Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith

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 – Robert Ferrell
Ward 4 Position 1 - Shirley Lucas
Ward 4 Position 2 - Lioneld Jordan

City of Fayetteville Arkansas
City Council
Meeting Minutes
May 16, 2006

A meeting of the Fayetteville City Council was held on May 16, 2006 at 6:00 PM 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, Thiel, Cook, Marr, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Rhoads was absent until 6:05 PM.

Pledge of Allegiance

CONSENT:

Approval of the April 18, 2006 and the April 25, 2006 Special City Council meeting minutes.

The April 18, 2006 meeting minutes were removed from the agenda.
The April 25, 2006 meeting minutes were approved.

Paradigm Development Company: A resolution approving an agreement with Paradigm Development Company for park land dedication at Park West at Audubon.

Resolution 86-06 as Recorded in the Office of the City Clerk.

Williams Tractor Co. Backhoe Purchase: A resolution awarding Bid #06-34 and approving the purchase of one (1) New Holland Backhoe from Williams Tractor Company in the amount of $54,394.00 for use by the Parks and Recreation Division.

Resolution 87-06 as Recorded in the Office of the City Clerk.

Williams Tractor Co. Utility Work Machine Purchase: A resolution awarding Bid #06-35 and approving the purchase of one (1) Toolcat Utility Work Machine from Williams Tractor Company in the amount of $33,242.00 for use by the Parks & Recreation Division.

Resolution 88-06 as Recorded in the Office of the City Clerk.

Downing Sales and Service: A resolution awarding Bid #06-36 and approving the purchase of three (3) recycling trucks from Downing Sales and Service in the amount of $442,314.00 for use by the Solid Waste & Recycling Division.

Resolution 89-06 as Recorded in the Office of the City Clerk.

Water & Sewer Rate Study-2006: A resolution approving a proposal in the amount of $98,490.00 from HDR/EES to conduct a comprehensive water and sewer rate study; and approving a budget adjustment in the amount of $13,344.00.

Resolution 90-06 as Recorded in the Office of the City Clerk.

Eclipse Displays, Inc. Offer and Acceptance: A resolution approving an Offer and Acceptance contract between the City of Fayetteville and Eclipse Displays, Inc. to purchase Parcel 2W-South Industrial Park from the City of Fayetteville for $169,800.00; and authorizing the Mayor and City Clerk to execute said agreement.

Resolution 91-06 as Recorded in the Office of the City Clerk.

Dynamic Information Solutions Company, Inc. Software Maintenance Agreement: A resolution approving a one year standard software maintenance agreement in the amount of $35,797.25 with Dynamic Information Solutions Company, Inc. (D.I.S.C.) to support the Electronic Document Management System.

Resolution 92-06 as Recorded in the Office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read with the April 18, 2006 meeting minutes removed. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

UNFINISHED BUSINESS:

Emergency and Non-Emergency Ambulance Service: A resolution to express the City Council's intent to contract exclusively using competitive procurement methods with a single entity for the provision of all emergency medical services and ambulance services for the City of

Fayetteville. ***This resolution was Tabled at the April 4, 2006 City Council Meeting to the April 18, 2006 City Council Meeting. This resolution was Tabled at the April 18, 2006 City Council Meeting to the May 16, 2006 City Council Meeting.***

County Judge Jerry Hunton: I know that there has been a long discussion about this exclusitivity issue. I think in the last month or so, I have looked at that and I decided that I got caught ahead of the horse. In this respect I have a deep feeling for ambulance service for Washington County. I have a feeling that when we send police out, we want to protect lives and property. We send the Fire Department out; we want to protect lives and property, we send an ambulance and we want to protect lives. I have always seen these three groups similarly in their mission, I see them as equally important. If someone has a cardiac arrest I heard that in 7 to 10 minutes if you don't give them some care, if the ambulance that has the right kind of equipment and can perform certain things that these people may not have much of a survival. As time goes by we see more and more people that have cardiac survive. I know it's important to me and I have to believe that it's important to you. What we started with in 2005 was a study agreed upon the City Council and the Quorum Court of Washington County to find a study that would tell us what we need to do in order to issue this phone-ambulance service for the future. What I am concerned about is that because our ambulance service is not broken at the moment that they may not be the emergency for many people to look at is seriously. I think our ambulance service that is taken care of our citizens today is not broke; I am not sure how far it is from being broke. He went on to speak in favor of this resolution.

Alderman Lucas: Have you brought this before the Quorum Court?

Judge Hunton: I will be bringing it to the court. I think they will be very supportive of it.

Alderman Lucas: Just curious, this was a 2005 study and yet they haven't even talked about it?

Judge Hunton: There has been a lot of conversation. Don't think they haven't thought about this. I have only heard from one member of the Quorum Court come forward with any concerns. They are very aware of it. When they put $50,000 on the line, they pay attention.

Alderman Ferrell: Are all the Mayor's in the area involved in this, with the exception of Springdale?

Judge Hunton: I am not sure how much Mr. Earnest has talked to them, but during our intergovernmental council meeting, we have tried to bring this up, we have had some attendance issues. I have to think that most of the Mayor's are very aware of this situation. He went on to speak on behalf of the Washington County Ambulance Service.

Alderman Reynolds: I just want to make sure that all the Mayor's are in this ballgame so we can call a meeting together to share the cost of this program.

Judge Hunton: I think that would be good invitations of this committee to bring the Mayor's in and have them sit and talk. I would be more than happy to be involved. I have not heard of any Mayor that has had any negative comment of this issue.

Mayor Coody thanks Judge Hunton for his service and his cooperation with the City of Fayetteville. We will pull together a committee soon and we will get with the Quorum Court, and you and I will talk about the logistics of this. Are there any other comments on this issue?

Alderman Thiel: I think what Judge Hunton has proposed is a very good idea. I supposed we just table this at this point until we establish this committee.

City Attorney Kit Williams: I would table it indefinably until the committee has a chance to meet.

Alderman Thiel: I move to table indefinitely.

Alderman Reynolds: Second.

Mayor Coody: We have a motion to table this until the committee comes back with recommendations.

Alderman Ferrell: Will the JP's and the council men that serve on the committee be appointed by the Mayor and the County Judge?

Mayor Coody: Yes.

Alderman Ferrell: Is the intent to just try to come up with ideas, or is the intent to come back with the idea that we should have a Quasi Government Public Utility Model; what's the ultimate task of the committee?

Mayor Coody: I suspect that it's going to be where the committee, Quorum Court, and City Council working together since Washington County and Fayetteville are by far the largest Government Entities outside Springdale. The committee would see if the public utilities model or more likely an inter-local agreement model might be a better way to do business than continuing to increase our sub-cities to Central EMS. Between the County and the City both its $800,000 a year in sub-cities and that growing every year, if there is a better way to do business I think that will come before the committee and the committee can ascertain whether there is a better way to do business or not and bring it back to the council.

Alderman Lucas: This study was done in 2005 and yet we are the only ones that have been talking about. It seems like we should be through with the studying and the spending money on studies and evaluations. I think the study showed that having one provider both emergencies medical and transport was the feasible way to go. I have study it out and I think the service would be good. We have been talking about this for two or three years, and then we had this study and now we are going to study some more, I am just afraid that in January we are going to come up and have to same problem that we have had for the past three budget sessions. I wonder if we shouldn't go ahead as a City and say when we negotiate a contract we are going to make one provider and we hope that provider will incorporate the people that have provided the transport in the past, because they have done a very good job. I just wonder if it would be for feasible to go ahead so we can do come negotiating before the end of the year. We don't know what the Quorum Court is going to do when they meet, we don't know how the other Mayor's are going to respond, I think that Fayetteville should step forward and say lets look at the contract and maybe negotiate something and by the end of the year we would have it.

Mayor Coody: That's not a bad suggestion.

Alderman Ferrell: Are you talking about taking bids for services?

Alderman Lucas: Yes.

Mayor Coody: Well, I will discuss this with Judge Hunton, and of course they have been talking about this at the Quorum Court level.

Alderman Lucas: Not as a Quorum Court but just individually, but they have not done anything in the meetings.

Mayor Coody: I suspect that they will be in the market to do that or at least get the full blown discussion going through this committee.

Alderman Lucas: But it's already been half a year.

Mayor Coody: How long have we been working on this? I don't think it's been three years.

Hugh Earnest: This study was complete in mid 2005 and then the report was done by Mr. Athea to the Inter Governmental Council last fall. We have been talking about this for a while and we have been hung up on what Judge Hunton is trying to resolve and that is to get people from both elective bodies together. I share Alderman Lucas' concern that we need to put a definite time frame on this and get it resolved. I would not want this to be still talked about in January of 2007; I think that we can resolve this within two months. One of my dreams was that we would go out with a bid on July 1st, 2006 then spend a couple of months in a difficult bid analysis process and have a new provider or the same provider in place for January 2007 but have the decision made in the fall of this year. I think that's something that could be resolved by the two committees if both committees understand their time frame limit.

Alderman Thiel: I agree with Alderman Lucas that their needs to be a time limitation on it. I do think there needs to be a little discussion between the Council and the JP's because there hasn't been.

Mayor Coody: Yes.

Alderman Thiel: This is a way for that to happen. I do think that there should be given a time table of two months to come back with recommendations and I think this is a way that the Judge is showing we can have this conversation because its hard for the JP's to come into this room or vise versa. It's difficult for all of us. I do think it is a way for them to discuss and because you are concerned about the county that you might want to serve on the committee if the Mayor chooses, I think it would be valuable. What exactly would we do right now? Would we just say that we are going to negotiate a contract or establish a RFQ or RFP and go out for it right now?

Alderman Lucas: That's what we do; we negotiate a contract every fall with EMS.

Alderman Thiel: Well, but we don't usually advertise. Maybe we have never had a competitor.

Mayor Coody: Well I don't think this is an emergency situation yet. So I think we do have time for the Quorum Court Committee and the City Council Committee to try to quickly hammer out some kind of agreement. It would be better if the two major Government entities in the region out side of Springdale were to work entandum on this rather than working independently which would be the best option right off the bat. Now if that didn't work out we might have to fall back to City only soul sourcing.

Alderman Thiel: I think their needs to be a lot more discussion about the exclusivity issue. This Council has not resolved that either.

Mayor Coody: That's part of the conversation and I imagine the committee would get very well informed and bring the information back to this council.

Alderman Ferrell: In the mean time the Quorum Court might pass some kind of resolution talking about that.

Alderman Lucas: Our agenda states that a resolution to express the City Council intent to contract exclusivity using competitive procurement methods with a single entity for the provision of all emergency medical services and ambulance services for the City of Fayetteville. On the agenda item it says a resolution improving implementation of a process establishing an ambulance service, public utility service and soliciting proposals for exclusive emergency and non emergency ambulance service.

Mayor Coody: I would bet that's probably an old title that just hasn't changed with the times. It's just stayed on the agenda for the last several meetings.

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

This resolution was tabled indefinitely.

<u>Amend Title XV of the UDC - Tree Preservation and Protection:</u> An ordinance amending Title XV: Unified Development Code to provide amendments to certain provisions concerning Tree Preservation and Protection. ***This ordinance was left on the First Reading at the May 2, 2006 City Council Meeting.***

Mayor Coody: Do we need to discuss this or do we need to put it back before us?

Kit Williams: It's already before us I don't know if you want me to go ahead and read it. I think there was some consensus that it might be going to Ordinance Review.

Tim Conklin, Planning and Program Development Director: Mayor and members of the council, at agenda session we talked about needing some additional time to work on a separate section of the Tree Ordinance that would apply to just single family homes and duplex lots. What we are trying to attempt to do is close the loop whole on the Tree Ordinance. In subdivision development we have tree preservation but once the subdivision is final there is no tree protection or preservation on individual lots or duplex construction. The idea is to apply this City wide for Tree ordinance or tree Protection on individual and duplex lot development.

Mayor Coody: While they are under construction, that is correct. We worked with David Whitaker in the City Attorney's office and we are not ready yet to present that ordinance to the committee but we would like to present a draft ordinance when its ready to the Ordinance Review Committee. We would ask that you table it at this time because the ordinance before you is not the ordinance that we would want to utilize City wide and we would like to address this issue on a City wide basis in a separate ordinance.

Alderman Reynolds: So what do we want to do, table it indefinitely?

Kit Williams: Why don't we table it until the Ordinance Review Committee refers it back to the City Council?

Alderman Reynolds moved to table the ordinance until it can be reviewed by the Ordinance Review Committee and the Committee refers the ordinance back to the City Council. Upon roll call the motion passed unanimously.

This ordinance was left on the First Reading and Tabled until the Ordinance Review Committee can review the ordinance.

NEW BUSINESS:

Washington County Cost-Share: A resolution authorizing payment not to exceed $50,000.00 to Washington County as the City of Fayetteville's share of the cost of the continued evaluation, study and recommendations for Emergency Medical Services.

Mayor Coody: Obviously we aren't in a big hurry to authorize another $50,000.00 if the committee is going to get together on this.

Alderman Thiel: At the agenda meeting, I understood that we were actually going to compensate for something that was due last year and Mr. Davis is here.

Steve Davis, Finance and Internal Services Director: We received a bill from Washington County in late April that indicated that the total money out of pocket that they spent last year was around $62,000.00. We had already closed our books for 2005 and we had incorporated $50,000.00 last year. Our cost share on the Professional Services was $21,000.00 so we had $29,000.00 left over that we did not spend. There was an additional $50,000.00 put in the 2006 Budget, if the City Council wishes to Cost Share with Washington County for every thing they spent in 2005 then we would need an authorization to use $11,000.00 of what's in the budget for 2006.

Kit Williams: So this resolution needs to be changed to $11,000.00 instead of $50,000.00.

Steve Davis: I don't know if Washington County is in concurring cost.

Alderman Lucas: I didn't understand that. We spent $21,000.00 last year and that was our share for last year?

Steve Davis: The contract for the concealment was $42,000.00.

Alderman Lucas: So we paid our half.

Steve Davis: We paid our half of that. We had the Quorum Court incorporated $50,000.00 for this study and we incorporated $50,000.00. $62,000.00 is what's been spent in total. We did not use the remaining $21,000.00 last year for this purpose. I was presented with a bill from the County after our books were closed for 2005 so I couldn't pay it from last years appropriation and had to bring it back to City Council to get authorization to pay the remaining money in 2005.

Alderman Lucas: So you are saying that $11,000.00 would be the share of 2005?

Steve Davis: Let me refer back to the exact agenda item.

Mayor Coody: We would we be reauthorizing this same $50,000.00 that we authorized last year.

Alderman Ferrell: It would be additional wouldn't it?

Alderman Marr: I would have to make sure. We each did $50,000.00 so we have a total of $100,000.00. We actually spent $62,000.00, half of $62,000.00 would be $31,000.00, we've paid $21,000.00 so that would leave $10,000.00.

Kit Williams: $10,012.21.

Steve Davis: That would make the county whole for 2005, for our cost share purposes.

Alderman Marr: I am certainly in support of doing what we committed to in the cost share, but not the $50,000 and then an additional $50,000.00.

Alderman Lucas: I am not either.

Kit Williams: There needs to be an amendment moved on this resolution.

Alderman Marr: I would like to move that we amend this to the remaining cost share portion of $10,000.00.

Kit Williams: $10.012.21 according to the memo.

Steve Davis: If it's ok, could you round it up to an even dollar.

Kit Williams: How about $10,020.00.

Alderman Ferrell: Steve, can you run this buy me one more time. The way I read this is I thought that we had a budget amount of $50,000.00 previously and now we are asking again for another $50,000.00 because we had $300,000.00 in the budget, $250,000.00 for our part to go to CEMS and then $50,000.00 additional to help with this study. Was there only one $50,000.00 or were there two $50,000.00?

Steve Davis: There was $50,000.00 in 2005 and an additional $50,000.00 for 2006.

Alderman Ferrell: Ok, I think where I am getting lost is in 2005 we didn't spend the whole $50,000.00?

Steve Davis: No sir, we only spent $21,000.00.

Alderman Ferrell: Ok I got it now.

Alderman Marr: So we really don't need the additional 50 added on, other than the fact that we are in an additional year. The remaining cost share is that $10,000.00 etc.

Steve Davis: Until the County sends me another bill.

Mayor Coody: What's the round number that would be comfortable to live with?

Steve Davis: Well right now from what I know it's the $10,013.00.

Alderman Marr: Do we know if additional expenses are being accrued for that study?

Steve Davis: I don't but Mr. Earnest is here and maybe he does. We committed up to one $50,000.00.

Alderman Lucas: For 2005?

Hugh Earnest: Alderman Marr, your question was, are additional expenses being accrued, the short answer is yes. Sometime early this year as phase two of the work of the health care vision, Steve Athie asked Mr. Athie to come back into town to see if we could work out an arrangement with the various nursing homes to ascertain the numbers of non emergency transfers. All those numbers are in your report. We spent some $2,200.00. The original intent with the 2005 budget was for both entities to simply spend $50,000.00 each and the money would be spent as an appropriate. I had a contract for $2,000.00 a month beginning in December and ending in April. There is still some need to expand some monies so that we can pull information together and we may find it necessary to bring Mr. Athie back in sometime this year to help the committee or both the Quorum Court and the City Council in resolving this situation. My plea would be that council would go ahead and honor the 2005 commitment of $29,000.00 and ignore the $50,000.00 that was put in as a guess for any additional expenses in 2006. I don't see the need to expand any more money this year against the $50,000.00 that this Council appropriated. I agree with Alderman Marr, that $50,000.00 was just a plug number that Steve Davis and I talked about as the 2006 budget was put together for the City of Fayetteville. I don't know what happened in

2005 and why the County did not bill the City for the full $50,000.00, I can't answer that question.

Alderman Marr: Obviously I made this amendment based on the invoice or what had been spent to date, $62,000.00 and our cost share portion of that. If we are going to get additional bills coming in and its based on our commitment of $50,000.00 in 2005 appropriated as it was spent, should we be doing the $29,000.00 and leave it at the original $50,000.00.

Mayor Coody: That would be easier for the book keepers.

Alderman Ferrell: the way I read that, we committed the money for the study and if this thing goes on we are going to be paying people to come talk to us and spend more money. We are going to pay people to lobby us. Do you follow me? My idea was that the beginning of the expense was for the study. For all purposes the study was completed and there may be some follow up I am not saying that, but they way I read it is was for the study. I have a copy of that study completed and I am in favor of the $10,013.

Mayor Coody: We have a motion in the second to change it to $10,013, how do you stand on that.

Alderman Marr: I guess I will leave it like that as long as we are all clear, but it sounds like we are going to get another bill and we are going to be back here to talk about that bill under the premises, I think you made a very good point so don't get my comments wrong. I think the impression is that we allocated $50,000 to the study of this item, I don't really want to go back to the actual resolution we passed whether it was for the study of the Ambulance Pun Model or whether it was for specific study only.

Alderman Lucas: I have a question, if those people come back again and talk to us, are we going to be billed for that too? That's why I was concerned and I felt like that we had spent enough on the study and evaluation that you are going to form?

Mayor Coody: When you say those people…

Alderman Lucas: I said that some group was going to come back…

Mayor Coody: Are you talking about just the committee coming back and making a report to the Council? What expenses might we see coming in the future?

Hugh Earnest: I don't see a great of additional expenses being accrued in 2006, I am just saying that there is a possibility that the committee might decide they want to hear one more time from Health Care Vision, from Steve Athie, and he will be asked to travel up hear from Dallas, Texas. At that time there would have to be another discussion at the Council level about whether or not the Council wants to pick up 50% of that cost.

Mayor Coody: That would be a decision of the committee, which three people would be from this City Council.

Hugh Earnest: That's right, it may be a possibility.

Alderman Reynolds: So if $3,000 was added to this that would cover him coming in the future if needed?

Hugh Earnest: That's correct.

Mayor Coody: Do you want to withdraw your amendment or change your amendment?

Alderman Marr: I would just like to weigh my motion to $15,000.

Alderman Marr moved to amend the resolution to authorize a payment in an amount not to exceed $15,000. Alderman Jordan seconded the motion. Upon roll call the motion passed 6-2. Alderman Reynolds, Thiel, Cook, Marr, Rhoads and Jordan voting yes. Alderman Ferrell and Lucas voting no.

The amendment to the resolution passed.

Alderman Thiel moved to approve the amended resolution. Alderman Marr seconded the motion. Upon roll call the resolution passed 7-0. Alderman Ferrell was absent during the vote.

Resolution 93-06 as Recorded in the Office of the City Clerk.

C-PZD 06-1921 Lazenby Phase II: An ordinance establishing a Commercial Planned Zoning District titled C-PZD 06-1921 Lazenby Phase II, located west of Razorback Road, north of 15th Street, containing approximately 1.34 acres; amending the Official Zoning Map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Current Planning gave a brief description of the ordinance.

Alderman Lucas: Jeremy, I know we talked about having the buildings up to the street and the parking in the rear. Is it just because they didn't want to change the plans or what? The other two buildings could have been brought forward, I saw the Planning Commission was wanting that but I guess the developer didn't want to go…

Jeremy Pate: Part of that is because if you refer to the site plan, a parking lot can be located with in a utility easement so some of that land that you can't put a building in you can put parking in. So a lot of that space is entirely unusable for a building.

Alderman Lucas: So we can't do that in a lot of the areas?

Jeremy Pate: I think the differences here is that one, the State Highway Department is widening quite a bit. Two, there is a major water line being constructed so it requires a larger than typical easement, that policy of trying to move the building in front is certainly still in place and we certainly recommend that on a number of projects. We are seeing it more and more to be honest.

Alderman Lucas: Ok thank you.

Alderman Jordan: In this lot a PZD can be changed, so you are saying that the PZD is changed because we have moved the water lines?

Jeremy Pate: Essentially the widening of the highway. It required additional right-of-way that the State worked out with the developer but because of that and because of the subsequence and moving of the water line and additional easement required, that building could not be constructed. It was located in the middle of the right-of-way and the utility easement.

Alderman Jordan: I don't want to go any further until the second reading tonight.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

<u>**Amend Chapter 115 Pawnbrokers:**</u> An ordinance amending Chapter 115: Pawnbrokers, to require online daily reporting.

City Attorney Kit Williams read the ordinance.

Casey Brown, Police Captain: Right now the pawn brokers are reporting their daily transactions either by faxing us a list or hand delivering a list, those have to be manually entered into our records management system. This would allow pawn brokers to automatically upload that information and search via internet. Its going to save us a lot of time, a lot of data entry and as other cities come on to this system, all of that will be in this data base also. We will be able to reach out further with searches for potential stolen property.

Mayor Coody: From the news report I saw, it looks like there was support among the pawn brokers community too because it saves them a lot of trouble.

Casey Brown: It will all meet their systems also. They will just be able to upload it automatically from their computer system.

Alderman Marr: This doesn't require any kind of budget adjustment?

Mayor Coody: How many pawn brokers have the software currently?

Casey Brown: There are five and I believe that just one doesn't have it.

Mayor Coody: So only one needs to upgrade and then all will have it.

Casey Brown: That and they will be required to have internet access.

Mayor Coody: Do we have an answer for Alderman Marr's questions? Steve we are on the pawn brokers issue about uploading the brokers work at the end of the day. Does this require any kind of a budget adjustment on our part, do you know?

Frank Johnson, Police Chief: No, it is in this years operating budget, this is just for the ordinance.

Alderman Ferrell: I was just wondering typically if somebody pawned a hand gun, how much information would they be typing in there. Just basically name, model, serial number and the person who did it.

Frank Johnson: The person, the date, I don't know exactly all the information that we put in the data base. Most pawn shops would require a photo ID, we will have their DOB, their name, quite a bit if information to go on. If that serial number comes up stolen on our reports and we compare it against a burglary or theft on any item that's pawned that had a serial number.

Mayor Coody: Anything else?

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody: Does the public have any comments on this?

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

Ordinance 4873 as Recorded in the Office of the City Clerk.

<u>Police Station Location:</u> A resolution supporting the proposed location of a new police station for the Fayetteville Police Department.

Susan Thomas, Public Information and Policy Advisor: I read this document in response to some of the questions that were raised during the agenda session last week. The first two slides are an attempt to respond to Alderman Marr's request for general information about the City's current debt. You will notice on the first page all of the outstanding debts are listed with the amounts, those total $117 million almost $118 Million and the revenue streams that dedicated for paying for those debts as well as the expiration date of each of those, just for clarification purposes, those Water/Sewer debts are capital improvement. Your Solid Waste is trucks. The

Water/Sewer OMI note is sledge trucks and trailer's and the other obligation included the Mt. Sequoyah and also Fire Trucks.

On the next page you will see the various revenue streams the City has available to use to fund debt. You have a quarter percent sales tax availably currently; you have a three quarter percent, the rest of that penny, which is scheduled to be availably in 2015. Dedicated millage, in those three the sales tax as well dedicated millage all require a vote of the public. You have a discretionary millage of 3.7 that does not require a vote; all of those provide approximate annual revenue of $23 Million.

The next page is an example to show our bonding capacity, this is some information that was provided by Dennis Hunt to the Street Committee, when they were looking at the large transportation improvement program as you and everybody knows the scope of that project has been down sized but, I chose to use this example to show what kind of capacity is out there. You have the current quarter cent as I said before is three quarter percent is scheduled to be available in 2015. However the anticipated pay off for that is 2013 based on sales tax growth. So if you look at a quarter cent from 2006 to 2015 and the full penny from 2006 to 2015 in would allow you to pay off the $162 Million, that's what it would take you to pay that larger scope of the Transportation Improvement Project. I think what this tells you from the bottom line perspective is that the City is in very good financial shape from a debt prospective and from a capacity for additional debt perspective.

The next page addresses some of Alderman Thiel's questions about the various cost associated with some of the different locations. Obviously their construction is going to be the same regardless, the details of that $16.8 Million is in Coy's memo which you received two agenda sessions ago. We talked about the relocation of dispatch and at the agenda session I mentioned that is doesn't have to be moved so that 1.5 wouldn't have to be included. After discussing that with the Police Department, they recommend that dispatch goes with them if they move. I have included that 1.5 on this spread sheet. Issues with staging and construction would be minimal, my discussion's with Coy about that and thinking back to the Town Center was that the project manager should work with your construction manager to provide a plan to mitigate any of those. There will be some additional costs and it would be approximately $50,000. Alderman Thiel also asked about temporary location for displaced workers and that's just based on the 10,000 sq ft. of the people in the old jail, prosecutor's area right now, just replacing that 10,000 sq ft and we did that 10,000 sq ft for 2 years would be $200,000 and then there would be some odd and ends related to moving and getting people moved around and that would amount to about $50,000. So you can see that cost by sight, differences there with regard to the parking deck, the City will likely partner with the Off-site Parking District for a parking downtown, that location has yet to be determined and the timing of that project is yet to be determined. We didn't feel that in order to complete this project and to deal with the 31 displaced parking spaces, that we would need a deck to accommodate those 31 spaces, we would find some other way. We wouldn't build a deck to just deal with those 31 spaces so I have taken to cost of the deck or continued to have the cost of the deck not included in this cost. Then you also asked about land acquisition, there would be no need to acquire any new land either. So that brings us back to the item that is before you tonight which is your decision if you are ready to make it on where this Council would prefer the Police Station to be located. You will notice on the last page that staff recommends a down town location at the prosecutor/old jail sight. Staff further recommends that we wait until at least the fall before engaging in a discussion about detailed financing options for the police station. I think the Council and the Mayor are facing other critical financing questions. Until the current issues surrounding the WSIP and the Street Bond are resolved, it's not appropriate and probably not very productive to have those detailed funding options discussed at this time. We would like to keep the discussion on the location issues if at all possible. I would be happy to answer any questions.

Mayor Coody: Do we have any questions for Susan?

Alderman Marr: Just a couple to make sure. The 90.955 Million on your first page, does that include the current anticipated cost, over runs etc. is that every thing included in this that we anticipate to pay?

Susan Thomas: I know that an initial $20 million RFF is in there, $47 is not in there.

Alderman Marr: I just want to make sure that I am looking at this the right way, if there is $117.98 or $118 Million in debt and another 47 that would go on that…

Alderman Jordan: Yes.

Susan Thomas: Yes, That $47 million would be in that top line and it would be with the WSIP.

Alderman Marr: $16.8 would be the actual cost of building the police station which would be added on that $117 million.

Susan Thomas: That's correct.

Alderman Marr: And the purchase item's, the things we talk about in terms of purchasing any land or this building next to us or the other locations we are talking about that's minuscule in scheme of these numbers, right?

Susan Thomas: I think so.

Alderman Marr: And so is this thing saying that our capacity is $162 Million and we are less than a one to one ratio.

Susan Thomas: To me what the third page says is that we had put together a program that was $160 some odd million originally from the transportation improvement program and said, 'Dennis, how would we pay for this?' And he said over 20 years you would pay for it this way. So I don't know if that equates to saying we have $162 million, it could be more that that, that's not a final limit, that is over 20 years using your penny…

Alderman Marr: It could be more long term, because in that Street Bond Issue, it was a much smaller amount on the short term piece.

Susan Thomas: Looking at the other financing if you look at your debt capacity associated with your millage that is going to bump that number up even further.

Mayor Coody: And to be perfectly clear, we are not advocating going deeply in debt or using millages for debt this is just information on where we are and this is a snap shot of where we are and these numbers look really good.

Alderman Marr: The reason I am asking the question Mayor is I really think that it's important to know what's your maximum borrowing versus where are you today. So if I look at the third page and we use that $162 million and I look at this $117.9 million and say I am going to add $47 million and I am going to add $18 million then I am at $182 million.

Susan Thomas: Well your $162 million is in addition to the $117 million on the front, the $117 million is existing debt. The $162 million is your capacity for additional, that's not a top out...

Alderman Marr: We don't have to take that into consideration is what you are saying in terms of our capacity.

Susan Thomas: Right, this is above that $117 million...

Mayor Coody: This is once...

Susan Thomas: I think its even higher, Alderman Marr when you continue your discussion, financing discussions of the street bond or when you talk about detailed financing issue associated with the WSIP and the Water and Sewer Committee that if you want us to get Dennis to give you that big number, what is it based on our current revenue, what is that max number. Where it's not associated with a particular program, like this $162 million is, to look at all of your revenue streams that can fund the debt and get that big number. I suspect that Dennis or somebody could calculate that for us if you want that number for this discussion.

Alderman Marr: I am not sure if I want to know it. I thinks its smart to discuss our biggest issues first and our citizen issue transportation second in terms of talking about financing anyway.

Susan Thomas: I am not sure how long those discussions will take or how long it will take to resolve those issues but I agree and staff is in complete consensus on waiting.

Mayor Coody: Yes Sir.

Alderman Rhoads: I firmly support leaving or having the place downtown, provided the money is more or less the same. I am a little bit confused, what are we to do with this resolution? Merely expressing intent and what does that do for us?

Susan Thomas: I think that we just want direction on where the council preferred on a location perspective and I think before making the decision to wait until the other financing decisions were resolved, that would have given us direction on moving ahead. If we had $400,000 in the budget to start the design work for this building we would have started taking those steps progressing forward, I think that was the intent when this started. The discussions over the last couple weeks have landed us on sort of holding off on having those discussions on financing.

Alderman Rhoads: So if we did express an intent to stay down town then you can start doing design work, is that what you are saying spending those dollars for design work?

Susan Thomas: That would be up to the council, if you all were comfortable with us moving forward before we start talking about particular financing options.

Mayor Coody: The main reason we want to get a discussion tonight on location is because where we locate this, I mean the two basic locations we have been talking about or of course are down town at the old jail and the Tyson Building. Now, depending on what ever location the city council chooses that makes a very different program on financing options and design features and things like that. So we didn't want to do anything without knowing what direction the council would take just on location. That's all we are asking for right now, is that the council decides to put it down town or Tyson, then that will give us direction to look at what the next step would be. We are not going to take any steps without council approval on any thing of course, but at least we would get the first and biggest most important question off the dock.

Susan Thomas: I think its also important that the design work on Fire Station 3, I think is starting soon and I would suspect that that Architect would want to know if it's going to be a Fire Station or a Fire Station and a Police Station and other things. I think it's important from that perspective as well.

Alderman Rhoads: That's a reason I can understand, thank you.

Alderman Thiel: Actually Susan just made the comment that I was going to make about the reason for trying to decide a location is because we are in the process of selecting an architect to design the Fire Station and we really need to know whether we need to design a fire station or a joint public facility. I would like to make some comments for the record; I respect Judge Moore and Prosecutor Jones and now the staff support locating this facility, or the Courts and Police down town, but I have concerns on the long range perspective of this and I want to remind everyone that several years ago the staff indicated a real need for a joint command center that would include Police, Fire, Training Facilities for both and possibly ambulance services. Then the point was emphasized again by the administration when we were encouraged to purchase the Mexican Original property mainly because there is a major cost savings when ever you build these facilities jointly, and of course the Wilson-Estes Space needs study that we paid for indicated that the Mexican Original location was preferable for such a facility because excess ability and ample parking and room for expansion. I just feel like we might be rather short sided here because at some point I assume we are going many years down the way, we will be looking at the idea of a joint command center again. In other words, a place we have training center for both and I am concerned that we don't have enough room downtown to provide all of that. I think all that we have room for is to build a rather large adequate police facility and accords and I just have some concerns about that. I wish we would look at the possibility of building a Courts building where the jail is now and possibly the police could utilize that space that the Court is using in their building now for a while longer and then in the future when we have means to build the joint facility the current Police Station, sub station serving downtown Dickson but that's just my opinion. I want it to be on the record because twenty or thirty years down the way some one is going to look back and ask why it was put downtown and I just want to make sure I got my two cents worth. That's all.

Mayor Coody: Alderman Reynolds, do you have anything to add?

Alderman Reynolds: Yeah, I want to enforce that. Who owns the town center?

Mayor Coody: The A & P Commission does, no the City of Fayetteville?

Kit Williams: Actually, we own it. We are leasing it over a long term to the A&P Commission.

Alderman Reynolds: Ok the next question is the parking lot West of Loafin' Joe's, where our employees park now, who owns that lot?

Kit Williams: I think we own that but I am not sure, is that correct Steve?

Steve Davis: Yes.

Alderman Reynolds: Why can't we start construction on that lot and let our employee's park in the Town Center Parking garage so we can get construction going and build a five or six story building on that piece of property and move everybody into that building?

Kit Williams: We have entered into a very long term lease with the A&P Commission for the Town Center so we would have to look at the terms of that lease but we did lease basically two. We do park cars right now in the town center I think about twenty vehicles including Police vehicles and some staff vehicles are now parked at the Town Center parking lot which we manage for the Town Center.

Alderman Reynolds: I am looking at the cost sheet here and it says dispatch relocate $1.5 Million temporary location for displaced workers $200,000 moving expenses, for temporary location its $50,000 to me that $1.75 million we can get started with on this project if we use that parking lot down there and rent spaces for our employee's.

Alderman Ferrell: I also favor staying downtown, when we can fiscally do it. But I have a question, I am confident that the resolution will pass, if the resolution passes would that be once we establish the fact that our intent is to stay down town with the courts and police, would that allow us to sell the remaining part of the Tyson Complex that is not going to be used for the Fire because if we are not going to use it I believe that's money that could go towards other things.

Mayor Coody: The answer is yes.

Alderman Ferrell: Ok good, thank you.

Alderman Thiel: I have one more quick question. I don't know if this is the appropriate time to bring this up but the animal services is part of the Police Division now and I have been hearing some major concerns about the space problems they are having. I just want to throw this out for every one to think about. Some time in the near future we are going to have to think about enlarging that facility and possibly even relocating it because there is a lot of evidence, nation wide to prove that a facility is located in a more accessible location has a much higher adoption rate which saves us money. So just keep that in mind that's something we are going to have to think about in the near future too. I am not advocating that the Mexican Original site or part of that would of necessarily served that purpose, I think the Chief would like to say so.

Mayor Coody: You are exactly right, Alderman Thiel, it's a good suggestion and we need to look at that.

Frank Johnson: That's all that I was going to support that I can tell you that the Animal Services Division, the shelter operation and all the administration functions maybe not a priority in the general discussion of all things the City has to do, but I can tell you as your Police Chief, the calls that I get about some of the issues that you brought up are as passionate as any calls that I get related to other functions of the Police Department. Animal Services are a function of the Police Department, so I just want to say that is very important dialog for a Council to have and some point it maybe some where in the near future that the council may want to consider what your philosophy is on providing Animal Services and that may direct the level of commitment you want to make when they come available.

Alderman Thiel: I would just like to add one thing that they idea of us saving how ever much it was by locating down town, if that all comes to fruition once the bids our out and we get a little further along with the planning process I certainly hope that we utilize that savings towards an Animal Shelter.

Kit Williams: I take that, we have a resolution of course with this item and so we will put in downtown in the blank for the resolution.

Mayor Coody: Any other discussion? Would public have any thing to add to this conversation? Alright we have a motion and a second to keep the police station down town.

Alderman Rhoads moved to express intent to maintain the location of the Police Department downtown. Alderman Jordan seconded. Upon roll call the resolution passed unanimously.

Resolution 94-06 as Recorded in the Office of the City Clerk.

Kit Williams: That did pass the resolution that had been provided?

Mayor Coody: Yes.

<u>RZN 06-2081 Spirits Shop Liquor Store:</u> An ordinance rezoning that property described in rezoning petition RZN 06-2081 for approximately 0.28 acres, located at 1242 North Garland Avenue, from C-1, Neighborhood Commercial to C-2, Thoroughfare Commercial.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Cook moved to amend to ordinance by removing RZN 06-2081 in the ordinance title. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Kit Williams: I would like for you to also add Section 3 because we now have a Bill of Assurance with it. Section 3 would add that this zoning change is made subject to the attached Bill of Assurance.

Alderman Cook moved to amend the ordinance to add Section 3 that this zoning change is made subject to the attached Bill of Assurance. Alderman Jordan seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Alderman Marr moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Marr seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Rhoads was absent during the vote.

Ordinance 4874 as Recorded in the Office of the City Clerk.

Meeting Adjourned at 7:25 pm.

Dan Coody

Dan Coody, Mayor

Sondra Smith

Sondra Smith, City Clerk/Treasurer