Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

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

City of Fayetteville Arkansas
City Council Meeting Minutes
June 2, 2009

A meeting of the Fayetteville City Council was held on June 2, 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 Thiel, Cook, Petty, Rhoads, Ferrell, and Lucas, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray and Lewis

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

FHS Baseball Team Proclamation

This proclamation was removed from the agenda and placed on the June 16, 2009 City Council meeting agenda.

<u>Consent:</u>

Approval of the May 19, 2009 City Council meeting minutes.

Approved

Bid # 09-42 Laser Specialists, Inc.: A resolution to award Bid # 09-42 to Laser Specialists, Inc. to purchase GPS surveying equipment in the amount of $30,080.00 plus taxes and fees.

Resolution 113-09 as Recorded in the office of the City Clerk.

Dawson Education Cooperative: A resolution to approve the Interlocal Cooperation Agreement with Dawson Education Cooperative to enable the City of Fayetteville to purchase goods and services through the Texas Arkansas Purchasing System.

Resolution 114-09 as Recorded in the office of the City Clerk.

Arkansas Emergency Telephone Services Board: A resolution to accept training reimbursement from the Arkansas Emergency Telephone Services Board in the amount of $796.00 and to approve a budget adjustment recognizing this revenue.

Resolution 115-09 as Recorded in the office of the City Clerk.

2009 Water and Sewer Revenue Bonds: A resolution to approve a budget adjustment in the amount of seven and a half million dollars ($7,500,000.00) to recognize revenue from the sale of the 2009 Water and Sewer Revenue Bonds.

Resolution 116-09 as Recorded in the office of the City Clerk.

Repeal Bid # 09-27 Lewis Ford: A resolution to repeal Resolution No. 86-09 and to award Bid # 09-27 for a 4X4 compact pickup truck to Lewis Ford of Fayetteville in the amount of $18,379.00.

Resolution 117-09 as Recorded in the office of the City Clerk.

Repeal Bid # 09-28 Lewis Ford: A resolution to repeal Resolution No. 87-09 and to award Bid # 09-28 for an extended cab compact pickup truck to Lewis Ford of Fayetteville in the amount of $15,987.00.

Resolution 118-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

<u>Presentations, Reports and Discussion Items:</u>

False Alarm Ordinance 5083 Discussion

Greg Tabor, Acting Police Chief: We started the alarm ordinance about three months ago. During that time we had 848 total alarms. We are down 106 alarms in that three month period from the previous year. We have saved about 70 man hours not responding to those 106 alarms.

We have 2,223 alarms registered in the City. 53% of those are residential and 47% are non residential. 74% of the false alarms have been nonresidential. We have established an alarms appeal panel. There have been three appeals and those were resolved. Cry Wolf has collected $6,800. They keep 28% of that and we get the remaining balance.

Alderman Thiel: It sounds like it is doing what it was suppose to do.

Greg Tabor: I think it is beginning to. The biggest complaint that we have had is if you don't register and then have an alarm you will be billed $250 and some of those people did not know they were suppose to register. At this time I do not see any need to make any changes.

James Butch Coger: These figures are really interesting. Alarm systems work. They help the police catch people. Commercial businesses are the biggest offenders in false alarms. Are the government and the schools charged?

Greg Tabor: As far as I know there is no one exempt.

James Butch Coger: That's good because fair is fair. I am not opposed to a false alarm ordinance. There are a few things that can be changed to make it better. The biggest thing that works for reducing false alarms is education. I would like to see residential go to three false alarms and on the third alarm you go to a class regarding false alarms or you pay the fine. False alarms are bad. I would like to see the commercial go to two false alarms and on the second false alarm they either go to a class regarding false alarms or you pay the fine. I would like to see residential security systems with monitored fire alarms excluded. On fire alarms there must be six false alarms before a fine is charged. It is the people that generally cause false alarms. I would like to see residential security systems with medical alerts excluded.

I have had a lot of complaints about the ordinance. Some people are not happy about having to register there alarm systems with an out of state company. I think our police department does an excellent job.

Greg Tabor: When we did this we discussed the three alarms before fines. If you use the three or more theory, in a three month time period we had 4.5% of our alarms that would rise to that three or more threshold. The majority of them are only one or two.

Alderman Lucas: There is one free one?

Greg Tabor: Yes. But if you have a false alarm and you are not registered you will be fined for not registering.

Alderman Thiel: How is the information getting out to the public about registering?

Greg Tabor: Through the fire alarm companies, we did a lot of press releases, and we had an insert in the water bills.

<u>Unfinished Business:</u>

Runway Safety Area Improvement Project Grants: A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue. *This resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting. This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.*

Ray Boudreaux, Director of Aviation: The grant has been approved in the amount of $3,622,000 which is more than what we had anticipated. This will allow us to do the entire project.

Alderman Cook moved to amend the grant to the approved amount. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

Alderman Ferrell moved to approve the resolution as amended. Alderman Lucas seconded the motion. Upon roll call the resolution passed 6-0. Alderman Gray and Lewis were absent.

Resolution 119-09 as Recorded in the office of the City Clerk.

Bid # 09-34 Runway Safety Area Improvement Project: A resolution awarding Bid # 09-34 and approving a contract with Sweetser Construction, Inc. in the amount of $969,325.65 for construction of the Runway 16 Runway Safety Area Improvement Project. *This resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting. This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.*

Ray Boudreaux: Please table this until the next City Council meeting.

Alderman Ferrell moved to table the resolution to the June 16, 2009 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

This resolution was tabled to the June 16, 2009 City Council meeting.

McClelland Consulting Engineers, Inc.: A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of $231,100.00 and to approve a budget adjustment of $231,096.00. *This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.*

Ray Boudreaux: Please table this until the next City Council meeting.

Alderman Ferrell moved to table the resolution to the June 16, 2009 City Council meeting. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

This resolution was tabled to the June 16, 2009 City Council meeting.

R-PZD 09-3253 (Park Hill at Mountain Ranch): An ordinance establishing a Residential Planned Zoning District titled R-PZD 09-3253, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was left on the Second Reading at the May 19, 2009 City Council meeting.*

Alderman Lucas moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Lewis were absent.

Ordinance 5242 as Recorded in the office of the City Clerk.

<u>**New Business:**</u>

Bid # 08-53 Future Link: A resolution approving the purchase of five (5) additional Datalux Computers from Future Link under Bid # 08-53 in the amount of $25,503.00 (plus Tax) for use in five (5) new police 24-hour patrol units.

Dennis Pratt, Fleet Operations Superintendent: We called the vendor to make sure no license agreement was being purchased for Vista. It is not part of this package.

Alderman Petty: I guess that is their business model and we will have to accept it.

Alderman Cook moved to approve the resolution as amended. Alderman Petty seconded the motion. Upon roll call the resolution passed 6-0. Alderman Gray and Lewis were absent.

Resolution 120-09 as Recorded in the office of the City Clerk.

Utilities Department Positions: A resolution to amend the 2009 Budget to authorize and fund two full time employee positions for project design and management of Utilities Department projects and to approve the attached budget adjustment to reduce the overall Water and Sewer Budget by $250,000.00.

Alderman Cook moved to table the resolution because two members of the Water and Sewer Committee were not at the meeting.

Alderman Cook moved to table the resolution to the June 16, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

This resolution was tabled to the June 16, 2009 City Council meeting.

RZN 09-3270 (Ramona Jones): An ordinance rezoning that property described in rezoning petition RZN 09-3270, for approximately 1.00 acre, located at 41 East North Street, on the southwest corner of North and Pollard from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Department Director gave a brief summary of the rezoning. Planning Commission voted 7-0 in favor of the rezoning and staff is recommending in favor.

Alderman Cook: I do not see a problem with this.

Alderman Lucas: I think this is a great use for this property.

Alderman Cook moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Lewis were absent.

Ordinance 5243 as Recorded in the office of the City Clerk.

VAC 09-3267 (Life Styles): An ordinance approving VAC 09-3267 submitted by Bates and Associates for property located at Sycamore Street and Saddlehorne Avenue, to vacate an unimproved portion of right-of-way for Sycamore Street, containing a total of 0.07 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief summary of the vacation. Planning Commission voted 7-0 in favor of this request and staff is in favor.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

City Attorney Kit Williams read the ordinance.

Alderman Cook moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lewis were absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Lewis were absent.

Ordinance 5244 as Recorded in the office of the City Clerk.

Agenda Additions: None

Announcements: Alderman Lucas welcomed Wal-Mart shareholders, associates, and vendors to Fayetteville.

City Council Tour: None

The meeting adjourned at 6:40 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer