Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Sondra Smith

Fayetteville
ARKANSAS

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

City of Fayetteville Arkansas
City Council Meeting Minutes
January 07, 2014

A meeting of the Fayetteville City Council was held on January 07, 2014 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 Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Justin Tennant and Rhonda Adams

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: N/A

City Council Meeting Presentations, Reports and Discussion Items:

Election of Vice Mayor

Alderman Gray moved to nominate Alderman Kinion as Vice Mayor. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

Alderman Mark Kinion was elected as Vice Mayor

Housing Authority Board of Commissioners – The Commission recommends the appointment of Carma Unruh term ending 12/28/18

Alderman Petty: I would like to thank the commission for continuing to maintain a resident advocate on the commission. I think it is important.

Alderman Gray moved to approve the appointment. Alderman Kinion seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

Firemen's Pension and Relief Fund and Policemen's Pension and Relief Fund Report to the Council – Mayor Lioneld Jordan

Mayor Jordan presented the report on the Firemen's and Policemen's Pension and Relief Fund.

City Attorney Kit Williams: I do not believe the city is currently responsible for any of the shortfalls from these closed pension plans. However, state law can change. There have been bills introduced in past legislatures that would have required the city to have the pension plans join with the state LOPFI plan which then would require the city to spend millions of dollars, because at that point we would become liable for those plans. We have been able, with the help of our state legislature representatives from Fayetteville and other places, to prevent those bills from becoming acts and becoming law. That is not to say in the future there might be a state law change which would then require the citizens of Fayetteville to spend money in order to make these funds more actuarially sound. At the current time I do not think that is the law. In advising the board it is my opinion they could reduce the benefits in order to save their trust funds. The Attorney General disagrees with me on that.

Paul Becker, Finance Director: I am not a financial advisor for the pension boards. The summary of what the Mayor said is in fact accurate. There are some severe problems. It is not a good situation for anybody. Other than a reduction of benefits, it's talking about a very large inflows of cash from the city which we currently can't afford. We would be in a position where we would have to look at reducing salaries or something large of that nature just to fund these additional costs. At this point in time the Fire Pension Board has not come to grips with a solution. There is no easy fix to the current status.

A copy of the report is attached.

Agenda Additions: N/A

Consent:

Approval of the December 17, 2013 City Council meeting minutes.

Approved

Water and Sewer Operations Facility Rain Garden: A resolution to approve and accept a grant of up to $2,800.00 to pay for the installation of a rain garden at the City Water and Sewer Operations Facility and to approve the attached budget adjustment.

Resolution 01-14 as recorded in the office of the City Clerk

Rain Garden Project: A resolution to approve and accept six grant awards from the Rain Garden Project in the amount up to $15,000.00 to pay for the installation of four rain gardens at the Noland Wastewater Plant and two rain gardens at the West Side Wastewater Plant and to approve the attached budget adjustment.

Resolution 02-14 as recorded in the office of the City Clerk

Stephens, Inc.: A resolution to approve a contract with Stephens, Inc. to approve bond underwriting and related services as needed through December 31, 2018.

Resolution 03-14 as recorded in the office of the City Clerk

Kutak Rock, LLP: A resolution to approve a contract with Kutak Rock, LLP to approve bond counsel services as needed through December 31, 2018.

Resolution 04-14 as recorded in the office of the City Clerk

Bid #14-02 Asphalt Striping Service, LLC: A resolution awarding Bid #14-02 and authorizing the purchase from Asphalt Striping Service, LLC of reflectorized paint markings in variable amounts for the Transportation Division as needed through the end of calendar year 2014.

Resolution 05-14 as recorded in the office of the City Clerk

Bid #14-03 Curb and Gutter Construction: A resolution to award Bid #14-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as primary supplier and Fochtman Enterprises, Inc. as secondary supplier of variable amounts of curb and gutter construction and authorizing the use of other bidders based upon price and availability throughout 2014.

Resolution 06-14 as recorded in the office of the City Clerk

Bid #14-04 Hillside Gravel: A resolution awarding Bid #14-04 and authorizing the purchase of hillside gravel from Leming & Son Trucking, Inc. for materials picked up and Les Rogers, Inc. for materials delivered for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 07-14 as recorded in the office of the City Clerk

Bid #14-05 Concrete: A resolution awarding Bid #14-05 and authorizing the purchase of concrete from Tune Concrete Company as a primary supplier and Beaver Lake Concrete, Inc. as secondary supplier in variable amounts and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 08-14 as recorded in the office of the City Clerk

Bid #14-06 Truck Hauling Services: A resolution awarding Bid #14-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc., as primary supplier and Leming & Son Trucking as secondary supplier for variable unit prices and authorizing the use of other bidders based on price and availability as needed through the end of calendar year 2014.

Resolution 09-14 as recorded in the office of the City Clerk

Bid #14-07 Aggregate Materials: A resolution awarding Bid #14-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2014.

Resolution 10-14 as recorded in the office of the City Clerk

Bid #14-09 Drainage Pipe: A resolution awarding Bid #14-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2014.

Resolution 11-14 as recorded in the office of the City Clerk

Bid #14-10 Crushed Rock Salt: A resolution awarding Bid #14-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of $76.16 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2014.

Resolution 12-14 as recorded in the office of the City Clerk

Bid # 14-11 Topsoil: A resolution awarding Bid #14-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of $10.69 per cubic yard in variable amounts and authorizing the use of other bidders based on price and availability, as needed in calendar year 2014.

Resolution 13-14 as recorded in the office of the City Clerk

Arkansas Firewise Grant: A resolution to accept an Arkansas Firewise Grant for 2013 in the amount of $500.00 to be used for minor equipment and to approve a budget adjustment.

Resolution 14-14 as recorded in the office of the City Clerk

Clinton Foundation's Building Retrofit Home Energy Affordability Loan Program: A resolution to approve a Memorandum of Understanding with and to pay $5,000.00 to the Clinton

Foundation's Building Retrofit Home Energy Affordability Loan Program and to approve a budget adjustment.

Resolution 15-14 as recorded in the office of the City Clerk

Plante and Moran, PLLC: A resolution to approve a contract with Plante and Moran, PLLC for information technology services in the amount of $101,400.00.

Resolution 16-14 as recorded in the office of the City Clerk

Amend Resolution No. 144-13 Hughmount Developers: A resolution to amend Resolution No. 144-13 which had approved an amended agreement with the Hughmount Developers to allow access to City of Fayetteville sewerage system in order to approve a second amended agreement.

Resolution 17-14 as recorded in the office of the City Clerk

ADM 13-4566 (3145 W. Salem Rd./Raven Lane Amendment): A resolution for ADM 13-4566 amending the Master Street Plan relocating Raven Lane, a collector street, approximately 150 feet to the east of the existing residence at 3145 Salem Road, as described and depicted in the attached map.

Resolution 18-14 as recorded in the office of the City Clerk

Alderman Gray moved to approve the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

Unfinished Business:

RZN 13-4538 (Razorback Road/Victory Commons): An ordinance rezoning that property described in rezoning petition RZN 13-4538, for approximately 5.09 acres, located at 731 S. Razorback Road from I-1, Heavy Commercial and Light Industrial, to UT, Urban Thoroughfare. ***This ordinance was left on the First Reading at the December 17, 2013 City Council meeting.***

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services: The applicant can't be here tonight and request this to be left for a meeting at least three weeks away.

Alderman Petty moved to table the ordinance to the February 4, 2014 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

New Business:

2014 Asphalt Materials: An ordinance waiving the requirements of formal competitive bidding during calendar year 2014 for the purchase of asphalt materials for use by the Transportation Division, but requiring informal quarterly bids or quotes.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director gave a brief description of the ordinance.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray 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 Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5644 as Recorded in the office of the City Clerk

Watershed Conservation Resource Center Memorandum of Understanding: An ordinance waiving the requirements of formal competitive bidding and approving a five year Memorandum of Understanding with the Watershed Conservation Resource Center to jointly seek funding and use such funding to design and construct stream restoration projects.

City Attorney Kit Williams read the ordinance.

Sarah Wrede, Staff Engineer gave a brief description of the ordinance.

Mayor Jordan: You all do wonderful work.

Sandi Formica, WCRC Executive Director: Thank you. You all are wonderful to work with too.

Alderman Kinion: The Water, Sewer, & Solid Waste Committee appreciates what you do to protect the watershed.

Sandi Formica: Thank you.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5645 as Recorded in the office of the City Clerk

VAC 13-4544 (Harvey's Hill/Center and Duncan): An ordinance approving VAC 13-4544 submitted by McClelland Consulting Engineers for property located at the intersection of West Center Street and South Hill Avenue to vacate a utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff reviewed this with all city utility departments and franchise utilities. There were no objections. Planning Commission vote was 7-0 for approval.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5646 as Recorded in the office of the City Clerk

RZN 13-4546 (4377 Huntsville Rd./Baldwin Church of Christ): An ordinance rezoning that property described in rezoning petition RZN 13-4546, for approximately 2.07 acres, located at 4377 Huntsville Road from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Planning Commission vote was 8-0 for approval. Staff is recommending approval for the rezoning.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Kinion, Schoppmeyer, Long, Gray Marsh and Mayor Jordan voting yes. Alderman Petty was absent during the vote. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5647 as Recorded in the office of the City Clerk

RZN 13-4547 (MLK/Beechwood/Easton): An ordinance rezoning that property described in rezoning petition RZN 13-4547, for approximately 1.54 acres, located at 1541/1555/1561 Martin Luther King Boulevard from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5648 as Recorded in the office of the City Clerk

RZN 13-4548 (McMillan Estates): An ordinance rezoning that property described in rezoning petition RZN 13-4548, for approximately 19.61 acres, located at the southeast corner of I-540 and Wedington Drive from C-2, Thoroughfare Commercial, to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. Planning Commission voted 8-0 in favor of the request.

Justin Jorgensen, Jorgensen and Associates: I am representing the applicant.

Alderman Long: I am excited that people are looking at this land. It is an important piece of land to be developed in Fayetteville.

Alderman Marsh moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5649 as Recorded in the office of the City Clerk

RZN 13-4552 (Park West): An ordinance rezoning that property described in rezoning petition RZN 13-4552, for approximately 25.90 acres, located at Hwy 112, north of Truckers Drive from R-PZD Park West, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. Planning Commission voted 8-0 in favor of the request.

Bo Wilkins, Engineering Services: I represent Legacy National Bank for the rezoning.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5650 as Recorded in the office of the City Clerk

RZN 13-4553 (Wedington Circle): An ordinance rezoning that property described in rezoning petition RZN 13-4553, for approximately 6.12 acres, located west of Wedington Drive and Garland Avenue from R-PZD Wedington Circle, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and Planning Commission recommended in favor of the rezoning request.

Clinton Bennett, Commercial Realtor: I am representing the owner.

Alderman Long moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Tennant and Adams were absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5651 as Recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Entertainment District/Spring Street Parking Deck Update: David Jurgens, Utilities Director

City Council Tour:

Announcements:

Don Marr, Chief of Staff: Due to the recent inclement weather, Solid Waste Services have been suspended. Services will resume tomorrow. We received notice of a second potential winter weather impact this Wednesday night and Thursday morning with a chance of freezing rain. If that happens it could impact further delays or scheduling of services. We participate in the National Weather Service notifications and our Transportation Division is watching that closely.

We are changing the name of the Solid Waste Division to Recycling and Trash Collection. We get numerous questions about how to get trash and recycling picked up. People don't associate the name of Solid Waste to be that service. Another change in the division this year is that we changed from a printed sticker program to an electronic tracking program. This will save the city $17,000.00 in mailing and printing of extra bag stickers.

This is the last week of service for David Jurgens who is our Director of Utilities. David started with the city on November 2, 1992. He is going to work for the City of Chesapeake in Virginia as Director of Utilities. David has been instrumental here at the city. He has led our Water and Wastewater Utility. He took over the parking group as we rotate management. He has managed the Solid Waste Division as well as the Parking Enterprise Fund. He was the project manager on the West Side Wastewater Treatment Plant, which we all know the challenges we had with the project and the job that David did to complete that. On behalf of the city staff that work with David and the citizens who have worked with him, we want to thank him for his service. We wish him luck in Virginia and he will be missed. We will be seeking to fill his role here at the city.

Alderman Marsh: The Historic and Heritage Resources Action Group will meet this Thursday, January 9, 2014 at 5:30 p.m. We will meet at the home of Nina Shirkey, 229 North Block Avenue.

Alderman Gray: We will have a Ward 1 meeting on Thursday, January 23, 2014 at 6:00 p.m. at the Senior Center.

Adjournment: 6:57 p.m.

Lioneld Jordan

Lioneld Jordan, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk/Treasurer