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
November 16, 2010

A meeting of the Fayetteville City Council was held on November 16, 2010 at 6:00 p.m. 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, Ferrell, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Rhoads and Lucas

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Report of the Financial Condition of the City – City Clerk Sondra Smith, Finance Director Paul Becker.

The quarterly report was emailed to the City Council.

Paul Becker, Finance Director gave a brief summary of the quarterly report.

Agenda Additions: None

Consent:

Approval of the November 2, 2010 City Council meeting minutes.

Approved

Bid #10-64 Challenge Technologies: A resolution awarding Bid #10-64 and authorizing the purchase of two (2) on-line respirometers from Challenge Technologies in the amount of $42,500.00 plus applicable sales tax for use at city wastewater treatment facilities.

Resolution 195-10 as recorded in the office of the City Clerk.

Bid #10-65 HACH Company: A resolution awarding Bid #10-65 and authorizing the purchase of a flow injection analysis instrument from HACH Company in the amount of $53,930.78 for use in testing at city wastewater treatment facilities.

Resolution 196-10 as recorded in the office of the City Clerk.

McClelland Consulting Engineers Amendment No. 2: A resolution approving contract Amendment No. 2 to a contract with McClelland Consulting Engineers in the amount of $32,036.33 for final design services for Mount Sequoyah Pressure Plane Improvements associated with the Canterbury Water Tank including water pump station and off-site water line extension, and maintaining a $20,000.00 contingency.

Resolution 197-10 as recorded in the office of the City Clerk.

Fayetteville MSA Limited Partnership/Verizon Wireless: A resolution approving a second amendment to the contract with Fayetteville MSA Limited Partnership d/b/a Verizon Wireless providing for increased rent of $245.70 per month for cellular antenna space on the Gulley Road Water Tower.

Resolution 198-10 as recorded in the office of the City Clerk.

Amend Resolution 166-10: A resolution to amend Resolution No. 166-10 to authorize either City Council Member Shirley Lucas or Sarah Lewis to represent the Fayetteville City Council during the Settlement Conference of November 17, 2010, as required by the Federal Magistrate.

Resolution 199-10 as recorded in the office of the City Clerk.

2010 ADEQ Recycling Grant For Containers: A resolution authorizing acceptance of a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain Solid Waste District in the amount of $29,449.00 for recycling containers for the West Side Recycling Drop-Off Facility, and approving a budget adjustment.

Resolution 200-10 as recorded in the office of the City Clerk.

2010 ADEQ Recycling Grant For Education: A resolution authorizing acceptance of a 2010 Arkansas Department of Environmental Quality Recycling Grant through the Boston Mountain

Solid Waste District in the amount of $15,551.00 for educational material for the West Side Recycling Drop-Off Facility, and approving a budget adjustment.

Resolution 201-10 as recorded in the office of the City Clerk.

Highway 16 Improvements: A resolution authorizing payment to the Arkansas State Highway and Transportation Department in the amount of $980,906.00 for a portion of the City's fifty percent (50%) share of improvements to State Highway 16 from Armstrong Avenue to Stonebridge Road.

Resolution 202-10 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Rhoads and Lucas were absent.

Unfinished Business: None

New Business:

Bid #10-60 Crossland Heavy Contractors, Inc.: A resolution awarding Bid #10-60 and authorizing a contract with Crossland Heavy Contractors, Inc. in the amount of $2,770,280.00 for construction of a biosolids management thermal dryer, approving a project contingency of $140,000.00, and approving a budget adjustment.

David Jurgens, Utilities Director gave a brief description of the resolution.

Alderman Ferrell: What do you anticipate as the completion date?

David Jurgens: This part will probably come into operation in July. The solar drying houses which are already under construction should be completed in February.

Alderman Ferrell: This February?

David Jurgens: Yes.

Alderman Ferrell: Do you anticipate having significant capital expenses next year?

David Jurgens: In terms of wastewater no. There is one major capital project that we anticipate, the southern Fayetteville Sanitary Sewer Rehabilitation, which we have put on hold because we are waiting on a $280,000 grant.

The other question is phosphorus and the two new permits that are being issued. The permit for the West Plant is on hold. The permit for Noland Plant will be due in May. If there are increased discharge requirements, which make it more stringent, then we may be forecasting something in the future based on that.

Alderman Lewis: This is an important project because it's an investment in something that will allow us to save a lot of money in the number of tractor trailer loads weekly to Prairie View and Oakridge Landfill. This will allow us to deal with our biosolids here and potentially create revenue.

David Jurgens: Yes ma'am, right now it is waste but we are hoping to turn that into an asset. This is a marketable product in a number of places for revenue.

Alderman Lewis: Thank you.

Alderman Cook: The best part of that is it's the beginning of the end of the wastewater system improvement project. This is the last big contract.

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

Resolution 203-10 as recorded in the office of the City Clerk.

Mayor Jordan thanked David Jurgens and the Water and Sewer Committee for their hard work.

CH2M Hill Engineers, Inc. Amendment No. 1: A resolution approving contract Amendment No. 1 with CH2M Hill Engineers, Inc. in the amount of $6,765,224.00 for operation, maintenance, management, and engineering services for city wastewater treatment facilities and systems, and approving a $70,000.00 contract contingency.

David Jurgens gave a brief description of the resolution.

Alderman Ferrell: I love to see a $90,000 reduction in the contract.

Alderman Lewis: They saved energy efficiencies as well and that's not included in this, is that right?

David Jurgens: The cost for the energy savings is not included. That is how this contract from 2009 to 2010 was reduced by almost $1,000,000.

Alderman Lewis: This is on top of that?

David Jurgens: Yes ma'am.

Alderman Cook: I appreciate OMI's diligence with their contract. Billy and his crew do a good job and I appreciate it.

SouthPass Amendment No. 1: An ordinance approving Amendment No. 1 to a residential planned zoning district entitled R-PZD 08-2898 SouthPass to amend the phasing plan, reduce the project acreage and density, rezone a portion of the property to RSF-0.5, amend Condition No. 10 regarding the $1 million contribution and change the name of the PZD.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance and the amendments. He stated we are recommending in favor of all the amendments as listed in the ordinance and the attached exhibits.

Alderman Ferrell: From the very beginning of this, under a different set of circumstances and different people, I was opposed to this. From the very beginning the 33 acre site was the thing to me that was a bad mistake. Has the mitigation started yet?

Jeremy Pate: You are referring to the preexisting landfill. That was part of the contract that the former property owners would deed that property to the City so we hold that property as well. ADEQ is utilizing State funds to clean that site up. No construction has started yet but we have received preliminary plans and they are in discussion with easements surrounding the property for buffers and have worked with our Parks Department on that. I am not sure if there is a time table set for that yet.

Don Marr: There has not been a time table set although they have asked us to look at additional boundary requirements where they identified mediation would be needed which is currently being done with ADEQ.

Alderman Ferrell: It seems like we have taken lemons and made lemonade. There is a promise to do something out here and I will probably support it.

Alderman Lewis: This was originally proposed as a project with a developer and the whole thing was under their control. This is more like a master plan and this could be developed by multiple people and organizations and the City has this PZD in place to say we have the plan for that site.

Jeremy Pate: You are exactly correct. This is a large piece of property that I would anticipate many developers over time that would develop portions of the property. The benefit that we have is a neighborhood plan that was submitted by the developer which is enforceable by law, the ordinance, the PZD standards and the architectural design standards that they have established for each planning area. All those things are enforceable by this ordinance. So when any one of many individuals submits a property for development we will take them back to that project plan and say you have to meet these standards that were set out and approved by the Council.

Alderman Lewis: They have five years to get Phase I. What happens if they don't?

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

Resolution 204-10 as recorded in the office of the City Clerk.

Mayor Jordan: OMI has done a fantastic job and I want to thank you on behalf of the citizens and this Administration.

2011 Annual Budget & Work Program: A resolution adopting the 2011 Annual Budget and Work Program.

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Ferrell: Were there any salaries reduced?

Paul Becker: We did not reduce individual salaries. That is a salary line item.

Don Marr thanked the department directors and division managers who spent a lot of time on the budget. They did a fabulous job of looking at expenses and trying to reduce the budget. He thanked the budget staff, Kevin Springer, Barbara Fell, and Liz Hutchens for the time they worked on the budget to meet timelines and Fire Chief David Dayringer and Police Chief Greg Tabor for their contributions because they are two of the our largest divisions. He also thanked all of the elected officials, the Judge, City Attorney, City Clerk and the Mayor for their work on the budget and Paul Becker.

Mayor Jordan: We also need to thank the Chief of Staff who has done a fantastic job as well.

Alderman Lewis: I would like to add that I noticed and appreciated the way this was organized with the drainage and maintenance and how that was divided out.

Mayor Jordan: This was not an easy budget but we have kept our service level the same that it's always been. He went on to speak on staff's continuing efforts throughout the budget process.

Alderman Ferrell: Alderman Rhoads is not able to be here and he asked that we wait to take any action until he could be back.

Alderman Thiel moved to table the resolution to the December 7, 2010 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed 5-1. Alderman Petty voting no. Alderman Rhoads and Lucas were absent.

This resolution was tabled to the December 7, 2010 City Council Meeting.

Jeremy Pate: Within five years they must obtain the construction permits for infrastructure for that phase, if they achieve that they have three years to construct it and if they don't achieve that they can apply for a one year extension. If it never happens they will come back before you requesting a new phasing plan or the project dies. When a PZD expires the Council has a couple of options. You can leave it as the PZD but the property owner is not able to do anything with that property or the property can be rezoned. What you do not get to do is keep the same design standards.

Alderman Lewis: So it's Chambers Bank who is in charge of getting this rolling within the next five years or are they recruiting people to take it off their hands to do that?

Jeremy Pate: It could be either or both. The incentive here is for them to have Phase I be the first Phase developed. That is the one that has the most critical time crunch.

Mayor Jordan: The main thing is we wanted the City to keep control no matter who develops it under the same sort of standards through this process.

Alderman Thiel: I think this is the best thing that can happen with a project that we thought was not going to bring anything back to the Parks. I certainly support it.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion.

Alderman Petty: I would prefer to give this at least two meetings so I am going to vote against moving it to the second reading. This is one of the biggest projects the Council has ever seen. This is a pretty substantial change.

Upon roll call the motion passed 6-1. Alderman Ferrell, Lewis, Gray, Thiel and Cook voting yes. Alderman Petty voting no. Mayor Jordan voted yes to go to the second reading. Alderman Rhoads and Lucas were absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the second reading.

City Council Tour: Monday, November 15, 2010 – Meet at the Walton Arts Center parking lot at the South end.

Meeting adjourned at 6:50 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer