Elected Officials
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

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

Fayetteville
ARKANSAS

City of Fayetteville Arkansas
City Council Meeting Minutes
January 15, 2013

A meeting of the Fayetteville City Council was held on January 15, 2013 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville,

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Treasurer Sondra Smith, Staff, Press, and Audience.

Alderman Sarah Marsh arrived at 6:20 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

State of the City Address – Mayor Lioneld Jordan

Mayor Jordan presented the State of the City Address. A copy is attached.

Agenda Additions: None

<u>Consent:</u>

Approval of the January 03, 2013 City Council meeting minutes.

Approved'

Bid #12-57 Williams Tractor: A resolution pursuant to Bid #12-57 authorizing a contract with Williams Tractor, Inc. in the amount of $24,900.00 for the purchase of one (1) round baler for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.

Resolution 03-13 as recorded in the office of the City Clerk.

Bid #12-63, Hilbilt Sales Corporation-Arkansas: A resolution pursuant to Bid #12-63 authorizing a contract with Hilbilt Sales Corporation-Arkansas in the amount of $39,690.00 for the purchase of one (1) end-dump hauler trailer for use at the Noland Wastewater Treatment Facility, and approving a budget adjustment.

Resolution 04-13 as recorded in the office of the City Clerk.

Bid #12-77, Terex Equipment Services: A resolution pursuant to Bid #12-77 authorizing a contract with Terex Equipment Services in the total amount of $83,284.00 for the purchase of two (2) Ford F-250 crew cab pickup trucks for use by the Fire Department.

Resolution 05-13 as recorded in the office of the City Clerk.

Bid #13-02, Reflectorized Paint Markings: A resolution awarding Bid #13-02 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 2013.

Resolution 06-13 as recorded in the office of the City Clerk.

Bid #13-03, Construction – Curb and Gutter: A resolution awarding Bid #13-03 and authorizing the purchase of curb and gutter construction from Sweetser Construction, Inc. as a primary supplier and Tomlinson Asphalt Co., 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 2013.

Resolution 07-13 as recorded in the office of the City Clerk.

Bid #13-04, Hillside Gravel: A resolution awarding Bid #13-04 and authorizing the purchase of hillside gravel from Les Rogers, Inc. for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

Resolution 08-13 as recorded in the office of the City Clerk.

Bid #13-05, Concrete: A resolution awarding Bid #13-05 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 2013.

Resolution 09-13 as recorded in the office of the City Clerk.

Bid #13-06, Truck Hauling Services: A resolution awarding Bid #13-06 and authorizing the purchase of truck hauling services from Les Rogers, Inc. and S&R Trucking, in equal amounts, for variable unit prices, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

Resolution 10-13 as recorded in the office of the City Clerk.

Bid #13-07, Aggregate Materials: A resolution awarding Bid #13-07 and authorizing the purchase of aggregate materials for varying unit prices from various vendors, as needed through the end of calendar year 2013.

Resolution 11-13 as recorded in the office of the City Clerk.

Bid #13-09, Drainage Pipe: A resolution awarding Bid #13-09 and authorizing the purchase of drainage pipe for varying unit prices from various vendors, as needed through the end of calendar year 2013.

Resolution 12-13 as recorded in the office of the City Clerk.

Bid #13-10, Crushed Rock Salt: A resolution awarding Bid #13-10 and authorizing the purchase of crushed rock salt from North American Salt Company in the amount of $73.76 per ton, and authorizing the use of other bidders based on price and availability, as needed through the end of calendar year 2013.

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

Bid #13-11, Screened Topsoil: A resolution awarding Bid #13-11 and authorizing the purchase of topsoil from Les Rogers, Inc. in the amount of $10.74 per cubic yard, in variable amounts, and authorizing the use of other bidders based on price and availability, as needed in calendar year 2013.

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

Landers Toyota of Little Rock: A resolution authorizing the purchase of three (3) Toyota Tacoma Compact pickup trucks in a total amount of $69,875.00, pursuant to a state procurement contract, from Landers Toyota of Little Rock for use by the Water and Sewer Division, and approving a budget adjustment.

Resolution 15-13 as recorded in the office of the City Clerk.

Bale Chevrolet of Little Rock: A resolution authorizing the purchase of seven (7) police package Chevrolet Tahoes in a total amount of $245,651.00, pursuant to a state procurement contract, from Bale Chevrolet of Little Rock for use by the Police Department.

Resolution 16-13 as recorded in the office of the City Clerk.

Ozarks Electric Cooperative Corporation: A resolution authorizing the transfer of an easement interest to Ozarks Electric Cooperative Corporation on certain city-owned property in Veterans Park to provide for a relocation of electrical utility service.

Resolution 17-13 as recorded in the office of the City Clerk.

Alderman Tennant moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business: None

New Business:

2012 Arkansas Department of Environmental Quality E-Waste Grant: A resolution authorizing acceptance of a 2012 Arkansas Department of Environmental Quality E-Waste Grant of $25,000.00 for an e-waste coupon redemption program, and approving a budget adjustment.

Brian Pugh, Waste Reduction Coordinator: This is not a matching grant. The industry calls it E-Waste, I would prefer to call it E-Scrap, E-Waste has a negative meaning to it that you can throw it away because it is not useful. There is use in this E-Waste. We want computers, cell phones, televisions and stereos. It is important to keep these items out of the landfill. There is lead, mercury and other contaminates that over time will leach into the soil. We need programs in place to recycle these items. There is a lot of value in E-Waste.

Alderman Adams thanked Brian for his worked in solid waste. A program like this has to come from the top and Brian's work in solid waste has been noticed. Mayor Jordan and Don have led this but so have our citizens. They have pushed us to be educated and aware of what happens to our electronic waste and they have pushed our recycling program to be the best it can be.

Brian Pugh: We have a lot of education and marketing plans for this year that we will be bringing forward.

Alderman Kinion: This came before the Water and Sewer Committee and was unanimously supported. Thank you for the work that you have done.

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

Resolution 18-13 as recorded in the office of the City Clerk.

Asphalt Materials: An ordinance waiving the requirements of formal competitive bidding during calendar year 2013 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: This is a continuation of a program that we have done for the past three or four years. We were bidding this once a year and the asphalt companies would honor those prices. A few years ago, with the volatility, in the market the bidders were coming back to us wanting to change the prices. By doing this they are more likely to bid. We suspend the formal bidding but receive informal bids on a quarterly basis. This allows us to do that through Purchasing without having to come back for approval four times during the year. We still take the low bidder each quarter.

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

City Attorney Kit Williams read the ordinance.

Alderman Kinion 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 5561 as Recorded in the office of the City Clerk.

Refurbished Hazmat Truck: An ordinance waiving the requirements of formal competitive bidding and approving a contract with Beverage Body and Trailer Service in the total amount of $65,974.00 to purchase a refurbished hazmat truck for the Fire Department, and approving a budget adjustment.

City Attorney Kit Williams read the ordinance.

Fire Chief Dayringer explained why this truck was needed. He stated this purchase has been approved by the Equipment Committee.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Long 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 Kinion 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 5562 as Recorded in the office of the City Clerk.

Amend §173.08 Energy Conservation Code: An ordinance to adopt the 2011 Arkansas Energy Code for new building construction for Commercial and High-Rise Residential Construction projects including thermal and lighting efficiency standards as required by A.C.A. §15-10-205 by amending §173.08 Energy Conservation Code of the Fayetteville Code.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Director Sustainability and Strategic Planning: In July the city adopted the 2009 International Energy Conservation Code for residential construction. Passage of this ordinance will bring us in compliance with state statute. It would also bring our commercial and high rise residential construction requirements up to the same standard that our residential construction standards are for compliance with that 2009 International Energy Conservation Code.

Mayor Jordan: The state passed this and we are mandated to pass it.

Peter Nierengarten: That is accurate.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer 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 7-0. Alderman Marsh was absent.

Ordinance 5563 as Recorded in the office of the City Clerk

Kum & Go, L.C.: A resolution to authorize Mayor Jordan to sell about two acres of the Tyson Factory Property on Huntsville Road for $900,000.00 to Kum & Go, L.C., to agree to cost share with Kum & Go roads or driveways within the Tyson Property adjoining this two acre parcel and the demolition of the factory, and to recommend rezoning this parcel to Neighborhood Commercial or other zoning district satisfactory to Kum & Go, L.C.

Paul Becker, Finance Director: The city brought this property at 1851 East Huntsville Road for $1.1 million. The property had approximately 11.2 acres. The property was purchased primarily because the city needed right of way for the expansion of Highway 16. We also built a fire station on that property. We have approximately 10.4 acres left. We were approached by Kum & Go to purchase a portion of that property. We felt the offer was good enough to bring to the Council for consideration. We have received another offer from Casey's General Store, Inc. We would have approximately seven acres left if we sell a portion of this property and demolish the old building.

City Attorney Kit Williams: You can not pass the resolution that was in your packet because we now have two offers one from Kum and Go and one from Casey's General Store. Mr. Williams gave the Council a copy of both offers. He stated this is a blighted area.

Alderman Petty asked City Attorney to describe the options the City Council has regarding the property.

City Attorney Kit Williams: You can accept the Kum and Go offer of $1 million, or approve the Casey's General Store offer of $1 million. We have two fairly identical offers. Both of these corporations are well known and respected corporations that do quality developments. That makes a difficult situation when you have identical offers. You might want to table the resolution and authorize both parties to provide a sealed offer before the next City Council meeting. This offer would be opened at the next City Council meeting. We should not allow any language in the offer to the effect that the company will match or equal the other company's final offer. The citizens deserve the very best final offer that these corporations are willing to make. If a third party wants to get involved they must notify the Mayor's office no later than 4:30 p.m. on January 28 with a signed land sale agreement in the same form as Kum and Go and Casey's General Store.

Alderman Marsh: If we went with option three and tabled the resolution would we, after seeing the final offers, have the ability to turn them all down?

City Attorney Kit Williams: Certainly.

Alderman Kinion: I think it is important for us to consider tabling this. This is an important piece of property and there is evidence that there is interest. This is an important piece of property that is owned by the city and it is a liability for the city.

Rob Wadle, Kum and Go thanked the staff, Planning Commission, and City Council for the awesome site that they helped them design on Martin Luther King and Hill Street. We build LEED certified stores. We are a family owned company that gives 10% of our profits back to the community. We have been working on this project for approximately one and a half years. Mr. Wadle reviewed the LEED certified stores that they have built.

Alderman Marsh: On your LEED certification do you pursue sustainable sites credit eight which is lighting pollution reduction. I would also be interested in storm water run off as well.

Rob Wadle: I will get that information for you. We can work on screening and landscape screening as well.

Alderman Petty: I can tell that you are making a good faith effort to meet our community's needs and desires. Can you be more specific about the 10% of the profit that goes to the community? Does that mean that 10% of the local stores profits go to the community in which it resides?

Rob Wadle: I don't know the answer to that.

Alderman Petty: That would make a difference for me if you can guarantee that 10% of your stores profits went back to Fayetteville.

Rob Wadle: We have a local general contractor that does our work and 80% of the building cost goes to local contractors.

Alderman Adams: Can you talk a little about your employment practices.

Rob Wadle: We hire between 15 and 20 staff, half are full time and half are part time. We have a manager on site and a sales manager as well. We try to keep everything brand standard. Our inside sells in Northwest Arkansas match the cost that we sell outside.

Larry McCredy attorney for Casey's General Store apologized for their late entry into this process. Casey's found out about this opportunity last week. Casey's is a Fortune 500 company. It had about $5.1 billion in total sales in 2012. It has about 1,700 stores nationwide and started in Iowa. It entered the Arkansas market in 2011. Casey's hires full time and part time employees. They focus on foods that are prepared on sight.

Alderman Marsh: Do you purchase local food products for the food preparation area of the stores?

Larry McCredy: I can get that information to you.

Alderman Adams: When you come back, if we decide to table this, can you talk about the buffering you would do as well.

Johnny Walker a resident of Fayetteville: I have mixed feelings about this. If you go to sealed bids and they decide to not submit a sealed bid are these offers still good?

City Attorney Kit Williams: Until the offer is accepted by the City Council they have the option to not go forward.

Johnny Walker: Are these 24 hour seven days a week establishments?

Larry McCredy: Yes we are.

Larry McCredy: They anticipate this would be a 24/7 location. Casey's has no intention to withdraw from the process if this is tabled.

Alderman Marsh voiced her concern with a 24/7 operation and the peace and quiet of the neighbors.

Rob Wiley: We can control when we drop fuel and deliveries. We can not control when trash is picked up because that service is probably provided by the city.

Larry McCredy: Casey's is open to reservations or concerns that the Council might have.

Alderman Kinion moved to table the resolution to the February 5, 2012 City Council meeting. Alderman Adams seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the February 5, 2012 City Council meeting.

City Council Agenda Session Presentations: None

City Council Tour: Monday, January 14, 2013 at 4:30 p.m. City property known as the Tyson factory located at 1851 East Huntsville Road.

Announcements:

Adjournment: 7:45 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer