

SPRINGDALE CITY COUNCIL
REGULAR MEETING
TUESDAY, FEBRUARY 9th, 2010

SCHEDULED MEETINGS:

- 5:00 p.m., Tuesday, February 9th, ST & CIP Committee meeting followed by a Finance Committee and Ordinance Committee meeting.
- **Where: Multi-purpose Rm. #236, second floor, City Administration Building.**
- **The ST/CIP meeting is pertaining to Agenda Item 9A.**
- **The Finance meeting is pertaining to Agenda Item 10A.**
- **The Ordinance meeting is pertaining to Agenda Items 11A, B, & C**

- The regularly scheduled St & CIP Committee meeting for Tuesday, February 16th is CANCELLED

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance
Invocation – **Jim Reed**

6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available at the back of the room, next to the main entrance
2. Call to Order - Mayor Doug Sprouse
3. Roll Call – City Clerk Denise Pearce

Recognition of a Quorum
4. Comments from Citizens

The Council will hear brief comments from citizens during this period on issues not on the agenda. No action will be taken tonight. All comments will be taken under advisement.
5. Approval of Minutes
 - a) January 26th, 2010 Pgs. 1-15
6. Procedural Motions
 - A. Entertain Motion to read all Ordinances and Resolutions by title only.
 - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item numbers....7, 10A, 11A,B,&C.* (Motion must be approved by two-thirds (2/3) of the council members).
7. **2nd Reading** from January 26th, 2010.

An Ordinance approving a five (5) year extension of, and a second amendment to, a sanitation service contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.) for the provision of collection, recycling, composting, transfer and disposal of solid waste; waiving competitive bidding; and authorizing the Mayor to execute the extension and amendment on behalf of the City. Pgs. 16-17
8. A Resolution approving the selection of Al Hanby to the Water & Sewer Commission.
Pgs. 18-20

ATTEST:

Denise Pearce, City Clerk

APPROVED AS TO FORM:

Jeff C. Harper, City Attorney

Alderman Reed moved the Resolution be adopted. Alderman Core made the second.

The vote:

Yes: Evans, Reed, Jaycox, Core, Watson, Overton, Ford

No: None

The Resolution was numbered 14-10.

FIRST READING – ORDINANCE APPROVING A FIVE (5) YEAR EXTENSION OF, AND A SECOND AMENDMENT TO, A SANITATION SERVICE CONTRACT WITH SUNRAY SERVICES, INC. (NOW WASTE MANAGEMENT OF ARKANSAS, INC.) FOR THE PROVISION OF COLLECTION, RECYCLING, COMPOSTING, TRANSFER AND DISPOSAL OF SOLID WASTE; WAIVING COMPETITIVE BIDDING; AND AUTHORIZING THE MAYOR TO EXECUTE THE EXTENSION AND AMENDMENT ON BEHALF OF THE CITY

City Attorney Jeff Harper presented the first reading of an ordinance approving a five (5) year extension of, and a second amendment to, a sanitation service contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.) for the provision of collection, recycling, composting, transfer and disposal of solid waste; waiving competitive bidding; and authorizing the Mayor to execute the extension and amendment on behalf of the City of Springdale.

Alderman Reed moved the rules be suspended and the Ordinance be placed on its second reading.

There was no second to the motion. Comments from the audience were heard at this time.

Tom Smith, 106 Woodcliff, said this new extension and amendment will increase his bill by 263% for trash pickup. He is currently on the yellow bag program that will not be available to him if this contract is approved. He also understands this contract is not consistent with the Boston Mountain Solid Waste Program that requires haulers to have a pay as you use program. He encouraged Council to review the Boston Solid Waste Plan and consider what it is going to do the folks on the yellow bag program that are not senior citizens and will be forced to pay for a 96 gallon trash can.

Randy Pounders, 290 Chantilly Avenue, asked about the recycling program.

George Wheatly, Waste Management representative, said they own a recycling facility in the City of Rogers that is contracted out to a third party operator. They also do business with a facility in the City of Johnson.

Mr. Wheatly explained the yellow bag program and what they are proposing.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A FIVE (5) YEAR EXTENSION OF, AND A SECOND AMENDMENT TO, A SANITATION SERVICE CONTRACT WITH SUNRAY SERVICES, INC. (now WASTE MANAGEMENT OF ARKANSAS, INC.), FOR THE PROVISION OF COLLECTION, RECYCLING, COMPOSTING, TRANSFER AND DISPOSAL OF SOLID WASTE; WAIVING COMPETITIVE BIDDING; AND AUTHORIZING THE MAYOR TO EXECUTE THE EXTENSION AND AMENDMENT ON BEHALF OF THE CITY.

WHEREAS, on December 12, 1995, the City Council of the City of Springdale, Arkansas, passed Ordinance No. 2442 authorizing a sanitation service contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.), for the provision of collection, recycling, composting, transfer, and disposal of solid waste ("the Contract");

WHEREAS, on March 10, 1998, the City Council of the City of Springdale, Arkansas, passed Ordinance No. 2811 authorizing a ten (10) year extension of the Contract, extending the term of the Contract until December 31, 2010;

WHEREAS, the Contract was amended by Resolution No. 54-07 on March 13, 2007;

WHEREAS, the City Council desires to ensure that citizens of the City of Springdale, Arkansas, continue to have the proper collection, recycling, composting, transfer, and disposal of solid waste at a reasonable and fair price;

WHEREAS, the City of Springdale also desires to make sure that all federal, state and local laws and regulations are complied with, and further recognizes the limited number of landfills in the area;

WHEREAS, Waste Management of Arkansas, Inc., proposes to enhance its services by offering city-wide recycling and providing city-wide trash polycarts to all residential units;

WHEREAS, by separate agreement, Waste Management of Arkansas, Inc., is guaranteeing disposal of Springdale Water Utilities' wastewater sludge for six (6) years;

WHEREAS, it is in the best interests of the citizens of the City of Springdale, Arkansas, to proceed with the extension and amendment of the Contract without the necessity of competitive bidding, as the requirements of competitive bidding are not feasible or practical in this instance; and

WHEREAS, Arkansas Code Ann. §14-58-104(b) allows the City of Springdale, Arkansas, to renew or extend the term of the Contract without soliciting bids.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS:

Section 1: The terms and conditions of a contract with Sunray Services, Inc. (now Waste Management of Arkansas, Inc.), for the provisions of collecting, recycling, composting, transfer, and disposal of solid waste, incorporated herein, is hereby approved by the City Council of the City of Springdale, Arkansas, to be extended for an additional five (5) year term as provided in the attached "Second Amendment to Sanitation Service Contract";

Section 2: All terms and conditions set out in the contract, as amended by Resolution No. 54-07, and as amended by the attached "Second Amendment to Sanitation Service Contract", all of which are incorporated herein by reference, shall continue during the five (5) year extension, and the Mayor is authorized to sign such extension and amendment on behalf of the City;

Section 3: The City Council for the City of Springdale, Arkansas deems there to exist exceptional circumstances in that Waste Management of Arkansas, Inc., has the knowledge, skill, resources, and experience to perform the contracted services in a thorough, competent, and efficient manner, and at a fair and reasonable price; further, the City Council finds that the City is already doing business with Waste Management of Arkansas, Inc., that continuation of these services without interruption and with enhancements is vital to the public health, safety, and welfare and economic well-being of the citizens of the City of Springdale, Arkansas; further, Waste Management of Arkansas, Inc., owns and operates a Class I and Class IV landfill in Tontitown, Arkansas, as well as other Class I and Class IV landfills in Arkansas and Kansas; further, Waste Management of Arkansas, Inc., has agreed to accept biosolids (sludge) for disposal from the City of Springdale, thereby saving the City and its taxpayers a considerable amount of money, which is vital in a struggling economy; further, the City Council is aware of no other person or entity located or situated so as to provide the same affordable services which are the subject of this ordinance.

Section 4: For the reasons set forth herein, the City Council for the City of Springdale, Arkansas, deems this an exceptional situation, and finds that it is not feasible or practical to submit this matter for competitive bidding, and deems it in the best interests of the citizens and residents of the City of Springdale, Arkansas, to waive the requirements of competitive bidding, pursuant to Ark. Code Ann. §14-58-303(b)(2)(B).

Section 5: Act 756 of 2009, codified at Ark. Code Ann. §14-58-104(b), allows the City of Springdale, Arkansas, as a first class city, to renew or extend the term of an existing contract without soliciting bids, and the City of Springdale, Arkansas, hereby avails itself of this provision as an alternate basis for extension of the contract without competitive bidding.

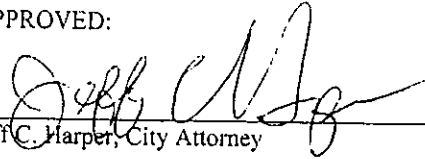
PASSED AND APPROVED this _____ day of _____, 2010.

Doug Sprouse, Mayor

ATTEST:

Denise Pearce, City Clerk

APPROVED:



Jeff C. Harper, City Attorney