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
# November 20, 2012

A meeting of the Fayetteville City Council was held on November 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, Petty, Tennant, Ferrell, Adams, Lewis, Mayor Jordan, Assistant City Attorney Jason Kelley, City Clerk Sondra Smith, Staff, Press, and Audience.**

**ABSENT: Alderman Gray**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions:**

**City Council Meeting Presentations, Reports and Discussion Items:**

**3rd Quarter Financial Report 2012**

**Paul Becker** gave the 3rd Quarter Financial Report. He stated this report is through September, 2012 and the General Fund receipts are up, sales tax is up and building permits are up. Fee and fines are down a little bit and HMR taxes are up 10.9% year to date. Water and sewer fees are up primary due to the drought conditions that we had. I do not anticipate that we will have to use any of the reserves.

**Urban Tree Canopy Assessment Results – Presented by Ian Hanou with Plan-It Geo**

**Ian Hanou** presented the results of the study. He listed the benefits that trees provide. He stated the city has about 36% tree canopy cover. That is pretty good across the country. The national average is roughly 30%.

A discussion followed on the report.

**Agenda Additions**: None

**Consent:**

Approval of the November 8, 2012 City Council meeting minutes.

***Removed from the agenda.***

**Bid #12-19 Peterbilt:** A resolution awarding Bid #12-19 and authorizing the purchase of two (2) auto arm refuse trucks from Peterbilt of Fort Smith in the total amount of $517,086.00, for use by the Solid Waste Division, and approving a budget adjustment.

***Resolution 212-12 as recorded in the office of the City Clerk.***

**Bid #12-73 North Point Ford:** A resolution awarding Bid #12-73 and authorizing the purchase of one (1) Ford F-250 truck with deerskin animal control body from North Point Ford of North Little Rock in the total amount of $49,856.00 for use by the Animal Services Division, and approving a budget adjustment.

***Resolution 213-12 as recorded in the office of the City Clerk.***

**Riggs Cat:** A resolution authorizing the purchase of one (1) Caterpillar bulldozer from Riggs Cat, pursuant to a state procurement contract, in the amount of $105,422.00 for use by the Transportation Division, and approving a budget adjustment.

***Resolution 214-12 as recorded in the office of the City Clerk.***

**Internal Revenue Services (IRS) Task Force:** A resolution approving a budget adjustment in the amount of $30,100.00 to recognize revenue and expenses related to City participation in the local Internal Revenue Services (IRS) Task Force for fiscal year 2012-2013.

***Resolution 215-12 as recorded in the office of the City Clerk.***

**Arkansas State Police Asset Forfeiture Fund:** A resolution authorizing acceptance of a grant in the amount of $34,664.00 from the Arkansas State Police Asset Forfeiture Fund for the purchase of an undercover drug enforcement vehicle and a covert audio/video recorder, and approving a budget adjustment.

***Resolution 216-12 as recorded in the office of the City Clerk.***

**Jacobs Engineering Group, Inc. Amendment No. 4:** A resolution approving supplemental Agreement No. 4 to the contract with Jacobs Engineering Group, Inc. in the amount of $768,033.41 for engineering services for the Fayetteville Expressway Development Corridor Project, and approving a budget adjustment.

***Resolution 217-12 as recorded in the office of the City Clerk.***

**Garver, LLC:** A resolution approving a professional engineering services agreement with Garver, LLC for on-call engineering and surveying services in the amount of $25,000.00 and engineering design services for the Greenland sewer rehabilitation project in the amount of $100,087.00, and approving a project contingency of $10,000.00.

***Resolution 218-12 as recorded in the office of the City Clerk.***

**City of Greenland Wastewater Service Agreement:** A resolution approving an extension of the agreement between the City of Fayetteville and the City of Greenland regarding the provision of wastewater collection services in the City of Greenland.

***Resolution 219-12 as recorded in the office of the City Clerk.***

**RJN Group, Inc. Amendment No. 1:** A resolution approving Amendment No. 1 to the engineering services agreement with RJN Group, Inc. in the amount of $160,957.58 to update the wastewater collection system model and master plan.

***Resolution 220-12 as recorded in the office of the City Clerk.***

**Alderman Adams moved to remove the November 8, 2012 City Council minutes from the agenda. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.**

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

**Unfinished Business:** None

**New Business:**

**Bid #12-68 Emery Sapp & Sons, Inc.:** A resolution awarding Bid #12-68 and approving a contract with Emery Sapp & Sons, Inc. in the amount of $6,303,828.48 for the construction of the Fulbright Expressway/Highway 71B Flyover, approving a project contingency of $315,191.42, and approving a budget adjustment.

**Chris Brown, City Engineer** gave a brief summary of the resolution. He showed the proposed 71B flyover on a map.

A discussion followed on the access points and what the study looked at as solutions and the cost of those solutions.

**Alderman Boudreaux:** I think this is the best money we have spent in recent years and one of the most exciting projects I have seen. I think it is going to make a huge difference in dealing with the Joyce intersection.

**Alderman Tennant:** All the comments I have heard have been positive. This is so big for that area of town.

**Alderman Adams** thanked Chris Brown and Bobby Ferrell for their work on this.

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

***Resolution 221-12 as recorded in the office of the City Clerk.***

**SourceGas Arkansas, Inc.:** An ordinance waiving the requirements of formal competitive bidding for approving a cost-share agreement with SourceGas Arkansas, Inc. in the amount of $94,577.00 for the relocation of gas mains and facilities necessary for the Fulbright Expressway/Highway 71-B Flyover Project and for all future payments to or contracts with SourceGas Arkansas, Inc. for the relocation costs for natural gas utility mains and appurtenances necessitated by road reconstruction or widening projects within SourceGas Arkansas, Inc.'s area of service, approving a project contingency of $18,915.00 for the Flyover Project, and approving a budget adjustment.

***Assistant City Attorney Jason Kelley read the ordinance.***

**Chris Brown** gave a brief description of the resolution. He stated this is a 50/50 cost share with SourceGas.

**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 Gray was absent.**

***Assistant City Attorney Jason Kelley read the ordinance.***

**Alderman Boudreaux 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 Gray was absent.**

***Assistant City Attorney Jason Kelley read the ordinance.***

**Alderman Ferrell:** Tonight we are passing some landmark contracts and legislation that will change this community for the better for a long time to come. When I first came on the Council Mayor Jordan was the chairman of the Street Committee and the vision that he had, a lot of it has come to pass.

**Mayor Jordan:** It was with the support of the Council that we caught on to that.

**Alderman Lewis:** I support this and think it is a good investment. I hope after this investment for roads we can invest in other types of transportation. Moving forward we can now invest in bus stops, bike trails and sidewalks.

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

***Ordinance 5542 as Recorded in the office of the City Clerk***

**VAC 12-4219 (2514 New School Pl./The New School)**: An ordinance approving VAC 12-4219 submitted by Jorgensen and Associates for property located at 2514 New School Place to vacate portions of existing easements and right-of-way.

***Assistant City Attorney Jason Kelley read the ordinance.***

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

**Alderman Petty** asked about the easement to the west and if we grant this vacation if we were crippling our ability to have that connection in the future.

**Jeremy Pate:** I don't think it would change anything related to what currently exists.

A discussion followed on a multi bend sewer route.

**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 Gray was absent.**

***Assistant City Attorney Jason Kelley read the ordinance.***

**Alderman Lewis 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 Gray was absent.**

***Assistant City Attorney Jason Kelley read the ordinance.***

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

***Ordinance 5543 as Recorded in the office of the City Clerk***

**VAC 12-4231 (Alley Between W. Cleveland St. and W. Douglas St./University of Arkansas):** An ordinance approving VAC 12-4231 submitted by Allen Jay Young for property located between West Cleveland Street and West Douglas Street to vacate an alley, a total of 0.25 acres.

***Assistant City Attorney Jason Kelley read the ordinance.***

**Jeremy Pate** gave a brief description of the ordinance.

A discussion followed on the alley and right of way.

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

***Assistant City Attorney Jason Kelley read the ordinance.***

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

***Assistant City Attorney Jason Kelley read the ordinance.***

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

***Ordinance 5544 as Recorded in the office of the City Clerk***

**2013 Annual Budget and Work Program:** A resolution adopting the 2013 Annual Budget and Work Program.

**Paul Becker,** Finance Director gave a brief overview of the budget.

A discussion followed on the future of investment earnings.

**Alderman Kinion** asked if we need to look at our policy on where we can place our money.

**Paul Becker** if we look at what is permissible under state statute we are very restricted. We are restricted generally to government supported bonds or CD's. Right now I do not see an alternative. That is good advise and we need to keep looking at that to see if there is something a little more profitable where we can still have our money secure.

**Alderman Lewis:** There are some increases in the budget so right now is probably not the time to add FTE's but what is the metric?

**Paul Becker:** We are going to hold expenses until revenue comes up and we can deliver a balanced budget. You don't fund on going expenditures out of reserves. As revenues go up we can look at increasing the expenditures and putting some of the people back on the payroll.

**Alderman Ferrell:** I think you have done a good job in holding the line there. I feel comfortable in passing the resolution.

**Alderman Petty**: I think this is the right approach to take with the budget. I think the Mayor, Paul and staff deserve credit for what has happened over the last four years and how they have handled the budget.

**Alderman Lewis**: We had a really good discussion on Saturday. I am supportive of recycling out reach and increasing our diversion rate. I am supportive of holding it here to give people a chance to ask questions.

**Alderman Kinion:** I think we should hold it for discussion.

**Alderman Ferrell moved to approve the resolution. Alderman Boudreaux seconded the motion. Upon roll call the resolution failed 4-3. Alderman Adams, Boudreaux, Petty, and Tennant voting yes. Alderman Lewis, Kinion, and Ferrell voting no. Alderman Gray was absent.**

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

**Alderman Petty moved to table the resolution to the December 4, 2012 City Council meeting. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.**

**Tabled to December 4, 2012**

**CH2M HILL Engineers, Inc.**: A resolution approving contract Amendment No. 3 with CH2M HILL Engineers, Inc. in the amount of $7,224,875.00 for operation, maintenance, management and engineering services for city wastewater treatment facilities and systems in 2013 subject to approval of the 2013 annual city budget and work program, and approving a $70,000.00 contract contingency.

**David Jurgens** gave a brief description of the resolution. He stated CH2M HILL has provided excellent service since they started working for the city. This contract has the dredging of Lake Sequoyah in it.

**Alderman Kinion:** We are managing our bio solids so much better and we have the two additional streams of income. I think that is what is really relevant when we are looking at the overall change in the operations and management.

**Alderman Ferrell:** Is odor control going to be an ongoing thing for the next year?

**David Jurgens:** That will most likely be an ongoing operational expense from now on in the bio solids drying.

**Alderman Boudreaux:** CH2M HILL is to be commended. Billy Ammons and Duyen Tran do a wonderful job. I think this contract that the city has is probably one of the best.

**Alderman Lewis:** This came through the Water and Sewer Committee. The scope of their contract is important. They do a good job and these kinds of additional initiatives are important.

**Don Marr:** We have an excellent relationship with CH2M HILL. They have been an incredible resource for research, permitting assistance, operations, and bringing savings to us. We are thrilled that they were selected again and we are looking forward to another year with them.

**Mayor Jordan:** I think we have a great working relationship with Billy, Duyen and the staff. You have done an excellent job. You have never failed the city and you have always provided excellent service.

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

***Resolution 222-12 as recorded in the office of the City Clerk.***

**South Garland Boulevard Associates, LP:** An ordinance waiving the requirements of formal competitive bidding and approving a cost-share agreement with South Garland Boulevard Associates, LP in the approximate amount of $98,949.00 for the upgrading of an eight-inch water main to a twelve-inch water main along Indian Trail from Razorback Road to Rose Avenue and the construction of a twelve-inch water main from Rose Avenue to Stadium Drive.

***Assistant City Attorney Jason Kelley read the ordinance.***

**David Jurgens** gave a brief description of the ordinance.

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

***Assistant City Attorney Jason Kelley read the ordinance.***

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

***Assistant City Attorney Jason Kelley read the ordinance.***

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

***Ordinance 5545 as Recorded in the office of the City Clerk***

**Announcements:**

**Adjournment: 7:45 p.m.**

**Lioneld Jordan, Mayor**

**Sondra E. Smith, City Clerk/Treasurer**