

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



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
March 20, 2012**

A meeting of the Fayetteville City Council was held on March 20, 2012 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 Boudreaux, Kinion, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Gray and Petty

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report:

Alderman Ferrell presented the Nominating Committee Report. A copy of the report is attached.

Alderman Ferrell moved to approve the Nominating Committee Report. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Gray and Petty** were absent.

Agenda Additions: None

Consent:

Approval of the March 6, 2012 City Council meeting minutes.

Approved

Animal Shelter Donation: A resolution to accept \$3,660.00 donated in the memory of Mrs. Mary Osborne to the Fayetteville Animal Shelter and to approve the budget adjustment recognizing this donation revenue.

Resolution 53-12 as recorded in the office of the City Clerk.

2011 Arkansas Department of Environmental Quality Recycling Grant: A resolution authorizing acceptance of a 2011 Arkansas Department of Environmental Quality Recycling Grant, through the Boston Mountain Solid Waste District, in the amount of \$18,500.00 for recycling containers for the apartment/festival recycling programs, and approving a budget adjustment.

Resolution 54-12 as recorded in the office of the City Clerk.

Bid #12-18 LJB Construction, Inc.: A resolution awarding Bid #12-18 and approving a contract with LJB Construction, Inc. in the amount of \$49,300.00 for the installation of a concrete barrier wall along Knapp Street above the Meadow Valley Trail, and approving a ten percent (10%) project contingency.

Resolution 55-12 as recorded in the office of the City Clerk.

University of Arkansas – Oak Ridge Trail: A resolution approving a budget adjustment in the amount of \$123,042.00 recognizing revenue from the University of Arkansas for its cost-share portion of construction of Oak Ridge Trail.

Resolution 56-12 as recorded in the office of the City Clerk.

Frisco Trail Southern Extension: A resolution authorizing a contract with Garver, LLC in an amount not to exceed \$189,500.00 for professional engineering design services related to the Frisco Trail southern extension, accepting a fifty percent (50%) matching grant from the Walton Family Foundation, Inc., and approving a budget adjustment in the amount of \$216,000.00 recognizing revenue from the Walton Family Foundation, Inc. and the Home Depot Foundation.

Resolution 57-12 as recorded in the office of the City Clerk.

Bid #12-19 Peterbilt of Fort Smith: A resolution awarding Bid #12-19 and authorizing the purchase of three (3) automated side load solid waste trucks from Peterbilt of Fort Smith in the amount of \$775,629.00 for use in the Solid Waste Division.

Resolution 58-12 as recorded in the office of the City Clerk.

Bale Chevrolet of Little Rock: A resolution approving the purchase of six (6) Chevrolet Tahoes from Bale Chevrolet of Little Rock, pursuant to a state procurement contract, in the total amount of \$210,000.00.

Resolution 59-12 as recorded in the office of the City Clerk.

Garver, LLC Amendment No. 5: A resolution approving amendment No. 5 to the engineering contract with Garver, LLC in the amount of \$21,679.00 to increase the fee for construction phase services related to the Mount Comfort Road Project.

Resolution 60-12 as recorded in the office of the City Clerk.

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

Unfinished Business: None

Public Hearing:

Highway 16 Armstrong to Stonebridge Condemnation and Possession: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Jey Investments, LTD., First State Bank, Benefit Bank, Alejandro Alban, Algis Martinez & Gina Alban, and Tim D. & Deeann B. Studebaker, needed for water and sewer relocations along State Highway 16.

Mayor Jordan opened the Public Hearing

Chris Brown, City Engineer gave a brief description of the resolution.

City Attorney Kit Williams stated we will continue to negotiate even after the City Council has authorized these condemnations assuming that is what you are going to do. He also gave a brief explanation of a past case that went before the Supreme Court.

Alderman Ferrell questioned the number of condemnations being proposed.

City Attorney Kit Williams confirmed that there were five condemnations being proposed.

There was no public comment.

Mayor Jordan closed the Public Hearing

Alderman Boudreaux moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 6-0. Alderman Gray and Petty were absent.

Resolution 61-12 as recorded in the office of the City Clerk.

New Business:

Waive Competitive Bidding §34.23: An ordinance waiving the requirements for bids by applying §34.23(F), (Purchases and Contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving a contract with the Illinois River Watershed Partnership in the amount of \$10,000.00 for watershed education and planning services.

City Attorney Kit Williams read the ordinance.

Alderman Lewis stated I will have to recuse myself because I am still publishing my papers on the research that they helped fund.

Alderman Boudreaux moved to suspend the rules and go to the second reading. **Alderman Kinion** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Gray** and **Petty** were absent. **Alderman Lewis** recused. **Mayor Jordan** voted yes to suspend the rules and go to the second reading.

City Attorney Kit Williams read the ordinance.

Alderman Boudreaux moved to suspend the rules and go to the third and final reading. **Alderman Kinion** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Gray** and **Petty** were absent. **Alderman Lewis** recused. **Mayor Jordan** voted yes to suspend the rules and go to the third reading.

City Attorney Kit Williams read the ordinance.

Alderman Ferrell stated anything we do to help educate our people to keep our water clean is probably money well spent.

Alderman Adams: I think it is wonderful that our own Dr. Sarah Lewis is participating in this and we are fortunate on this Council and in the City to have someone doing work and research that is associated with this. I appreciate her expertise on our Council.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-0. **Alderman Gray** and **Petty** were absent. **Alderman Lewis** recused.

Ordinance 5488 as Recorded in the office of the City

RZN 12-4045 (Martin Luther King Blvd./Career Academy): An ordinance rezoning that property described in rezoning petition RZN 12-4045, for approximately 1.14 acres, located on the north side of Martin Luther King Boulevard at the border between Fayetteville and Farmington from R-A, Residential Agricultural to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Lewis: I am very glad to see the use of the form based code that moves it closer to the road which then allows for more buffers along the stream there. It's a good use to preserve some of our natural resources. Thank you.

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

Ordinance 5489 as Recorded in the office of the City

RZN 12-4028 (1400 and 1500 Blocks of N. Desoto Pl./Abshier Heights): An ordinance rezoning that property described in rezoning petition RZN 12-4028, for approximately 2.18 acres, located at 1400 and 1500 Block of North Desoto Place (Track "A" of Abshier Heights) from R-PZD, Residential Planned Zoning District R-PZD 06-1883 to RSF-8, Residential Single-Family, 8 units per acre.

Andrew Garner: The applicant requested that the item be tabled to the next City Council meeting. I recommend that it be left on the first reading.

City Attorney Kit Williams read the ordinance.

Left on the First Reading

ADM 12-4029 (Abshier Heights R-PZD Modification No. 4): An ordinance amending a residential planned zoning district entitled R-PZD 06-1883, Abshier Heights, located at the northwest corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised architectural standards as described and depicted herein.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: Andrew you wanted to leave this on the first reading.

Left on the First Reading

City Attorney Kit Williams asked the City Council to approve a motion to resume consideration of the ordinance amending the definition of family for the first meeting in April. That way we can officially get it back on the agenda and everyone will be aware that it is coming forward.

Alderman Adams moved to resume consideration of the ordinance amending the definition of family at the April 3, 2012 City Council meeting. Alderman Ferrell seconded the motion.

James Butch Coger, resident of 2109 W. Loren Circle stated my request would be that this ordinance be pulled and not go any further with it.

Mayor Jordan stated we are trying to decide whether the Council wants to hear this again in April.

City Attorney Kit Williams: He can say that he does not want you to pass the motion to resume consideration.

James Butch Coger: When we get to this point can an alderman that has brought an ordinance before the board withdraw it?

City Attorney Kit Williams: No, it will be back before the City Council and it is their decision. No single Alderman can do anything at this point. It requires the body as a whole to make the decision.

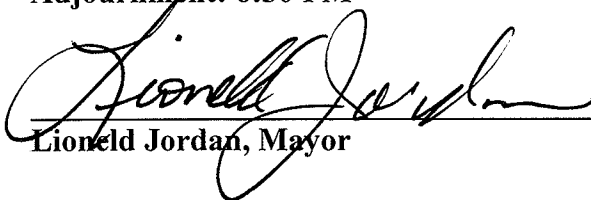
James Butch Coger: I would highly recommend that this not be passed.

City Attorney Kit Williams: This is so that we can put it on the agenda so everybody gets proper notification that you are going to consider it at the first meeting in April.

Upon roll call the motion passed 5-1. Aldermen Adams, Lewis, Boudreaux, Tennant and Ferrell voting yes. Alderman Kinion voting no. Alderman Gray and Petty were absent.

Announcements:

Adjournment: 6:30 PM


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer

Nominating Committee Report

Meeting: Wednesday, March 14, 2012

City Hall, Room 326, 4:00 p.m.

Members Present – Adella Gray, Bobby Ferrell, Rhonda Adams, and Mark Kinion

The Committee recommends the following candidates for appointment:

Advertising and Promotion Commission

- William Lyle – One Term Ending 03/31/16

Animal Services Advisory Board

- No applications were received

Board of Adjustments

- No applications were received

Construction Board of Adjustments and Appeals

- Brian Hogue – One Term Ending 03/31/17

Environmental Action Committee

- Joe Kieklak – One Unexpired Term Ending 12/31/13

Fayetteville Public Library Board of Trustees

- Brenda Boudreaux – One Term Ending 04/01/17
- Susan Graham – One Term Ending 04/01/17

Parks and Recreation Advisory Board

- David Proffitt – One Unexpired Term Ending 12/31/12

Planning Commission

- Craig Honchell – One Term Ending 03/31/15
- Porter Winston – One Term Ending 03/31/15
- Ryan Noble – One Term Ending 03/31/15
- Blake Pennington – One Unexpired Term Ending 03/31/14

Public Facilities Board

- No applications were received

Urban Forestry Advisory Board

- No applications were received