

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
May 06, 2014**

A meeting of the Fayetteville City Council was held on May 06, 2014 at 5:30 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 Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Annual Arkansas Recreation and Parks Association Annual Conference Awards:

Connie Edmonston, Parks & Recreation Director stated she was pleased to announce the City of Fayetteville won three awards at the Arkansas Recreation and Parks Association conference. She presented the awards to the recipients and thanked them for their work.

Volunteer Group of the Year – Disc Golf Club

Volunteer of the Year – Diane Gaynor, Community Garden Leader

Natural Resource Award – Lake Fayetteville Prairie Restoration Project

City Council Meeting Presentations, Reports and Discussion Items:

Quarterly Financial Report – 1st Quarter 2014

Paul Becker, Finance Director gave a brief summary of the 1st Quarter Financial Report for 2014. A copy of the report was emailed to the City Council.

Agenda Additions: None

Consent:

Approval of the April 15, 2014 City Council meeting minutes.

Approved

Animal Services Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$9,588.00 representing donation revenue to Animal Services for the first quarter of 2014.

Resolution 83-14 as recorded in the office of the City Clerk.

2014 Bulletproof Vest Partnership Program: A resolution to authorize a fifty percent (50%) matching grant application to the 2014 Bulletproof Vest Partnership Program seeking a grant in the amount of \$42,000.00 for the replacement of body armor vests for Fayetteville Police Officers and Emergency Response Team Officers.

Resolution 84-14 as recorded in the office of the City Clerk.

Garver, LLC: A resolution to approve a professional engineering services agreement with Garver, LLC for surveying and design services related to the installation of a propane fueling system at the Happy Hollow maintenance site in the amount of \$33,800.00, approving a project contingency of \$3,380.00, and approving a budget adjustment.

Resolution 85-14 as recorded in the office of the City Clerk.

Bid #10-47 King Electric Contractors: A resolution to authorize a contract with King Electrical Contractors in the amount of \$37,770.00, pursuant to Bid #10-47, for the installation of LED trail light fixtures and light poles along the Tsa La Gi Trail, and to approve a ten percent (10%) project contingency.

Resolution 86-14 as recorded in the office of the City Clerk.

Bid #14-23 First Light and Whatley, Inc.: A resolution to authorize the purchase of LED trail light fixtures from First Light of Tulsa in the amount of \$87,048.00 plus applicable sales tax, and to

authorize the purchase of light poles from Whatley, Inc. in the amount of \$29,744.00 plus applicable sales tax, pursuant to Bid #14-23, for installation along the Tsa La Gi Trail.

Resolution 87-14 as recorded in the office of the City Clerk.

McClelland Consulting Engineers, Inc.: A resolution to authorize a professional engineering services agreement with McClelland Consulting Engineers, Inc. in the amount of \$371,396.00 for design and related services for improvements to Zion Road.

Resolution 88-14 as recorded in the office of the City Clerk.

Jorgensen and Associates, Inc.: A resolution to authorize a professional engineering services agreement with Jorgensen and Associates, Inc. in an amount not to exceed \$387,000.00 for design and related services for the extension of Ruppel Road from Persimmon Street to Martin Luther King, Jr. Boulevard.

Resolution 89-14 as recorded in the office of the City Clerk.

Amend Resolution 218-13: A resolution to amend Resolution No. 218-13 to approve a change order and authorize a payment in the amount of \$3,451.74 to Royal Communications, Inc. for Phase One of the Access Control Project; to authorize a payment of \$25,459.11 to Royal Communications, Inc. for equipment already purchased for Phase Two; to cancel the existing contract with Royal Communications, Inc. for Phases Two and Three; to approve a contract with Electra Link, Inc. through RFP 13-11 for Phases Two and Three of the Access Control Project in the total amount of \$42,206.00; to authorize a ten percent (10%) project contingency; and to approve a budget adjustment.

Resolution 90-14 as recorded in the office of the City Clerk.

RJN Group, Inc.: A resolution to approve a contract with RJN Group, Inc. in the amount of \$56,000.00 for professional engineering services, and to approve a budget adjustment.

Resolution 91-14 as recorded in the office of the City Clerk.

Whole Foods, Inc.: A resolution to express the City Council's intention to pay for the installation of a traffic signal at Masonic Drive and College Avenue if Whole Foods, Inc. constructs its store at this intersection and to approve a budget adjustment of \$150,000.00.

Resolution 92-14 as recorded in the office of the City Clerk.

CH2M Hill Engineers, Inc. Amendment No. 5: A resolution to approve Amendment No. 5 to the agreement for operations, maintenance and management services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc. to increase the contract in the amount of \$80,632.00 and approve a budget adjustment.

Resolution 93-14 as recorded in the office of the City Clerk.

CH2M Hill Engineers, Inc.: A resolution to exercise a new five year option to renew the agreement for operations, maintenance and management services between the City of Fayetteville, Arkansas and CH2M Hill Engineers, Inc.

Resolution 94-14 as recorded in the office of the City Clerk.

Biobased Realty, LLC: A resolution to accept Biobased Realty, LLC's offer of \$200,000.00 as satisfaction of the City's right to receive a portion of the increased sales price of the raw land sold to Biobased Realty, LLC if such land is sold within ten years.

Resolution 95-14 as recorded in the office of the City Clerk.

Alderman Tennant moved to accept 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:

Alderman Petty moved to amend the agenda and move the Block Avenue Parking to New Business #1. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

The following agenda item was moved from New Business # 8 to New Business # 1.

Block Avenue Parking: A resolution to reaffirm the back-in parking design on Block Avenue between Dickson Street and Spring Street.

Chris Brown, City Engineer gave a brief description of the resolution. He stated staff does not recommend any changes to the back-in parking.

Alderman Tennant: The existing islands, if those were removed, we wouldn't lose any parking spaces if we made changes. Is that true?

Chris Brown: We did not evaluate removing the islands. Some of those islands are to protect driveways and we would need to leave those in place. I don't know the answer to that if we eliminated some of the islands, if we would gain back those three spaces.

Alderman Tennant: Would that change the cost if we took the islands out?

Chris Brown: If you took them out totally, it would be comparable to the higher of the two cost.

Alderman Tennant: I hear both good and bad about the islands.

Alderman Marsh: Is it true that some of those islands provide storm water filtration services?

Chris Brown: That is correct. The storm water does run through those islands and provides a filtration aspect.

Alderman Marsh: I've never had trouble backing into the spaces, but if I did, how far away would I have to park to access a pull-in front space?

Chris Brown: There is a city parking lot at the corner of Spring and Block Avenue, which is at the end of this block.

Alderman Marsh: So less than a block?

Chris Brown: Yes. There are also pull-in parking spaces on the other two blocks of Block Avenue towards the square.

Alderman Marsh: What about a parallel space?

Chris Brown: There are a couple of parallel spaces right at the very north end of Block Avenue and along Dickson Street as well.

Alderman Marsh: In less than a block I could find a variety of other ways to park my car if I was uncomfortable doing back-in?

Chris Brown: Yes.

Nancy Bittle, 2761 North Timberglen Lane stated she is a business owner and loves Fayetteville. She stated she has a difficult time with the back-in parking and believes it is difficult for a lot of residents and visitors to Fayetteville. She continued to voice her opinion and spoke in opposition of the back-in parking.

Diane Modisette, 1923 East Joyce Boulevard stated she has been a resident of Fayetteville for 50 years. She stated backing into an angled parking space is new to her and impatient cars have honked their horns at her. She continued to voice her opinion and spoke in opposition of the back-in parking.

Camille Garland, 2824 Cluboak stated she works at Shag Salon on Block Avenue. She stated the back-in parking is a very big topic of conversation every day at her business. She stated back-in parking creates anxiety and she has lost clients due to the parking. She continued to voice her opinion and spoke in opposition of the back-in parking.

Alderman Tennant: Do you ever hear anybody complain that the lines or the numbers in the parking spaces are faded?

Camille Garland: Yes. The letters that use to be on the front and on the side are gone.

Alderman Tennant: One of the reasons I heard from city staff of why it was going to cost so much to replace it, is because they didn't paint the lines. It is embedded in the pavement and in order to change it they were going to have to sand the pavement down.

Jeremy Pate, Development Services Director: The numbers are painted on with normal paint all throughout the downtown. The stripes are put on through a contract we have. They are thermal plastic. They are heated on to the pavement so that they stay longer.

Laura Underwood, 2375 North Fox Trail and business location is at 611 West Dickson Street. She stated she is a cyclist and thanked the city for all the improvements that have been made for cyclist in the community. She stated that Block Street creates a narrow corridor and can only accommodate one vehicle and impedes multi-purpose flow. She continued to voice her opinion and spoke in opposition of the back-in parking.

Richard Osborn, 26 East Center voiced his concerns and spoke in opposition of the back-in parking.

Jim Hill, Beaver Electric at 208 North Block Street stated that petitions were submitted and had over 500 signatures suggesting to change the parking back to pull-in parking. He continued to voice his opinion and spoke in opposition of the back-in parking.

Larry Davenport, 2632 North Charleston Crossing stated that we have had four years to evaluate this experiment. He stated he would like the council to acknowledge they have heard members of the community say they do not want back-in parking.

Tom Overby, 1855 West Pratt and business location is at 211 North Block stated that the meter identification is a real problem. He stated the number of parking spaces is his biggest issue. He stated he is in favor of the resolution.

Alderman Tennant: I would like to applaud the businesses that came here today and all the people who signed the petitions. It is really good when we see involvement. I have been against this parking since it started. My big question has always been, why didn't the city do it anywhere else? I think the intention was good. Several things on this council, just in the time I have been here, we've done and said at the end of it, let's try this. If it doesn't work, then we will go back and look at it again. I usually feel pretty comfortable when I say that. I will be a little more uncomfortable moving forward when we say that because the first thing I'm going to start asking is, how much will this cost to change it if we ever need too.

I spoke to a lot of the businesses up Block Street, not just the ones that are affected in this situation and most of them said, we are glad they stopped and didn't do it on up the road. I have a problem telling 500 citizens to get used to back-in parking. I have a real problem saying that we can't do this because it cost this much money. I think at some point we need to say this was a bad idea. It might work at some point in the future, but it is not working now. I am going to vote to change this. If I get out voted, I can promise each and every one of you that at the next budget session I

will make this a priority to put it in the next budget.

Alderman Kinion: People that know me, know that I can be somewhat fiscally conservative. The arguments we have heard are emotional. They show the impact that this has had on individuals and businesses. I will not lose sight of these arguments as we move forward. However, my biggest concern is that I haven't heard a compelling story on why we have the urgency. We do have in place a budget that has already been approved with projects. We are already running a deficit in some other project areas and we are going to have to look seriously at how to resolve something that is evidently a problem.

I'm going to support the resolution as it is written and this is with the understanding of those that have brought concerns forward. I do see that your points are directly impacting your businesses and the way you feel about the parking situation. As we move forward we must correct the situation. In the short run, I don't know where we can get the money to do it. It sounds like I am supporting back-in parking, but that is not the case. I am supporting the fact that we would have to impact other projects on the end of a very rough winter. We have some infrastructure issues that we are having to deal with.

Alderman Long: Someone mentioned that emergency vehicles have trouble getting in and out of Block Street. Have you seen that as a problem?

David Dayringer, Fire Chief: Block Street has always been too narrow. We can get up and down the street. When it was designed, we took the ladder truck down there and made sure there was a place for it in the multi-story buildings. We made sure it could get around the curbs and corners. When there are cars on both sides of the street it is tight, but we will get through it.

Alderman Long: I had no idea how I was going to vote tonight. At first I was for changing it and then decided I should listen more to public input. Many in Ward 4 want this changed. When it went in I thought it was a terrible idea. I'm not going to vote to support the resolution. I think it is something that we need to come back to in the future if it stays the way it is.

Alderman Marsh stated she is going to support the resolution due to a wide variety of parking opportunities downtown within one block. She stated she attended a workshop on economic development and discussed the concept of shopping a district. She stated she doesn't have trouble backing into the parking spaces. She believes others do not either because they are occupied on a regular basis. She continued to say that she doesn't see the need to spend money to tweak a parking issue when there are so many other transportation needs in the city.

Mayor Jordan: When I went into this thing about four years ago, I wasn't a big fan of back-in parking. The staff came in and began to show me the advantages of back-in parking. We were trying to develop a street that was along the new urbanism design. Prior to that, I can't tell you the amount of people that use to call and talk about the speeding up Block Street. We needed to put some sort of traffic calming measures in and we did. We wanted to make it more pedestrian friendly and so we put the wider sidewalks in.

The main thing that sold me on this was the safety aspect of it. When people back into a parking

space, they unload and load their family from the rear. When you leave the area you can see where you are going. Why didn't we do the other two blocks?

Chris Brown: The original concept was for back-in parking on the block that it is installed on and also the block nearest to the square. The middle where the Little Bread Company is, was always pull-in because it was on the other side of the road. That was the concept that was approved. After the back-in parking, which was the first segment that was done was between Dickson and Spring, after that was put in, the Transportation Committee revisited the design and during construction changed the very southern end nearest the square. It was originally designed to have two of the three blocks. One of them was removed during the project because of the newness of the back-in parking and all of the questions about it.

Mayor Jordan: Matthew, you were on that committee. There was probably three or four months of discussion.

Alderman Petty: We had half a dozen meetings, counting the special public meetings.

Mayor Jordan: It was discussed at length. I studied the accident reports from the Fayetteville Police Department. From Spring Street to Dickson, there was a total of seven accidents. One of those was the one we had last week when the gentleman was traveling at a fast pace when he hit the meter. As far as car to car accidents with back-in parking, how many have we had?

Mike Reynolds, Deputy Chief of Police: In the block one section that we are talking about on back-in parking, we have had zero.

Mayor Jordan: The area from Meadow to Center, we have had a total of how many accidents?

Mike Reynolds: From 2010 to present, we have had 26 accidents that have occurred in that area.

Mayor Jordan: I am talking about backing up and hitting a car. What I came up with was about 17.

Mike Reynolds: 17 is correct.

Mayor Jordan: What I am seeing is that the pull-in parking that everybody considers safer, has created 17 accidents with people backing out into traffic. These are the facts. I support the staff and the back-in parking.

Alderman Tennant: Does the staff, based on these safety requirements support changing all the parking to back-in parking throughout the city?

Jeremy Pate: Since 2010 the only other downtown project we have done is Center Street. We looked at different options for that section, but it wasn't an option for that street. We haven't done any other projects that would allow for that to be utilized. We have talked about other projects when constructing streets. We have had private developers ask if they can provide back-in angled parking. We haven't seen any constructed yet, but we have had inquiries.

A discussion continued about the back-in parking options with future projects and development in the city.

Alderman Adams stated a few years ago there had been conversations about doing some changes on the square for restaurants to have outdoor seating. She stated she was supportive of the idea and the biggest problem encountered was people not wanting their parking taken away. She stated that the change was not made to allow outside seating to save the parking spaces. She stated she is supporting the resolution because the parking spaces are important and need to be preserved.

Alderman Petty: I voted against this four years ago. I was opposed to the design that got built and I had alternative designs drawn up. The reason we had so many meetings was because I insisted we talk about the alternative proposal I had. It failed. I was the only one to vote the way I voted. I didn't vote against it because it had back-in parking. Back then I tried so hard to get people that did business on that street to come to our meetings. I couldn't get hardly anybody to come. The folks on the street didn't participate in that discussion. The next time there is a project, you have to be there.

Alderman Marsh moved to approve the resolution. Alderman Kinion seconded the motion. Upon roll call the resolution passed 5-3. Alderman Kinion, Petty, Adams, Marsh, and Mayor Jordan voting yes. Alderman Tennant, Schoppmeyer, and Long voting no. Alderman Gray was absent.

Resolution 96-14 as recorded in the office of the City Clerk.

Alderman Long moved to amend the agenda and move the City Council Support for Firefighters to New Business #2. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

The following agenda item was moved from New Business # 7 to New Business # 2.

City Council Support for Firefighters: A resolution to express the City Council's support of a legislative enactment to create a presumption that firefighters who develop certain forms of cancer developed those cancers through their work as firefighters.

Alderman Long gave a brief description of resolution. He thanked Mayor Jordan for co-sponsoring the resolution. He stated this is a resolution to support legislation at the state level to deem presumptive of illness in the line of duty for firefighters in the State of Arkansas. He stated that firefighters are exposed to carcinogens in two places mainly. He stated they are exposed through the air they breathe and things they touch in fires they are fighting and unventilated fire fighter houses.

A video was played discussing firefighters that have passed away from cancer.

Alderman Long: If one of our firefighters were to break their back during a fire and become disabled, it would be considered in the line of duty. If a firefighter were to be killed by a beam

collapsing on them while attempting to save our lives, it would be considered in the line of duty. The family of the firefighter would be taken care of in these cases. However, if a firefighter develops certain forms of cancer after years of fighting fires, cancers that are medically linked to job requirements, their illnesses in the State of Arkansas would not be deemed in the line of duty.

Approximately 40 other states have passed legislation creating this presumption of illness linked to their on the job duties. Arkansas still falls behind and Arkansas law should be changed. It is time for our public to know the truth about the lack of care we offer to the survivors of our firefighters.

Alderman Petty: Thank you Alan and Mayor Jordan for bringing this forward. I would be honored to go to Little Rock with you and lobby for this.

Alderman Marsh stated she knows from working in the building industry how many toxins are in everyday building materials. She described the many toxins that are in the materials. She stated that it would be impossible for a firefighter's health to not be adversely effected by exposure to toxins.

Duane Cromwell, 335 Baxter Lane stated more fireman die after they retire or have to retire from cancer than from being killed on the job while fighting a fire. He stated that Arkansas is one of the paltry ten states that do not make it easy to receive benefits for cancer from working in a diesel fueled fire station. He continued to speak in favor of the resolution.

Captain Mark Holloway, Springdale Fire Department stated that he and his fellow firefighters understand the risk. The obligation of government is to cover us when we suffer the harm that our job suffers us to.

David Dayringer, City of Fayetteville Fire Chief stated his appreciation for the show of support. He stated that President Abraham Lincoln said, "The nation shall care for him who has born the battle and his widows and his orphans."

Jimmy Vineyard, Representative of Fayetteville Firefighters Association stated his appreciation for the support in bringing the resolution forward. He stated that it is great to work for a city that looks after their employees. He stated he is in support of the resolution.

Scott Veredy, 2357 Winwood Drive stated he applauds the initiative and spoke in favor of the resolution.

Mayor Jordan: When I was a young man I worked for a construction company and we remodeled a plant. They took visqueen and put us in a room and visqueened us off. That was my first dose of cutting asbestos. It was so thick you could not see the person in front of you. Many of the workers in that particular room have gotten asbestos poisoning, but I have not. I told myself that I would make sure that other workers did not have to go through something like that.

This is what I know about firefighters. The alarm goes off, they get into a flying piece of metal and they go to a fire. They put out the fire and they go through those fumes. You know why they do it and what do they say? They say they are going to protect the citizens and their property. I think it is time that we protected them. This is the right thing to do and it needs to be done now. I

would like to encourage the Council to do the right thing and pass the resolution.

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

Resolution 97-14 as recorded in the office of the City Clerk.

Lose and Associates, Inc. Amendment No. 1: A resolution to approve Amendment No. 1 to the agreement for professional landscape, architectural and engineering services with Lose and Associates, Inc. in the amount not to exceed \$726,022.00 for design and construction documentation of the Regional Park.

Alison Jumper, Parks & Recreation Department gave a brief description of the resolution.

Alderman Kinion moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 7-0. Alderman Gray was absent.

Resolution 98-14 as recorded in the office of the City Clerk.

RZN 14-4659 (West Side of Beechwood and South of the Domain/Beechwood Properties): An ordinance rezoning that property described in rezoning petition RZN 14- 4659, for approximately 9.74 acres, located at the west side of Beechwood, south of the domain from I-1, Heavy Commercial/Light Industrial, to CS, Community Services.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance. He stated that the Planning Commission voted 8-0 for approval and staff is recommending approval of the rezoning.

Alderman Petty moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh was absent during the vote. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Alderman Petty 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.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5683 as Recorded in the office of the City Clerk

VAC 14-4655 (Southwest Corner of Razorback and 15th/Razorback Student Housing):
An ordinance approving VAC 14-4655 submitted by Crafton Tull for property located at the southwest corner of Razorback and 15th Street to vacate a portion of a utility easement.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance. He stated that the Planning Commission and staff are recommending approval of the request.

Alderman Marsh: With this new development going in, will there be any infrastructure improvements required to that intersection or the sidewalks?

Jeremy Pate: Yes. There will likely be new sidewalks on both Razorback and on 15th Street. Hopefully, connecting all the way to the trail and also to connect to the sidewalks that are along the University Square Development.

A discussion followed about sidewalk and intersection improvements.

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

City Attorney Kit Williams read the ordinance.

Alderman Adams: What happens if we don't vacate this utility easement?

Jeremy Pate: The building would have to be pushed back off the street a bit. This is a form based code. The existing utility easement, which there are no utilities within it and there are no plans to put utilities within that utility easement prevents that from occurring right now. Their development plans places the utilities interior to the property and the conditions of approval reflect that. It could alternate the development plans as part of this project. The Planning Commission made recommendations and requirements as conditions of approval for this to occur. They are trying to pull the development away from the creek.

Alderman Adams: That is helpful. Thank you very much.

Alderman Kinion: Taking it out to the street for the very reason you said is pushing it right into where we are walking. It seems very crowded. I know there is a feeling that pushing things to the street makes it more pedestrian friendly, but that has not been my experience. I don't like to vacate things. In order to protect the stream it is going to be rather delicate over there. We have so much velocity as it approached that property that we do have to protect it. I think this is why it is

important in this specific plan and design.

Mayor Jordan: The Razorback sidewalk is right on the road. You can feel it when the trucks go by you.

Alderman Adams: If we don't vacate it, then they can't build as big maybe.

City Attorney Kit Williams: This was an extremely difficult project to get finished on this particular site. It took a lot of work. I want to thank Jeremy for all of his work on this in order to make this project a reality and stay out of the creek as far as we were able to do. If there is nothing in the easement, then there is hardly any reason for us to maintain it. I think this is why it's being suggested that it be vacated. There is nothing to protect within the easement that was granted when it was thought there might be some need for it. It has been shown with the conditions of approval we have, the city will not need this easement. Is that correct?

Jeremy Pate: That is correct.

Alderman Marsh: This is a really good sight to be putting student housing on. It is very close to the university and it is served by transit. There are several restaurants and shops within walking distance. It will be on our trail system. This is a good place to be putting some density. I am glad that they were able to back off the stream.

Alderman Petty 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.

City Attorney Kit Williams read the ordinance.

Alderman Kinion: This does have a history on this property as a lot of us know. It is my hope that we are going to improve the intersection and improve the walkability. I hope the density will improve the opportunity for the business growth in this area of town as well as connecting to the trail to bring more activity to the south side. They have tried to get this developed in the past and this seems as if it will work on this property.

Jeremy Pate: The development did have to decrease their unit count by quite a bit just to make the project fit. It does need to fit the property and meet the parking demand.

Alderman Adams: Thank you. I want us as a Council to be so thoughtful and careful on these student housing projects.

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

Ordinance 5684 as Recorded in the office of the City Clerk

VAC 14-4656 (2693 Valencia Ave./Riverwood Homes): An ordinance approving VAC 14-4656 submitted by Riverwood Homes for property located at 2693 Valencia Avenue to vacate a portion of a utility easement and drainage easement, a total of approximately 42 square feet.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance. He stated that the Planning Commission and staff are recommending approval of the request.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5685 as Recorded in the office of the City Clerk

I-PZD 14-4662 Industrial Planned Zoning District (701 W. North): An ordinance establishing an Industrial Planned Zoning District titled I-PZD 14-4662, Project Corral, located at 701 W. North Street; containing approximately 0.76 acres; amending the official zoning map of the City of Fayetteville; and adopting the zoning criteria and Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director gave a brief description of the ordinance. He stated the proposed use for the sight is for a tap room and brewery for beer production. He stated that the Planning Commission and staff are recommending approval of the request.

Alderman Long: This is a brewery and so a lot of the waste will be beer. My concern is that it is next to the stream. I am wondering what would be done with that liquid waste.

Jason Corral, 1553 East Columbus Boulevard: I have talked with the WasteWater Treatment Plant. I told them about the scale that we were planning on working with. We considered the fact that maybe I might be brewing some bad batches of beer that have to go down the drain. That is where it will go. I was told that with the scale we are talking about it shouldn't be an issue.

Alderman Long: You said drain and that was what I wanted to hear.

A discussion followed about the disposal of liquid waste.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5686 as Recorded in the office of the City Clerk

Environmental Consulting Operations, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with Environmental Consulting Operations, Inc. for wetlands mitigation site monitoring and management for 2014 in the amount of \$33,000.00.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance. He stated that he believes it is appropriate to suspend competitive bidding because of the long standing track record, the knowledge and the activities already done by ECO Incorporated on this site.

Bruce Shackleford, Environmental Consulting Operations discussed the Woolsey Wet Prairie. He spoke in favor of the ordinance.

Alderman Kinion stated that this project is one that our city should hold in great esteem with a great deal of pride.

Don Marr, Chief of Staff: This contract is 100% on the current wetland mitigation monitoring maintenance plan and a credit tracking program. This does not include any discussion related to any of our new adjacent site. We feel very strongly in the expertise that we have in ECO Incorporated. If we start to talk about a new development item, it is important to go back out to bid again and select because that is the point at which we are starting over with an entire new process when that decision is made. We don't want to blur that because we have had inquiries about people who are interested in that. It will be a process, it will go through for selection in any new development.

A discussion followed regarding mitigation credits.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5687 as Recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

Economic Development Quarterly Report – Chung Tan

Regional Park Update – Alison Jumper, Park Planning Superintendent

Land for Sale Adjacent to Gulley Park Presentation – Wade Colwell

Announcements:

Don Marr, Chief of Staff: We have a lot of visitors coming to town this weekend for the University of Arkansas graduation on May 10, 2014.

We will have a Meet Your Trails Kickoff Program May 17, 2014 at 9:00 a.m. Meet at the pavilion at Lake Wilson for the Joe Clark Trail loop. We are starting a program. There are four of these scheduled where we will have a nature or trail walk with members of city administration and department heads. If citizens want a chance to see trails they may not be aware of and visit with people that they might not have met, they can come and check out a new trail.

We have some potential severe weather risk at the end of this week. We want to encourage citizens that we have the Fayetteville Alert System available to sign up and be notified. It is on the city website page. It is extremely important if people enrolled, they must enter an address.

The opening of our Mount Sequoyah Gardens improvement project is May 12, 2014 at 5:30 p.m.

We invite everyone to come and celebrate with us.

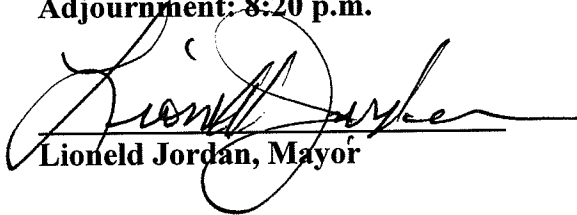
I would like to congratulate the Government Channel staff for receiving two gold and one silver for both our Recycling Team Extended Version commercial they developed that is running in theatres and television. Our Recycling Team Edited Version and our Recycle Something Imaginary Playground advertisements which are competing nationally for awards.

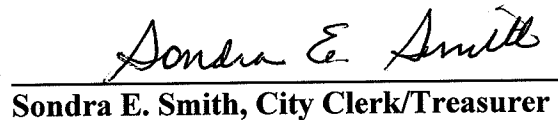
Alderman Adams: The U of A School of Law graduation is May 17, 2014 at the Town Center at 2:00 p.m.

City Attorney Kit Williams: I would like to pass on some good news to the City Council. Several meetings ago you passed a refinancing for the Sewer Bonds. We were notified by Dennis Hunt of our underwriter Stephens Inc. that there is in that savings about \$300,000. They were sold today.

City Council Tour: None

Adjournment: 8:20 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer