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
October 4, 2011

A meeting of the Fayetteville City Council was held on October 4, 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, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan read a proclamation announcing Aviation Day in Fayetteville and presented the proclamation to Ray Boudreaux, Airport Director.

Ray Boudreaux introduced members of the Airport Board.

Alderman Adams: I think it is wonderful that the Airport is allowing events to be held there.

Mayor Jordan welcomed the Spring International Students from the University of Arkansas and asked that they stand and be recognized.

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions:

JWC Environmental (Channel Monster Grinder): An ordinance waiving competitive bidding and approving an agreement with JWC Environmental in the amount of $28,472.37 for repair of a channel monster grinder.

Alderman Petty moved to amend the agenda and add JWC Environmental (Channel Monster Grinder). Alderman Adams seconded the motion. Upon roll call the motion passed 7-0. Alderman Ferrell was absent during the vote.

City Attorney Kit Williams read the ordinance.

Lynn Hyke, Construction and Contract Manager gave a brief description of the equipment. He states the grinder prevents blockages and overflows.

Mayor Jordan apologized to the Council for the late notice.

Alderman Lewis read a list of things that the grinder chews up. We have to pay to chew up this stuff so that it doesn't get into the pumps.

Lynn Hyke: That is correct.

Alderman Ferrell questioned how some of the items listed were able to get into the sewer.

Lynn Hyke: People dump things into the manholes.

Alderman Ferrell: There are prevent screens aren't there?

Lynn Hyke: There is a prevent screen in front of it.

Alderman Boudreaux 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 Tennant seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

A discussion followed on the dollar amount of the equipment.

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

Ordinance 5443 as Recorded in the office of the City Clerk

Consent:

Approval of the September 20, 2011 City Council meeting minutes.

Approved

2011 Justice Assistance Grant (JAG): A resolution approving acceptance of a 2011 Justice Assistance Grant through the U.S. Department of Justice in coordination with other Washington County law enforcement agencies and approving a budget adjustment in the amount of $88,866.00.

Resolution 172-11 as recorded in the office of the City Clerk.

Internal Revenue Service (IRS) Task Force: A resolution approving a budget adjustment in the amount of $41,405.00 to recognize revenue and expenses related to city participation in the local Internal Revenue Service (IRS) Task Force for the fiscal years of 2010-2011 and 2011-2012.

Resolution 173-11 as recorded in the office of the City Clerk.

Bid #11-49 Second Nature Property Management, LLC: A resolution awarding Bid #11-49 and approving a contract with Second Nature Property Management, LLC in the amount of $151,371.34 for the construction of a modular block retaining wall near the Garland Avenue U of A Farm Trail tunnel, and approving a twenty percent (20%) project contingency.

This resolution was removed from the Consent Agenda for discussion.

Bid #11-54 Alarmtec Systems: A resolution awarding Bid #11-54 and approving a contract and change order with Alarmtec Systems in the total amount of $166,500.00 for construction of security improvements at Drake Field.

Resolution 175-11 as recorded in the office of the City Clerk.

Bid #11-55 All Around Landscaping, Inc.: A resolution awarding Bid #11-55 and approving a contract with All Around Landscaping, Inc. in the amount of $66,704.00 from the tree escrow fund for the purchase and planting of trees, and approving a ten percent (10%) project contingency.

Resolution 176-11 as recorded in the office of the City Clerk.

Police Department Policies: A resolution approving Fayetteville Police Department Policies 25.1 Grievance Procedures, 35.1 Performance Evaluation, and 61.4.3 Towed Vehicles.

Resolution 177-11 as recorded in the office of the City Clerk.

Washington Regional Medical Center Real Estate Conveyance Agreement: A resolution to approve the Real Estate Conveyance Agreement with Washington Regional Medical Center.

Resolution 178-11 as recorded in the office of the City Clerk.

Alderman Tennant moved to approve the Consent Agenda as read with Bid #11-49 Second Nature Property Management, LLC removed for discussion. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

The following resolution was removed from the Consent Agenda for discussion:

Bid #11-49 Second Nature Property Management, LLC: A resolution awarding Bid #11-49 and approving a contract with Second Nature Property Management, LLC in the amount of $151,371.34 for the construction of a modular block retaining wall near the Garland Avenue U of A Farm Trail tunnel, and approving a twenty percent (20%) project contingency.

Chris Brown, City Engineer gave a brief description of the resolution and stated the dollar amount needed to be changed.

Alderman Boudreaux moved to amend the dollar amount of the resolution to $138,555.00. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

Alderman Boudreaux moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 174-11 as recorded in the office of the City Clerk.

Unfinished Business:

Revised Ward Boundaries: An ordinance to approve revised Ward Boundaries to equalize ward populations after the 2010 Federal Census and to amend §32.03 of the Fayetteville Code. ***This ordinance was left on the Second Reading at the September 20, 2011 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux expressed her concerns about changing the effective date to July 1, 2011.

City Attorney Kit Williams: The amendment to change the effective date was discussed but it was not made.

Alderman Lewis: The request was to look at changing the date and discuss if it made sense to align it with other deadlines that are related with the election.

Alderman Ferrell: Anyone that would go to the trouble to run would study and know where the wards are.

Alderman Lewis: I like the idea of aligning it with when everyone will be thinking of the new ward map and it would officially begin when people are allowed to run which is after July 1.

A discussion followed on when the first day to file for the election would be.

Alderman Lewis: I would propose we make this effective by the filing deadline.

A discussion followed on when signatures can be obtained on the paperwork that is required to run for election.

Alderman Lewis stated there was a perception at the last Ward 4 meeting that they would not be a part of Ward 4. Can you talk about how the boundaries were decided on the southern part of Ward 4?

John Goddard, GIS Coordinator explained the process that was used to determine the ward boundaries on the new proposed map. When we re-district our goal is to balance the population in the wards and at the same time try to keep the precincts in tack as much as possible.

A discussion followed on the map.

Alderman Lewis: This method is a strategic, scientific, neutral and methodical way of doing this so that you don't get into politics and picking and choosing who is where. GIS software is a great tool for doing this kind of thing. Anyone in the whole city can come to the Ward 4 meetings. You do not have to live in Ward 4 to come to the meetings.

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

Ordinance 5444 as Recorded in the office of the City Clerk

RZN 11-3866 (2013 E. Mission Blvd./Ruskin Heights): An ordinance rezoning that property described in rezoning petition RZN 11-3866, for approximately 28.93 acres located at 2013 East Mission Boulevard from R-PZD, Residential Planned Zoning District (R-PZD 06-2299 Ruskin Heights), to CS, Community Services; NC, Neighborhood Conservation; and RSF-4, Residential Single Family, 4 units/acre, subject to a Bill of Assurance. ***This ordinance was left on the Second Reading at the September 20, 2011 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

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

Fred Sherman, resident of 2134 East Camelot Place: I am not opposed to this development but I ask that you do it in accordance with the Hillside Ordinance. I ask that you not allow street parking in this development.

Don Conner, resident of 1686 Shadowridge Drive: I want to make sure that the hillside is respected and that the forest is conserved. We would like to make sure that the City Council does not change the Bill of Assurance later on.

Mayor Jordan: I don't think we can tie the hands of any future Councils.

City Attorney Kit Williams: This Council or any future Council can change this.

Don Conner: I just want to make sure, that as this is brought forward, they keep the flavor of what happened here.

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

Ordinance 5445 as Recorded in the office of the City Clerk

New Business:

Arkansas State Highway (Crossover Road): A resolution authorizing payment of $1,306,160.16 to the Arkansas State Highway and Transportation Department as the City's portion of construction costs associated with the widening of State Highway 265 (Crossover Road) from Mission Boulevard to Joyce Street, and approving a $200,000.00 contingency.

Chris Brown gave a brief description of the resolution.

Alderman Ferrell: This has been through the Street Committee and when we looked at the potential savings we loved it.

Alderman Lewis: Is that a new strategy for the incentive for early completion. We are paying half of that with the potential to save almost $1 million.

Chris Brown: The Highway Department has used the incentive on other projects. I am not sure if they have used an incentive in the City before. They have never done one where we participated in the project. They typically use it in high traffic areas that is where they can justify paying that additional amount because there is a cost to the users for not being able to have full access to the road.

Alderman Gray moved to approve the resolution. Alderman Boudreaux seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 179-11 as recorded in the office of the City Clerk.

RZN 11-3892 (Fayette Junction Master Plan): An ordinance rezoning that property described in rezoning petition RZN 11-3892, for select properties located within the Fayette Junction Master Plan area totaling approximately 225 acres.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Boudreaux: I was a little concerned that this might affect some of the neighborhoods but it really doesn't. This makes perfectly good sense to me and I am very much in favor of getting the hilltop and hillside rezoned out of the multi-family.

Alderman Adams: On the Treat property the problem was resolved right?

Jeremy Pate: Yes, there is a letter in your packet. We talked with them and everything was resolved.

Alderman Adams: The process that you all used is to be commended and I appreciate that very much.

Jeremy Pate: I would be remiss to not mention the Arkansas Research and Technology Park and their support from the University of Arkansas on that campus. They are not within our boundary but they certainly played a huge role in this plan.

Alderman Boudreaux 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 Ferrell asked that this be left on the second reading.

This ordinance was left on the Second Reading.

RZN 11-3916 (Holcomb Heights PZD/TTO LLC: An ordinance rezoning that property described in rezoning petition RZN 11-3916, for approximately 19.24 acres, located at the southwest corner of Salem and Weir Road from R-PZD, Residential Planned Zoning District (06-2281 Holcomb Heights I and 07-2613 Holcomb Heights II), to RSF-8, Residential Single-Family, 8 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. This property has changed hands. The PZD's have expired. Planning Commission approved this 5-4.

Alderman Ferrell: Did you say what size the lots were at Salem Village?

Jeremy Pate: I believe some of those lots are about 40 to 45 foot wide and at the front they are actually only about 35.

Alderman Ferrell: That is a nice area.

Alderman Adams: Some residents of Salem Meadows heard that this was going to be rezoned and planned to be high-rise apartments. Has that been clarified?

Jeremy Pate: I was forwarded that information but this zoning district would not allow any type of multi-family uses. It does allow a duplex by conditional use just like RSF-4 does but it is the same exact type of land use pattern as RSF-4.

City Attorney Kit Williams: It did not appear at the Planning Commission meeting as a fear.

Alderman Lewis: People do not always understand what RSF-8 means and what that looks like. Can you explain that?

Jeremy Pate briefly explained the zoning classifications.

Justin Jorgensen with Jorgensen Associates gave a brief explanation of their goals for the project. The reason for the RSF-8 request is to have the ability to do a 50 foot lot.

Alderman Lewis: There is an existing pond. Do you think that will stay?

Justin Jorgensen: On the concept plan we utilized that pond for that plan. That is a goal and it would be a neat feature for the area.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams: We would like to hold this please.

This ordinance was left on the Second Reading.

ADM 11-3943 Belclaire Subdivision-Amendment to Bill of Assurance): An ordinance to amend Section 3 of Ordinance No. 4605 to amend the Bill of Assurance to reduce the minimum house size from 2,400 square feet to 2,000 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Jeff Roth with Roth Custom Homes and ADR Homes by Roth: We have had a fair amount of demand for a smaller home.

Alderman Ferrell: Do the inhabitants out there seem to be all right with the change?

Jeff Roth: Everybody is great with it.

Alderman Ferrell: Understanding that times change I think this is a good day for this.

Alderman Lewis: It looks like there is an existing drainage area that runs out of there.

Jeff Roth: Right, there are actually a couple of them that runs through the Subdivision.

Alderman Lewis: Is that going to be part of your plan? The footprint is the same.

Jeff Roth: Absolutely, we are not going to change any of that. We will position the houses so they fit on the lots.

Alderman Lewis: So the infrastructure is there with streets and everything?

Jeff Roth: Correct.

Alderman Petty: Have you laid out your plats and your properties in a way that has been built with our plans for the street in mind.

Jeff Roth: The streets are already in and the subdivision is completely finished as far as utility, streets, curb and guttering.

Jeremy Pate: The right of way for the subdivision was dedicated with the plat so we measure all building setbacks off of that right of way. This is within the City so we have a lot more control.

Alderman Petty: If you noticed a trend of perspective buyers and some of them wanting smaller homes, why 2,000 square feet and not 1,800 square feet or less than that?

Jeff Roth: Our money is not made in small houses. We have a lot of the same fixed cost in a 2,000 square foot house as we have in a 2,400 square foot square foot home. A 2,000 square foot home is at the bottom level of my comfort home.

Rick McWhorter, resident of 3791 Woodside Drive spoke in favor of the development however he asked that the neighbors be notified in the future if any other changes are made to the Bill of Assurance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I would like to request that we hold this.

This ordinance was left on the Second Reading.

ADM 11-3948 (Oakland Courts Right-of-Way Dedication): A resolution to approve a lesser right-of-way dedication than required by the Master Street Plan for property located on Storer Avenue between North Street and Hazel Street.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the resolution.

Alderman Boudreaux moved to amend the resolution to include Oakland Street. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Alderman Gray moved to approve the resolution. Alderman Ferrell seconded the motion.

Alderman Petty asked Brian Teague if there was anything that he could describe what this variance will allow him to do as far as meeting the design builds of the project.

Brian Teague with Community by design representing the developer briefly explained the allowances of this variance.

Alderman Lewis: Thank you for proposing innovative and interesting designs.

Upon roll call the resolution passed unanimously.

Resolution 180-11 as recorded in the office of the City Clerk.

Amend XXI Rules of Conduct for all Fayetteville Boards, Commissions and Committees: An ordinance to amend Article XXI Rules of Conduct for all Fayetteville Boards, Commissions and Committees to codify uniform eligibility and attendance requirements, to repeal Resolution No. 27-01 and to amend or repeal any conflicting code sections.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This was requested by our City Clerk. We felt it made sense to have uniform rules for our citizens that serve on committees. We also felt it was appropriate that it be in the code so citizens can see what the requirements are.

Alderman Lewis: So there needs to be a record kept?

City Attorney Kit Williams: Generally there are records kept. There is usually a staff member for every committee so that we know when they attend.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray: I think this is a great idea and it's excellent that we have a uniform code so there is no question.

Alderman Ferrell moved to suspend the rules and go to the third and final reading. Alderman Gray 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 5446 as Recorded in the office of the City Clerk

2011 Millage Levy: An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2011 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.

City Attorney Kit Williams read the ordinance.

Paul Becker: This is the same levy we passed last year. The Mayor is recommending what we continue and maintain the same property tax rate for next year.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Ferrell 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 5447 as Recorded in the office of the City Clerk

Meeting adjourned at 7:45 p.m.

Lioneld Jordan, Mayor | **Sondra E. Smith, City Clerk/Treasurer**