

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
March 17, 2009**

A meeting of the Fayetteville City Council was held on March 17, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Petty, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Update on Ice Storm Debris Removal – Don Marr, Chief of Staff

Don Marr, Chief of Staff gave a report on the ice storm cleanup. He stated we have picked up 359,689 cubic yards of debris. This includes all public road right of ways. This does not include private streets. We have 823 hazardous trees identified and 11,052 trees that have had hangers trimmed from them. We have approximately 700 to 800 acres of four inch coverage of wood chips. We would like to thank the citizens for their patience.

Louise Schaper, Library Director: Today we had an announcement of our Solar Test Bed Project. This is a project that is a partnership with the City of Fayetteville, University of Arkansas College of Engineering, Arkansas Energy Office, Arkansas Power and Electronics International, and AEP Swepco. It is an amazing project. It is a grant from the International City County Management Association in partnership with the Bill and Melinda Gates

Foundation. There will be an array of solar panels at the Fayetteville Public Library that will produce power. The project will be designed, constructed, and installed by students in the Senior Design Class at the College of Engineering. The oversight will be by the faculty. The project will serve as a test bed for locally developed technology. The project will start this fall and then move into next spring. We hope this will have a lot of exposure.

Mayor Jordan: I would like to thank you and your staff for the excellent job you are doing.

Louise Schaper: We could not do it without the vision and hard work of John Coleman, Sustainability Director. It is a great partnership.

Alderman Cook congratulated the Fayetteville High School Boys and Girls Basketball Team for winning the State Championships.

Mayor Jordan also congratulated them.

Nominating Committee Report:

Alderman Cook gave the Nominating Committee report. A copy of the report is attached.

Alderman Rhoads: The Tree and Landscape Advisory Committee what sort of role will they play as far as trying to re-forest the City?

Alderman Cook: They are looking at re-forestation, ways to work with the neighborhood associations, and ways to get trees in here free to the citizens or at a very reduced cost. We have some money in escrow that has to go to certain subdivisions.

State law stated the A & P Commission appoints their members and this body ratifies those positions. Typically in the past they have met after us, if the City Council ratifies those positions I prefer that we interview them so we will know who we are appointing. This time they met before us and made the appointments before we met. I was a little disappointed in that because we had several applicants lined up to interview for that board.

Alderman Ferrell moved to approve the Nominating Committee Report. Alderman Lucas seconded the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell thanked Chief Tony Johnson and Dennis Pratt for the program they presented before the Equipment Committee meeting.

Consent:

Approval of the February 18, 2009 Special City Council meeting minutes and March 3, 2009 City Council meeting minutes.

Approved

Bid # 09-23 Drake Field HVAC Controls Upgrade: A resolution awarding Bid # 09-23 and approving a contract with _____ in the amount of \$XX,XXX.XX for Drake Field HVAC Controls Upgrade.

This item was removed from Consent and tabled to the April 7, 2009 City Council meeting.

Arkansas Recreational Trails Grant: A resolution approving an Agreement of Understanding with the Arkansas Highway & Transportation Department (AHTD) for the acceptance of the Arkansas Recreational Trails Grant to utilize \$60,000.00 in federal aid funds for the construction of a trail connection to Mud Creek Trail at Old Missouri Road; and approving a budget adjustment in the amount of \$75,000.00.

Resolution 57-09 as Recorded in the office of the City Clerk.

Fayetteville Parks & Recreation Division Donations: A resolution approving a budget adjustment for the Fayetteville Parks & Recreation Division in the amount of \$30,000.00 to recognize donation revenues from various community organizations to fund item purchases and new programs.

Resolution 58-09 as Recorded in the office of the City Clerk.

2009 Overlay/Sidewalk Projects: A resolution approving the Transportation Division overlay/sidewalk projects list for 2009.

Resolution 59-09 as Recorded in the office of the City Clerk.

Amend Fayetteville Police Department Policy 41.2.17 "Canines": A resolution amending Policy No. 41.2.17 "Canines" to the Fayetteville Police Department's Policies, Procedures & Rules Manual.

Resolution 60-09 as Recorded in the office of the City Clerk.

Amend Fayetteville Police Department Policy 84.1.1 "Property Management": A resolution amending Policy No. 84.1.1 "Property Management; Acquired and In-Custody Property" to the Fayetteville Police Department's Policies, Procedures & Rules Manual.

Resolution 61-09 as Recorded in the office of the City Clerk.

Alderman Thiel moved to table Bid # 09-23 Drake Field HVAC Controls Upgrade to the April 7, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

Alderman Cook moved to approve the Consent Agenda. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Amberwood Place Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting. This ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting. This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting. This ordinance was Tabled at the February 3, 2009 City Council meeting to the March 3, 2009 City Council meeting.) This ordinance was Tabled at the March 3, 2009 City Council meeting to the March 17, 2009 City Council meeting.*

Jeremy Pate, Development Services Department Director: I recommend that this item be tabled for a couple of weeks while we review documents.

Alderman Lucas moved to table the ordinance to the April 7, 2009 City Council Meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 7, 2009 City Council Meeting.

New Business:

House Bill 1891: A resolution to express the City Council's opposition to House Bill 1891 which would remove the City Council's power to select the best health care insurance coverage for City employees.

Mayor Jordan: This was brought to our attention by Missy. At first we thought it would cost \$227,000 per year but it is actually \$227,000 per month.

Missy Leflar, Human Resources Division Manager: A little over \$2.8 million more a year for no advantage in coverage.

City Attorney Kit Williams: The resolution puts us directly against this. This would take away the power of the City Council to make the decision on the best health care for our City employees.

Alderman Lewis moved to amend the dollar amount listed on the resolution. There was no second to the motion. Upon roll call the motion passed unanimously.

Alderman Ferrell: Have we talked to our legislative delegation? Do we know where they stand on this? I would urge everyone to contact your legislators.

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

Resolution 62-09 as Recorded in the office of the City Clerk.

Newspaper Publishing: A resolution to limit newspaper publishing to only legally required items.

Alderman Cook: I brought this forward based on our discussion during the advertising contract. To me it is not really about money I just think that we as the City get the information out to the public in a lot of different ways than we have before. The City Clerk's office has a list serve, if anyone wants to be added to the list serve they can call and be added to it. We have them on our website and we have live broadcast on our website. The fact that we have gone above and beyond in the past is commendable but at this point we have ways in place that we can get information out there. We may come up with other ways to get the information out there. There are plenty other avenues with technology. I am asking the Council to consider limiting it to only what we are required by State law to advertise at this point.

Alderman Thiel: Can the City Clerk list items this will eliminate?

Sondra Smith, City Clerk: The main item it would eliminate in our office would be the final agenda. It is not required by State law. It is on the website and posted through Cable Administration. I can not speak for other Divisions. It would probably eliminate a few things in other Divisions too.

Alderman Thiel: That kind of concerns me because a lot of people still depend on the newspaper. I certainly agree with your concept of trying to reduce the cost. Maybe we could eliminate everything but that. That to me needs to be published.

Alderman Cook: I respectfully disagree. It seems to me that people that want to find the information are going to find the information. I don't think people get that much information from the papers. Very few people that apply for the boards and committees check the box that says they saw the ad in the newspaper. Most of it is word of mouth or they see it on line. The Planning Division will be affected by this also if we pass this.

Alderman Lewis: Is there any information that you have that would hinder our ability to communicate in other ways if we get rid of this?

City Attorney Kit Williams: I don't think so. There are some State laws that require newspaper publishing of ordinances and things like that. There are some notices that the Planning Department must put out. There may come a time that the Mayor may need to put

something in the paper that is not legally required. I assume that what you are talking about are the regular sort of things that happen all the time, in case there is some sort of publication that the Mayor needs to do this would not be opposing that.

Alderman Cook: I am not limiting people. I think there are areas in the past that we have advertised that I do not feel like we have to. I am not saying you can't advertise. I think each department will decide that themselves. I wanted to bring something forward for discussion because I don't think we gave any direction to staff.

Alderman Ferrell: I like your idea, I think it makes sense. It would be helpful to me to see a summary on what this is going to affect.

Alderman Petty: I will probably support this but I would like to see a summary as well. If we ratify this resolution can we include a notice at the bottom of what we put in the paper that says "additional notices are provided at this web address". We could put a listing of all the notices on one web address. That is something we do not do now. I have received a few inquires about this. What I have observed is that most people that can not afford the internet can not afford a newspaper subscription either so they make time to find out the information.

Alderman Gray: I would like to know how much money we would be saving. I think our rate may change if we are not doing as much volume. I think it is a great idea that we need to look at carefully.

Alderman Lewis: I would be interested in knowing if there is a way to make an exception.

Alderman Ferrell: This is also sustainability.

Alderman Lucas: I think over the years we have added more and more that we publish in the paper. I think when we discussed this we far exceeded what our contract with the paper required. I think we are going to be alright in that respect.

City Attorney Kit Williams: You are correct.

Alderman Cook moved to table the resolution to the April 7, 2009 City Council Meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This ordinance was tabled to the April 7, 2009 City Council Meeting.

New World Systems, Inc.: An ordinance to waive competitive bidding and to approve a three year contract for software maintenance with New World Systems, Inc.

City Attorney Kit Williams read the ordinance.

Scott Huddleston, Information Technology Director: New World is the provider of our financial software in addition to our utilities and HR. They are the only vendor that can provide

that support and updates to the software, if we stop maintenance we would have to go with new software which is a cost.

Mayor Jordan: The reason we are doing a no bid contract is changing companies would be a substantial cost to the City.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty 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 Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5227 as Recorded in the office of the City Clerk.

Amend Chapter 96: An ordinance amending §96.09: Compression Release Engine Brake, of the Fayetteville Code of Ordinances to grant an exemption to certain municipal vehicles.

City Attorney Kit Williams read the ordinance.

Dennis Pratt, Fleet Operations Superintendent: Fleet is asking for this in the redesign of their heavier equipment. The new system is quite a bit lighter, a lot less expensive, and it passes within the noise ordinance of the City.

Alderman Lewis: I think it is great. Thank you for your work and investigation on this. There is always a lot of new technology out there so I hope there will continue to be research and we don't just stick with this system because it is in the ordinance. Do we need to amend the ordinance or it will come back if we find something new.

City Attorney Kit Williams: Our Code is amended fairly frequently any time there is something new that would come forward. It was their recommendation that we mention this particular system. I think if another system comes forward that is equally effective or better then I am sure you will be informed and this ordinance will be amended.

Alderman Ferrell: I would like to thank Alderman Thiel for hearing this and passing it forward.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5228 as Recorded in the office of the City Clerk.

Amend Chapter 97: An ordinance amending §97.070 Recreational Activities at Lakes Fayetteville, Sequoyah, and Wilson, of the Fayetteville Code of Ordinances to establish daily and season permits for non-motorized boating.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director: This is something our staff as well as our Parks and Recreation Advisory Board are recommending. People have complained since we changed the fees that they would like more time to utilize our lakes for recreational boating rather than just fishing. That is why we would like to have a non-motorized section in which people can go out and canoe and kayak, just get people out on our lakes recreating. We can do a color coded tag that will distinguish those that have a non-motorized permit as opposed to a boating and fishing permit. I do not see that this will have a budget impact. I believe our numbers will increase with canoes and kayakers out on the lakes.

Alderman Ferrell: Non-motorized boats that fish will have to pay the fishing rate?

Connie Edmonston: Yes.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5229 as Recorded in the office of the City Clerk.

Agenda Additions:

Alderman Ferrell moved to add the following agenda items. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

A. Camp Equipment, LLC – Bid #09-18: A resolution awarding Bid #09-18 and approving the purchase of an Asphalt Paver Machine from A. Camp Equipment, LLC in the amount of \$300,500.00; and approving a budget adjustment in the amount of \$10,000.00.

Alderman Ferrell: This went through the Equipment Committee. We have one asphalt machine and it is starting to have maintenance problems. We will trade the old one in towards the purchase of this one. Paving season is getting ready to start so we would like to get this done.

Alderman Petty: There was a question at the Equipment Committee if our new paver broke down we would enter into an agreement with the County to use their paver if that happens.

Alderman Cook: It is very frustrating if your paver breaks down. It is very wasteful as far as material and people hours.

Alderman Lucas: We were told it would not be financial feasible to retain the old one as a backup.

Alderman Lewis: What is the purpose for the hurry?

Alderman Ferrell: Paving season runs from April to November.

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

Resolution 63-09 as Recorded in the office of the City Clerk.

Pig Trail Harley Davidson – Bid #09-17: A resolution awarding Bid #09-17 and approving the purchase of two (2) Police Pursuit Motorcycles from Pig Trail Harley Davidson in the amount of \$38,000.00.

Alderman Ferrell: We usually keep the Harley Davidson motorcycles three years because the resale is good on those and the demand for them is good.

Dennis Pratt: The motorcycles have been retained a year longer than usual. They are getting extra miles and things are starting to go wrong with them. The resale value is still very well on these.

Alderman Cook: At one time we were talking about investigating the BMW bikes.

Dennis Pratt: When we put that bid out BMW was able to bid and then they decided not to bid.

Alderman Lewis: I have the same question as before why are we hurrying to get these ordered?

Alderman Ferrell: One of the things is the maintenance is starting to increase.

Dennis Pratt: The time constraint on this one is trying to get it done in the spring so they can start riding them in the summer. When you receive a product that is when your warranty starts. It is almost a month before your next meeting and then a couple of weeks to get them in.

Alderman Petty: Have we ever considered the total cost of ownership for these vehicles when we solicit bids?

Alderman Cook: Yes. We look at the total life cycle.

Alderman Ferrell: We brought up maintenance, mileage, etc. when we compare them.

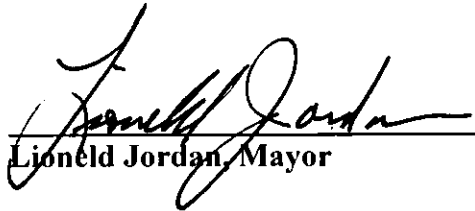
Alderman Petty: That seems like the kind of discussion we should have with every fleet purchase and every bid that comes in for equipment.

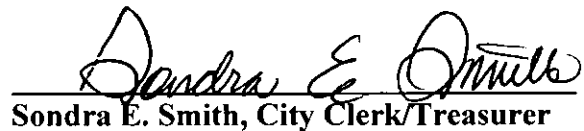
Alderman Ferrell: I think you make a good point. I think that should be looked at.

Alderman Ferrell moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Resolution 64-09 as Recorded in the office of the City Clerk.

The meeting adjourned at 7:00 PM


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report
Meeting: Wednesday, March 11, 2009
Room 326, City Hall 5:00 p.m.
Members Present – Kyle Cook, Bobby Ferrell, and Adella Gray.

The following candidates are being submitted to the entire City Council for consideration.

Advertising and Promotion Commission

- *Maudie Schmitt* – One tourism industry term ending 03/31/13
- *Bob Davis* – One public at large term ending 03/31/13.

City Board of Health

- *Evelyn Fritz* – One unexpired term ending 12/31/13.

Construction Board of Adjustments and Appeals

No applications were received.

Fayetteville Public Library Board of Trustees

- *Elizabeth Jordan* – One term ending 04/01/14
- *Suzanne Clark* – One unexpired term ending 04/01/13.

Planning Commission

- *Porter Winston* – One term ending 03/31/12
- *Craig Honchel* – One term ending 03/31/12
- *James Zant* – One term ending 03/31/12.

Telecommunications Board

- *Abel Tomlinson* – One unexpired term ending 06/30/10.

Tree and Landscape Advisory Committee

- *Chris Wilson* – One unexpired environmental term ending 12/31/10
- *J P Peters* – One unexpired citizen at large term ending 12/31/10.