Alderman Rhoads, Davis, Lucas and Reynolds voting no.

Mayor Coody: We will table this for two weeks and make a definite vote on this in two weeks.

Alderman Marr: Didn't we hear in the debate that the Library Board can go forward with their RFP and that our discussion is on whether we are going to make a bid and buy the building?

Mayor Coody: Yes.

Alderman Marr: So they can act on what they want to act on and we can decide whether we are going to bid on it or not.

Mayor Coody: Yes.

Alderman Lucas: Does that affect the annex?

Alderman Davis: Yes.

Mayor Coody: We voted but I guess I can open this back up for the Library Board to discuss the annex.

Kit Williams: You can if you want to have a motion to reconsider, otherwise it is over.

Mayor Coody: Yes, it's over but you may address the question about the annex, we are not going to revote on this. Did you want to address the question on the annex Mr. Gottsponer?

Louis Gottsponer: We all know that the sale of those two buildings together as a unit is what's going to generate the highest price. Selling them separately will not generate the highest price. So I do not think we can go forward with our RFP with both buildings together unless we have a decision prior to doing that. We would have to go forward on the RFP process just on our building.

Mayor Coody: What could we do here?

Kit Williams: If you wish to continue discussing this someone who voted in favor of tabling needs to move to reconsider because otherwise you can not debate this further.

Mayor Coody: Alright so we can not discuss this any more.

Alderman Thiel moved to reconsider the motion to table. Alderman Jordan seconded. Upon roll call the motion to reconsider passed 6-2. Alderman Rhoads, Davis, Lucas, Jordan, Reynolds and Thiel voting yes. Alderman Marr and Cook voting no.

Alderman Thiel: Their meeting is in two weeks, our meeting is in two weeks, and they are not going to do anything for two weeks. I don't understand the problem.

Mayor Coody: I bet we will know before two weeks is up if there is legitimate concern of folks coming forward with some funds.

Alderman Thiel: Well it would have to be a public meeting though.

Alderman Davis: Mayor, I guess I am a little lost. Most of us said we saw a problem with spending dollars that we feel like should go to infrastructure and now it appears we are reconsidering our thoughts.

Mayor Coody: No, that is not at all the case. The only reason that we reconsidered is so that we could have a discussion about the annex. We couldn't even discuss it without reconsidering. I don't think we are reconsidering spending the money, I think all of us agree that we can't buy the building; we are just trying to find a way.

Alderman Davis: That is what we are voting on tonight.

Mayor Coody: Kit, if we had to vote to reconsider to discuss this do we have to vote again?

Kit Williams: At this point yes, there has not been any decision made. You can vote to table again, vote on the original resolution whether to pass it or not, we are back to where we were before the motion to table.

Alderman Marr: We passed an ordinance that waived selling the city property, yes or no?

Kit Williams: You did waive the ordinance expressing your intent to sell it as a piece, that is correct.

Alderman Marr: What I am hearing is the annex portion it has not been decided whether we are selling it or not because this item relates to whether we are going to make a bid on the library portion, it still doesn't address the annex issue if that wasn't decided previously.

Mayor Coody: Yes.

Alderman Marr: I'm sorry I misunderstood, I thought when we waived it we were going to sell our piece of the building and that that was going to go with the Library Board sale. Today our discussion was if we were going to bid on the library piece that we didn't own so that if we chose to table it for two weeks to see if they could get funding, the RFP still could have been written I thought for the entire building because we had already authorized the sale of our annex. Have we had a vote that authorized the sale of the annex building?

Kit Williams: Not technically, the City Council has not actually sold the building. You have expressed an intent that you are going to sell it together with the Library Board's building; you have not said you are selling it.

Alderman Marr: We have passed a resolution of our intent to sell?

Kit Williams: If I remember correctly when you passed the ordinance to waive the requirements on selling property that expressed your intent that you would sell the annex as part of the main building.

Alderman Marr: If we passed that, we have already expressed our intent to sell our piece, so writing the RFP can move forward. If we make a bid on the building we are making a bid on the entire project anyway.

A discussion followed on the project.

Louise Schaper: Because there are two different owners then two RFP's need to be completed.

Karen Reece: If you have decided that you are not going to buy the building then don't give us two weeks. We can't buy the building and fund the museum. We came to you to ask you to buy the building. In two weeks I think I can come to you for the funding for the museum but not with the funding to purchase the building.

Alderman Rhoads moved to approve the resolution. Alderman Jordan seconded. Upon roll call the resolution passed 1-7. Alderman Cook voting yes. Alderman Marr, Rhoads, Davis, Lucas, Jordan, Reynolds and Thiel voting no.

The Resolution Failed.

Mobile Vision, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving the purchase of 4 additional in-car video systems from Mobile-Vision, Inc. in the amount of $15,940.90.

Mr. Williams read the ordinance.

Alderman Davis 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 Davis 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.

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

Ordinance 4551 as Recorded in the Office of the City Clerk

ANX 03-5.00 (Dunnerstock Development): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property owned by Dunnerstock Development, Inc. located on Rupple Road north of Wedington Drive containing approximately 17.19 acres.

Mr. Williams read the ordinance.

Jim McCord representing the applicant: These 17 acres are part of a large island within the city limits. It is an area that will be proposed for the city to annex. Staff and Planning recommends annexation. The city's own annexation policy recommends annexation. I am just concerned as to what the questions are and why the Council does not want to act on this tonight.

Alderman Jordan: I never pass these usually on the first night. That gives the people time in that area to call me. I am already getting some calls.

Jim McCord: There was some reference to a potential 68 lots on these 17 acres. By the time you get the streets and all the infrastructure in place there will be 48 lots one of which is a detention pond not 68 lots.

The Ordinance was Left on the First Reading.

RZN 03-33.00 (Dunnerstock): An ordinance rezoning that property described in rezoning petition RZN 03-33.00 as submitted by James McCord on behalf of Dunnerstock Development, Inc. for property located on Rupple Road north of Wedington Drive from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

The Ordinance was Left on the First Reading.

ANX 03-06.00 (Hoskins/Schlegel): An ordinance confirming the annexation to the City of Fayetteville, Arkansas of certain property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres.

Mr. Williams read the ordinance.

The Ordinance was Left on the First Reading.

RZN 03-34.00 (Hoskins/Schlegel): An ordinance rezoning that property described in rezoning petition RZN 03-34.00 as submitted by Milholland Company on behalf of Tracy Hoskins for property located north of the proposed Crystal Springs Phase III Subdivision, west of Deane Solomon Road and south of Salem Road containing approximately 72.50 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

The Ordinance was Left on the First Reading.

RZN 04-2.00 (Chance & Tuggle): An ordinance rezoning that property described in rezoning petition RZN 04-02.00 as submitted by Geoff Bates of Keystone Consultants on behalf of David Chance and John Tuggle for property located at West Tackett and Genevieve Avenue containing approximately 7.94 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

Alderman Thiel: Access will be provided along Genevieve, Tackett and 54th Street. If this project is submitted will they have to make improvements on all those streets?

Dawn Warrick, Planning: I can't tell you that definitely, we will have to review the development proposal that has been submitted and look at what they are proposing. The impact of the number of vehicle trips per day would be generated and would determine what is roughly portional to the impact of that development with regard to infrastructure improvements. There will likely be some off site improvements necessary for this site.

A discussion followed on the project.

The Ordinance was Left on the First Reading.

RZN 04-3.00 (Fitzgerald): An ordinance rezoning that property described in rezoning petition RZN 04-03.00 as submitted by James McCord on behalf of Donald and Frances Fitzgerald for property located at the northwest corner of Wedington Drive and 51st Avenue containing approximately 1.51 acres from R-A, Residential Agricultural to RSF-4, Residential Single Family, four units per acre.

Mr. Williams read the ordinance.

Jim McCord representing the applicants requested that the City Council adopt this ordinance tonight. It is only one lot.

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

Mr. Williams read the ordinance.

Alderman Thiel: I see that the applicant wants to divide this property into three single family lots. Will those lots front on 54th Street?

Jim McCord: That is correct.

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

Ordinance 4552 as Recorded in the Office of the City Clerk

Amend Title 3, Purchase and Sale of City Property: An ordinance to amend ***Section 34.25 Sales*** of the Code of Fayetteville to allow the City Council to waive the requirements for public auction or formal competitive bidding for the sale of city assets with a fair market value of less than $10,000.00.

Mr. Williams read the ordinance.

Alderman Thiel: The one that is in our package is it the one that we had at the agenda meeting?

Kit Williams: Yes. I read the amended version.

Alderman Thiel: Would you read the part again that you corrected.

Kit Williams: The only part that is changing is this new part that is being added ***the City Council may waive the requirements for public auction or formal competitive bids for sales of personnel property below $10,000 in fair market value in exceptional situations where such procedures are deemed not feasible nor practical.***

Alderman Reynolds: Why are we doing this? The auction seemed to work well last year.

Gary Dumas: The auction worked very well but the Equipment Committee and the City Council also instructed us to transfer one of the blue vans that the Boys and Girls Club was using to the Boys and Girls Club. We have been working diligently to do that. We can't do it without this ordinance.

Kit Williams: You can not just waive your ordinance. Your ordinance right now states that it must be competitively bid or auctioned. The only way to do this is to actually change the ordinance to give the City Council the power to waive formal competitive bidding or auction. You will still have to do a resolution to allow this sale.

A discussion followed on the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Davis 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 ordinance passed unanimously.

Ordinance 4553 as Recorded in the Office of the City Clerk

Water and Sewer System Refunding Revenue Bond Issue: An ordinance authorizing the issuance and sale of not to exceed $6,365,000 of Water and Sewer System Refunding Bonds, Series 2004, by the City of Fayetteville, Arkansas for the purpose of refunding the City's outstanding Water and Sewer System Refunding Revenue Bonds, Series 1999; authorizing the execution and delivery of a First Supplemental Trust Indenture pursuant to which the Series 2004 Bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the Series 2004 Bonds will be offered; authorizing the execution and delivery of a Bond Purchase Agreement providing for the sale of the Series 2004 Bonds; authorizing the execution and delivery of an Escrow Deposit Agreement providing for the redemption of the Series 1999 Bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.

Mr. Williams read the ordinance.

Alderman Davis 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 Davis: How much money are we saving the tax payers by doing this?

Dennis Hunt: A net present value savings of around $250,000. Actually the savings over the life of the issue is more than that.

Alderman Davis: Is there a difference in the maturity time of the bonds?

Dennis Hunt: No sir.

Alderman Reynolds 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.

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

Ordinance 4554 as Recorded in the Office of the City Clerk

Meeting Adjourned at 9:25 PM.

Sondra E. Smith

Sondra Smith
City Clerk