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 Boudreaux
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Sarah E. Lewis

City of Fayetteville Arkansas
City Council Meeting Minutes
September 6, 2011

A meeting of the Fayetteville City Council was held on September 6, 2011 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, Boudreaux, Kinion, Petty, Tennant, Ferrell, Adams, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Lewis

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

2nd Quarter Financial Report 2011

Paul Becker, Finance Director gave a brief description of the 2nd Quarter Financial Report for 2011.

Alderman Ferrell: What is the amount that water and sewer is up?

Paul Becker: It's about $600,000 and that is online with the budget right now. However, we will have strong revenues coming in for July and August. During those months we had a heavy drought season.

Off Street Parking Improvement District No. 1 Appointment:

Appointment of Greg Lee

John Burrow, General Legal Council for the Off Street Parking and Improvement District Board explained that the vacancy was due to a resignation of one of the board members. He recommended Greg Lee for appointment to the Board.

Alderman Ferrell moved to appoint Greg Lee to the Off Street Parking Improvement District No. 1. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

Greg Lee was appointed.

Agenda Additions:

City Clerk Sondra Smith: There is an item that we need to add to the agenda. We would like to add it at the end of New Business. It is an amendment to Resolution 99-11.

Alderman Boudreaux moved to add the Friendship Community Care, Inc. lease amendment resolution to the agenda. Alderman Ferrell seconded the motion.

The following resolution was added at the end of New Business:

Friendship Community Care, Inc. Lease Amendment: A resolution to approve a slightly amended lease with Friendship Community Care, Inc. for 2.2 acres of city property required by the United States Department of Housing and Urban Development.

Consent:

Approval of the August 16, 2011 City Council meeting minutes.

Approved

Amend Resolution No. 04-11: A resolution amending Resolution No. 04-11 awarding Bid #11-03 and authorizing the purchase of curb and gutter construction from Ground Zero Construction as a primary supplier, Tomlinson Asphalt Co. Inc. as a secondary supplier, and authorizing subsequent use of other bidders based on price and availability, in variable amounts, as needed in calendar year 2011 by the Transportation Division.

Resolution 147-11 as recorded in the office of the City Clerk.

Amend Resolution No. 70-11: A resolution amending Resolution No. 70-11, awarding Bid #11-22 and authorizing a contract with Multi-Craft Contractors, Inc. in the amount of

$71,794.55, plus a ten percent (10%) contingency, for HVAC and repair services related to Energy Efficiency and Conservation Block Grant Funded Community Revolving Loan Fund projects.

Resolution 148-11 as recorded in the office of the City Clerk.

Bid #11-45 Scurlock Industries of Fayetteville, Inc.: A resolution awarding Bid #11-45 and approving a contract with Scurlock Industries of Fayetteville, Inc. in the amount of $115,290.98 for the purchase of precast box culvert sections for installation on the University of Arkansas Farm trail, and approving a five percent (5%) project contingency.

Resolution 149-11 as recorded in the office of the City Clerk.

Bid #11-48 Southwest Fence Company Inc.: A resolution awarding Bid #11-48 and approving a contract with Southwest Fence Company Inc. of Little Rock in the amount of $55,564.07 for the installation of fencing along the University of Arkansas Farm trail, and approving a fifteen percent (15%) project contingency.

Resolution 150-11 as recorded in the office of the City Clerk.

Deane Street Right of Way Donation: A resolution authorizing donation of right of way along Deane Street containing a total of 0.04 acres and being a part of Parcel No. 765-05204-001 to the Arkansas State Highway Commission as part of their Garland Avenue Improvement Project.

Resolution 151-11 as recorded in the office of the City Clerk.

FTN Associates Ltd.: A resolution approving a professional services contract with FTN Associates Ltd. in the amount of $200,100.00 for updating the City of Fayetteville drainage criteria manual.

Resolution 152-11 as recorded in the office of the City Clerk.

Arkansas State Highway Commission: A resolution authorizing sale & donation of right of way and four (4) temporary construction easements to the Arkansas State Highway Commission to facilitate widening of State Highway 265 (Crossover Road) between Joyce Boulevard and the northern city limits.

Resolution 153-11 as recorded in the office of the City Clerk.

CH2M Hill: A resolution approving an out of scope agreement with CH2M Hill in the amount of $14,929.45 for operational expenses incurred as a direct result of 2011 spring flooding, and approving a budget adjustment.

Resolution 154-11 as recorded in the office of the City Clerk.

Bid #11-50 Goodwin & Goodwin, Inc.: A resolution awarding Bid #11-50 and approving a contract with Goodwin & Goodwin, Inc. in the amount of $119,250.00 for the construction of a natural gas service line to the biosolids facility, and approving a five percent (5%) project contingency.

Resolution 155-11 as recorded in the office of the City Clerk.

Bid #11-53 RJR Enterprises, Inc.: A resolution awarding Bid #11-53 and approving a contract with RJR Enterprises, Inc. in the amount of $33,300.00 plus a ten percent (10%) project contingency, for playground resurfacing at Gulley Park.

Resolution 156-11 as recorded in the office of the City Clerk.

Environmental Protection Agency: A resolution approving a budget adjustment in the amount of $8,000.00 to recognize revenue from the Environmental Protection Agency to the Police Department for clandestine drug lab cleanup and disposal.

Resolution 157-11 as recorded in the office of the City Clerk.

Airport Hangar Insurance Proceeds: A resolution approving a budget adjustment in the amount of $300,000.00 to pay down a loan from the General Fund from insurance proceeds received from the airport hangar fire in 2009.

Resolution 158-11 as recorded in the office of the City Clerk.

First Security Bank: A resolution approving a five (5) year professional services contract with First Security Bank for the provision of investment management services.

Resolution 159-11 as recorded in the office of the City Clerk.

Arkansas State Highway Department: A resolution approving a budget adjustment in the amount of $22,329.00 to recognize revenue from the Arkansas State Highway and Transportation Department for replacement of a fence, sign, and trees due to the widening of State Highway 16 near the City Shop area.

Resolution 160-11 as recorded in the office of the City Clerk.

The Coves Subdivision Phase 1: A resolution pursuant to Fayetteville Code §167.04(J)(2) and 167.04(J)(3), approving a tree preservation plan for The Coves Subdivision Phase 1 for tree preservation outside the city limits.

Resolution 161-11 as recorded in the office of the City Clerk.

Southwind Hospitality, LLC: A resolution to approve a one year lease with Southwind Hospitality, LLC for the bottom level of the Meadow Street Parking Deck for $4,450.00 per month; and two seven year automatic renewals for the first and third levels for $8,900.00 per month.

Resolution 162-11 as recorded in the office of the City Clerk.

Fayetteville Chamber of Commerce: A resolution approving a two (2) year economic development services contract with the Fayetteville Chamber of Commerce in the total amount of $299,000.00, and approving a budget adjustment.

Resolution 163-11 as recorded in the office of the City Clerk.

2011 Assistance to Firefighters Grant: A resolution authorizing application for and acceptance of a 2011 Assistance to Firefighters matching grant in an amount up to $800,000.00 with a twenty percent (20%) city match in an amount up to $160,000.00.

Resolution 164-11 as recorded in the office of the City Clerk.

Alderman Tennant moved to approve the Consent Agenda as read. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

<u>Unfinished Business:</u> None

<u>New Business:</u>

ADM 11-3627: Public Art Donation: A resolution to accept the donation of a bronze sculpture entitled "Cloud Landscape" by Hank Kaminsky and to thank the Omni Center for Peace, Justice and Ecology for this donation.

Leif Olson, Sustainability and Strategic Planning gave a brief description of the sculpture.

Hank Kaminsky also gave a brief description of the sculpture.

Lauren Hawkins, member of the Board of Directors for the OMNI Center for Peace, Justice and Ecology expressed her appreciation for this donation.

Alderman Boudreaux moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 7-0. Alderman Lewis was absent.

Resolution 165-11 as recorded in the office of the City Clerk.

Revised Ward Boundaries: A resolution to approve revised ward boundaries to equalize ward populations after the 2010 Federal Census.

John Goddard, GIS Coordinator for the City gave a presentation regarding the ward boundaries. He stated as a result of the 2010 Census it is a requirement to balance the population of the wards.

Alderman Boudreaux: Everything I see in Ward 1 looks good. I think you have done a fantastic job of getting this worked out in a way that keeps the existing alderman in their current wards.

Alderman Ferrell: Does this become effective after we vote on it?

City Attorney Kit Williams: It is effective as soon as you pass it tonight.

John Burrow, Chair of the Washington County Election Commission stated we are extremely happy with this map. These lines are going to be very easy for us to work with. He spoke in favor of the resolution.

Aubrey Shepherd, a Fayetteville citizen asked for clarification of one of the areas on the map.

John Goddard clarified the boundaries in that area.

Aubrey Shepherd requested that this map be placed on the internet so everyone can learn about the boundaries. He also requested that the stormwater study that was done for engineering also be placed online.

Jeremy Pate: It is just a contract to begin the study.

City Attorney Kit Williams: It actually is online right now as a part of the agenda packet.

Alderman Boudreaux: Is there a rush on this?

City Attorney Kit Williams: No rush.

Alderman Boudreaux: I think everyone is real happy with it. Does anyone see a reason to wait and let the public look at it a little more?

Alderman Petty: I don't see a reason to wait. I have not heard anything from any constituents.

Alderman Boudreaux: They probably have not had a chance to see it.

Alderman Petty: It has been discussed in a few venues online and at the last Agenda Session but if the rest of the Council wishes to wait we can wait.

Alderman Adams: I think Brenda has a point and I would support that. I would like to see citizens have a couple of weeks to email us. I support it and think it's great and really appreciate the hard work. What would it hurt to wait two weeks?

A discussion followed on whether or not to table the resolution.

Don Marr, Chief of Staff reminded the Council of the Special Election coming up on the 11th of October. He stated there are also benefits to getting the information resolved quickly.

Alderman Boudreaux: That is why I asked if there was an urgency.

Alderman Petty: Mr. Burrow, are there any cost savings involved with changing these ward boundaries before the election or any other benefits in doing this before the election?

John Burrow: It won't affect the election and does not come into effect for any electoral purposes until your next election cycle.

Alderman Petty moved to table the resolution to the September 20, 2011 City Council meeting. Alderman Boudreaux seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

This resolution was Tabled to the September 20, 2011 City Council meeting.

Alderman Ferrell complimented John Goddard and everyone that was involved in revising the ward map.

VAC 11-3887 (2388 N. College Avenue/Kum and Go): An ordinance approving VAC 11-3887 submitted by CEI Engineering Associates, Inc. for property located at 2388 North College Avenue to vacate a portion of a utility easement, a total of 1,158 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Lewis was absent.

Ordinance 5436 as Recorded in the office of the City Clerk

Amend § 51.137 Monthly Sewer Rates: An ordinance amending Section 51.137 Monthly Sewer Rates of the Code of Fayetteville by reducing certain extra strength surcharges to sewer rates, and providing for an effective date.

City Attorney Kit Williams read the ordinance.

David Jurgens, Utilities Director gave a brief description of the ordinance. He explained the sewer codes and their regulations on how changes to sewer rates are passed.

This ordinance was left on the First Reading

Amend §174.03 Exemptions of the Signs Chapter: An ordinance to amend §174.03 Exemptions of the Signs Chapter to permit cross street banners on Block Avenue similar to Dickson Street.

City Attorney Kit Williams read the ordinance.

Alderman Petty gave a brief description of the ordinance.

Alderman Gray and Boudreaux stated I think this is a great idea.

Alderman Ferrell stated this is a good ordinance Matthew.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Lewis was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Lewis was absent.

Ordinance 5437 as Recorded in the office of the City Clerk

<u>Agenda Additions:</u>

Friendship Community Care, Inc. Lease Amendment: A resolution to approve a slightly amended lease with Friendship Community Care, Inc. for 2.2 acres of City property required by the United States Department of Housing and Urban Development.

City Attorney Kit Williams gave a brief description of the resolution and explained why the amendment was necessary.

Alderman Boudreaux moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 7-0. Alderman Lewis was absent.

Resolution 166-11 as recorded in the office of the City Clerk.

Announcements:

Meeting adjourned at 6:50 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer