

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra E. 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

**City of Fayetteville Arkansas
City Council Meeting
April 1, 2014**

A meeting of the Fayetteville City Council was held on April 1, 2014 at 6:00 PM 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, Justin Tennant, Martin Schoppmeyer, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

ABSENT: Alderman Matthew Petty and Alderman Rhonda Adams

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items: None

Agenda Additions:

Alderman Long moved to add the following to the agenda: NWA Area Agency Contract. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

NWA Area Agency Contract: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and The Area Agency on Aging of Northwest Arkansas in the amount of \$55,735.47 to provide public recreation services for the senior citizens of Fayetteville from April 1, 2014 until December 31, 2014.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Don Marr, Chief of Staff: The city already has a relationship with this agency. Our lease of the Senior Center is with this agency.

Jerry Mitchell, Executive Director of the Area Agency on Aging: We have had a contractual relationship with the Northwest Arkansas Economic Development District for about 35 years to provide activity centers services in nine counties. The District did notify us that they want to terminate that contract and we have moved forward very quickly to get everything transitioned over.

Tom Frazier, stated he is a member and a volunteer at the Senior Center. He stated there is no more important thing in this country than to honor our seniors in whatever way we can. He believes it is morally imperative. He continued to speak in favor of the ordinance.

Alderman Gray 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 Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

Alderman Gray: I am delighted that we have this seamless transition. I am happy that we have the program available and it is a great program. I encourage citizens in our city to go visit sometime.

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 Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: This is the same contract, just shorter than what we had with the previous contractor. No taxpayer money has been wasted. It will cost exactly the same as what it would have when you approved it last year. Thank you Connie for your hard work.

Alderman Tennant: My brother, Jason Tennant is a former chairman of this board for Area Agency on Aging and currently sits on their foundation board. I still plan to vote because I don't see any conflict.

Mayor Jordan: I am very supportive of the Senior Center. We got this notice and we had to do some pretty quick work. It was a labor of love. Thank you Connie, Mr. Mitchell and Kit.

Tom Frazier: What is the plan after the contract ends?

City Attorney Kit Williams: You will need to talk to our Parks & Recreation Director. There will be a new selection process for next year.

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

Ordinance 5674 as Recorded in the office of the City Clerk

Alderman Marsh moved to add the following to the agenda: Proposed Highway 16W and I-540 Interchange Improvements. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty and Alderman Adams were absent.

Proposed Highway 16 and I-540 Interchange Improvement: A resolution to express the City Council's agreement with the recommendations of Mayor Jordan, Development Director Jeremy Pate and City Engineer Chris Brown concerning the proposed Highway 16W and I-540 interchange improvements and the Highway 62 and I-540 interchange improvements.

Alderman Long: We had an input session at Asbell Elementary and city staff had some great public input. We want the Highway Department to know how much we appreciate their willingness to work on the interchanges. We want to impress upon them the importance of what Fayetteville's recommendations are.

Don Marr, Chief of Staff gave an explanation of the time sensitive nature of the item and why it needed to be walked on at the City Council meeting.

Jeremy Pate, Director of Development Services gave a brief description of the resolution. He invited citizens to email their comments and provide input to staff and City Council members.

Don Marr, Chief of Staff: The administration has become aware of a business group that is forming an opposition to the center median rise plan. This is why we think it is important for feedback on our preferred option.

Alderman Marsh: Thank you for putting these recommendations together. I appreciate the part about cycling, multi-use trails and transit. It is important and consistent with our City Plan 2030. I support these recommendations to the Highway and Transportation Department.

Alderman Tennant: Thank you for putting this together. The 62 and I-540 Interchange for the most part is the entrance to our city that a lot of people see. There is definitely reason to question and continue to push for what our citizens and our city would like best.

Alderman Tennant moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-0. Alderman Petty and Alderman Adams were absent.

Resolution 67-14 as recorded in the office of the City Clerk.

Consent:

Approval of the March 18, 2014 City Council meeting minutes.

Approved

Bid #14-17 to Chevrolet of Fayetteville: A resolution to award Bid #14-17 to Chevrolet of Fayetteville for the purchase of one (1) Chevrolet 2500HD pickup truck with topper and Jotto cargo slide in the total amount of \$34,350.00 for use by the Fire Department.

Resolution 68-14 as recorded in the office of the City Clerk.

Bid #14-18 Hilbilt Sales Corp. – Arkansas: A resolution to award Bid #14-18 to Hilbilt Sales Corp. - Arkansas of Benton, Arkansas for the purchase of one (1) Clement Industries Starlite hydraulic end dump trailer in the total amount of \$43,559.78 for use by the Westside Wastewater Treatment Plant.

Resolution 69-14 as recorded in the office of the City Clerk.

Bid #14-19 Lewis Ford Sales, Inc.: A resolution to award Bid #14-19 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of three (3) Ford F250 4x4 pickup trucks with Meyer snow plows in the total amount of \$98,707.86 for use by the Parks and Transportation Divisions.

Resolution 70-14 as recorded in the office of the City Clerk.

Williams Tractor of Fayetteville: A resolution to approve the purchase of one (1) Hustler Trimstar mower and four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$58,627.21 pursuant to a state procurement contract, and to approve a budget adjustment.

Resolution 71-14 as recorded in the office of the City Clerk.

Professional Turf Products: A resolution to authorize the purchase of two (2) Toro Sand Pro 5040 Bunker Rakes and one (1) Toro Lip Broom from Professional Turf Products of Lenexa, Kansas in the total amount of \$38,979.00 pursuant to National IPA Contract #120535 for use by the Parks and Recreation Division.

Resolution 72-14 as recorded in the office of the City Clerk.

North Point Ford: A resolution to authorize the purchase of one (1) Ford F-250 extended cab pickup truck from North Point Ford of North Little Rock in the amount of \$21,191.00 pursuant to a state procurement contract for use by the Water and Sewer Division, and to approve a budget adjustment.

Resolution 73-14 as recorded in the office of the City Clerk.

Fayetteville Advertising and Promotion Commission: A resolution to approve a five year agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission for a fee of 2% of such collections.

Resolution 74-14 as recorded in the office of the City Clerk.

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

Unfinished Business:

ADM 13-4602 (UDC Amendment Chapter 161.32 and Chapter 166.06): An ordinance to Amend §161.32 Planned Zoning District and §166.06 Planned Zoning District of the Unified Development Code to clearly separate the zoning and development approvals for Planned Zoning Districts and to simplify and reduce current regulations. *This ordinance was left on the First Reading at the March 18, 2014 City Council meeting.*

Alderman Tennant 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 Petty and Alderman Adams were absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: Jeremy Pate, Andrew Garner, Jesse Fulcher and I worked together to try to ensure that future decisions by the City Council would be strengthened and supported by the courts if they are ever challenged. There was some confusion with the current ordinance the last time that there was an appeal. I saw the danger that existed in the current PZD ordinance that did combine both development approval and the zoning approval in one vote. What you have before you separates the planned zoning district as a zoning decision from the preliminary plat or large scale development that would be based on that zoning decision. The accompanying development proposal, which will be a large scale development or preliminary plat, usually must be approved by the Planning Commission and it will be contingent upon what you all do in deciding whether or not to approve the Planned Zoning District. This strengthens your approval power if you are challenged in the future. I am much more confident that you will be sustained.

We haven't had a Planned Zoning District applied for in a long time. There is one now on the horizon and it could be filed with the Planning Department tomorrow. I ask that you amend this ordinance to place an Emergency Clause in the ordinance so that it is effective upon your passage.

Jeremy Pate discussed the ordinance being amended to include an Emergency Clause.

Alderman Gray moved to amend the ordinance to add an Emergency Clause. **Alderman Schoppmeyer** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** and **Alderman Adams** were absent.

City Attorney Kit Williams read the ordinance with the Emergency Clause.

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

City Attorney Kit Williams read the ordinance.

Alderman Long: Planned Zoning Districts are something we need to look at very carefully. If we are going to make this change and developers come to us with their request for a PZD, we need to apply the extra scrutiny on the front side we normally would have throughout the entire PZD process. Now, when it comes to development approvals, those would be through the Planning Commission and we want to make sure that we get all of our constituents input on the front side.

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

Ordinance 5675 as Recorded in the office of the City Clerk

Alderman Marsh moved to pass the Emergency Clause. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Petty** and **Alderman Adams** were absent.

Emergency Clause passed

New Business:

Garver, LLC Amendment No. 2: A resolution to approve Amendment No. 2 to the contract with Garver, LLC in an amount not to exceed \$69,825.00 for additional design services on the Spring Street Parking Deck Project, and to approve a budget adjustment.

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

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

Resolution 75-14 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Update on Resolution for Funding Energy Improvements to City Buildings and HEAL Program– Peter Nierengarten and Paul Becker

City Council Tour: None

Announcements:

Don Marr, Chief of Staff: The Farmers' Market opens this Saturday, April 5, 2014.

The Mayor's Town Hall meeting is April 21, 2014 at the Boys & Girls Club at 7:00 p.m.

Ward 3 Recycling and Trash bulky cleanup will be April 5, 2014 from 7:00 a.m. to 2:00 p.m. The locations are the Recycling and Trash Facility at 1560 South Happy Hollow Road and Vandergriff Elementary at 2975 East Township Street.

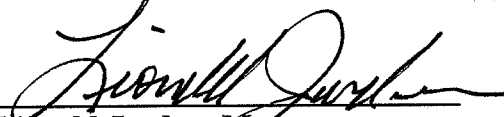
The comment period ends this Friday, April 4, 2014 about Highway 62, Martin Luther King or Highway 16W, Wedington.

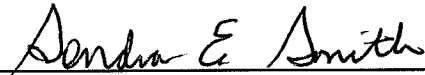
April 3rd-5th, 2014 is the 12th annual Blues in the Natural State Festival. Information can be found on the A & P website, experiencefayetteville.com for locations and details.

City Attorney Kit Williams: Mayor Jordan, City Clerk Sondra Smith, Deputy City Clerk Lisa Branson, Jeremy Pate and I met with Chambers Bank. The mayor gave them \$3 million and received back deeds to 328 acres of land. Jeremy is working with the Walton Family Foundation on a grant to get \$1.5 million back. We are working with the Fayetteville Natural Heritage Association to try and get \$300,000.00 to sell development rights. We are now the owners of Mt. Kessler and thanks to the City Council for approving that.

Mayor Jordan: Thank you all very much.

Adjournment: 6:44 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer