

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

Alderman Martin W. Schoppmeyer, Jr.
Ward 3 Position 2

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
March 3, 2015**

A meeting of the Fayetteville City Council was held on March 3, 2015 at 5:30 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, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Schoppmeyer arrived at 5:38 p.m.

Pledge of Allegiance:

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Natural Heritage Association Presentation

Connie Edmonston, Parks & Recreation Director stated that a check would be presented to the Council from the Natural Heritage Association as a promise to help pay for the purchase of the Gulley Park expansion.

Bob Caulk, Natural Heritage Association, **Wade Colwell**, Cow Paddy Foundation and **Max Mahler**, Friends of Gulley Park thanked donors for their generosity and presented a check to the Council for the Gulley Park expansion.

Pete Heinzelmann stated his appreciation to Wade Colwell and Max Mahler for their efforts on the Gulley Park extension. He thanked Mayor Jordan and the City Council for saving such a special place for Fayetteville and for future generations.

Mayor Jordan thanked the Natural Heritage Association, John Coleman, Wade Colwell, Max Mahler, Bob Caulk, Pete Heinzelmann, City Council and staff. He stated it was great to preserve a natural area in Fayetteville.

Agenda Additions: None

Consent:

Approval of the February 17, 2015 City Council meeting minutes.

Approved

Hazmat Services Revenue: A resolution to approve a budget adjustment recognizing hazmat services revenue received by the Fire Department from Washington County in the amount of \$11,315.00 and increasing the related expense budget.

Resolution 46 -15 as recorded in the office of the City Clerk

Bid #15-19 Pig Trail Harley Davidson: A resolution to award Bid #15-19 to Pig Trail Harley Davidson of Rogers, Arkansas and authorize the purchase of three (3) 2015 Harley Davidson FLHTP motorcycles in the total amount of \$59,742.00 for use by the Police Department.

Resolution 47 -15 as recorded in the office of the City Clerk

Bid #15-20 Truck Centers of Arkansas: A resolution to award Bid #15-20 to Truck Centers of Arkansas and authorize the purchase of two (2) Freightliner M2-106 trucks with Kann Recycle Bodies in the total amount of \$340,852.00 for use by the Recycling and Trash Collection Division.

Resolution 48 -15 as recorded in the office of the City Clerk

Bid #15-18 Lewis Ford Sales, Inc.: A resolution to award Bid #15-18 to Lewis Ford Sales, Inc. of Fayetteville, Arkansas for the purchase of two (2) 2015 Ford F550 4x4 trucks with Reading Utility Bodies in the amount of \$91,407.52 for use by the Water and Sewer Operations Division.

Resolution 49 -15 as recorded in the office of the City Clerk

Oakland Avenue Right of Way Dedication: A resolution to approve the dedication of 22 feet of right of way from centerline for Oakland Avenue along the east side of 940 West Maple Street as recommended by the Planning Commission.

Resolution 50 -15 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution to approve the purchase of four (4) Hustler Super Z mowers from Williams Tractor of Fayetteville in the total amount of \$47,857.00 pursuant to a state procurement contract.

Resolution 51 -15 as recorded in the office of the City Clerk

Williams Tractor of Fayetteville: A resolution authorizing the purchase of one (1) New Holland T6.155 4WD cab tractor with loader in the amount of \$73,255.00 and one (1) New Holland Workmaster 55 4WD tractor in the amount of \$20,195.00 from Williams Tractor of Fayetteville, pursuant to the National Joint Powers Alliance cooperative purchasing contract.

Resolution 52 -15 as recorded in the office of the City Clerk

Countryside Farm and Lawn: A resolution to authorize the purchase of a John Deere 6115D cab tractor with H340 Farm Loader from Countryside Farm and Lawn of Springdale, Arkansas in the amount of \$68,607.76 plus any applicable tax pursuant to the National Joint Powers Alliance cooperative purchasing agreement.

Resolution 53 -15 as recorded in the office of the City Clerk

Gametime c/o Cunningham Recreation: A resolution to authorize a contract with Gametime c/o Cunningham recreation in the amount of \$21,030.45 pursuant to a state procurement contract for the purchase and installation of playground equipment for Prism Education Center.

Resolution 54 -15 as recorded in the office of the City Clerk

Arkansas Recreational Trails Program Grant: A resolution to express the willingness of the City of Fayetteville to utilize Federal-Aid recreational trails funds and authorizing application for a 20% local match grant through the Arkansas Recreational Trails program in an amount up to \$75,000.00 for construction of three sections of boardwalk on the Lake Fayetteville Nature Trail.

Resolution 55 -15 as recorded in the office of the City Clerk

Crossland Construction Company, Inc. (Regional Park): A resolution to award Bid #14-66 and authorize a contract with Crossland Construction Company, Inc. in the amount of \$11,788,362.19 for construction of Phase One of the Regional Park, to approve Change Order No. 1 to reduce the contract price by the amount of \$2,358,997.27, to approve a project contingency in the amount of \$528,000.00, and to approve a budget adjustment.

Resolution 56 -15 as recorded in the office of the City Clerk

Goodwin & Goodwin, Inc. (Regional Park): A resolution to award Bid #15-15 and authorize a contract with Goodwin & Goodwin, Inc. in the amount of \$707,007.50 for construction of a new

18 inch waterline for the Kessler Mountain/Regional Park Waterline project, and to approve a project contingency of \$70,701.00.

Resolution 57 -15 as recorded in the office of the City Clerk

Garver, LLC (Regional Park): A resolution to approve Amendment No. 1 to the contract with Garver, LLC to add construction phase services on the Kessler Mountain/Regional Park Waterline project in an amount not to exceed \$71,200.00.

Resolution 58 -15 as recorded in the office of the City Clerk

Lose and Associates, Inc. (Regional Park): A resolution to approve Amendment No. 2 to the agreement with Lose and Associates, Inc. in an amount not to exceed \$322,137.00 for construction administration services for Phase One of the Regional Park project, and to approve a budget adjustment.

Resolution 59 -15 as recorded in the office of the City Clerk

Grubbs, Hoskyn, Barton & Wyatt, Inc. (Regional Park): A resolution to authorize a contract with Grubbs, Hoskyn, Barton & Wyatt, Inc. for construction materials testing for Phase One of the Regional Park project in an amount not to exceed \$91,000.00, and to approve a budget adjustment.

Resolution 60 -15 as recorded in the office of the City Clerk

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

Unfinished Business:

RZN 14-4882 (East Side of Ruppel RD./Westside Village): An ordinance rezoning that property described in Rezoning Petition RZN 14-4882, for approximately 21.63 acres, located on the east side of Ruppel Road North of the Boys and Girls Club, from R-PZD, Residential Planned Zoning District R-PZD 06-1884 Westside Village, to NS, Neighborhood Services. ***This ordinance was left on the First Reading at the February 3, 2015 City Council meeting. This ordinance was left on the Second reading at the February 17, 2015 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Tennant 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 5752 as Recorded in the office of the City Clerk

RZN 14-4938 (N.W. Cross & Maine Intersection/West End Addition): An ordinance rezoning that property described in Rezoning Petition RZN 14-4938, for approximately 2.5 acres, located at Northwest Corner of Cross & Maine Streets from an expired R-PZD, Residential Planned Zoning District Markham Hill Cottages (R-PZD 09-3237), to RSF-8, Residential Single Family, 8 units per acre. ***This ordinance was left on the First reading at the February 17, 2015 City Council meeting.***

Alderman Gray 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.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission disagreed with staff's RMF-24 recommendation and recommended RSF-8. Staff is in favor of either, RMF-24 or RSF-8.

A discussion followed about the zoning of the property and not about what is going to be built on the property.

Andrew Henson, Applicant: Thank you for coming to look at the property. We are asking for RMF-24 because of the terrain and the difficulty of developing.

Alderman La Tour requested for Jeremy Pate to speak about the surrounding area that had similar zoning classifications.

Jeremy Pate gave a description of the surrounding area that is zoned RMF-24.

Alderman Petty: The PZD that this was under before, how many units was it authorized for?

Jeremy Pate: It was between 17 to 18 building units per acre.

Tom Brown, 2031 West Maine spoke in opposition of the RMF-24 zoning. He is favor of the RSF-8 zoning.

Andrew Henson stated he would be willing to decrease the number from the RMF-24 zoning if it would help.

Alderman Long: This is a hidden gem in Fayetteville. It is in a wooded area and low infrastructure in the surrounding area. I think RMF-24 is too high of a density, but RSF-8 might be too low.

A discussion followed about the options of lowering the rezoning from RMF-24.

Alderman La Tour: The landowner knows what is best for his property. If they want RMF-24, we should grant them RMF-24. I would compromise down to a lower number, if they would compromise. The project has to be economically viable or nothing will happen.

City Attorney Kit Williams gave a brief description about the mass rezoning that was done in the 1970's.

Alderman Marsh: I toured the site. It makes me nervous seeing a wooded hillside go up for development. I am putting faith in our Hillside Protection ordinance, Tree Preservation ordinance and Drainage Criteria Manual and hope they are going to protect the people who live downhill from erosion and stormwater runoff. As far as proximity to goods and services, this is a good location for housing. I would support up to a RMF-24. I like the idea of having a variety of housing types.

Alderman Long: Would the RMF-12 designation accomplish your goal?

Andrew Henson: It would make it more challenging and more difficult. We would be willing to step down to RMF-18.

Alderman Gray stated she believed that RMF-18 would be a nice compromise.

Alderman Long moved to amend the zoning to RMF-18. **Alderman Petty** seconded the motion. Upon roll call the motion passed unanimously.

Alderman Tennant 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 5753 as Recorded in the office of the City Clerk

Gulley Park Two Single Family Lot Sell: A resolution to authorize Mayor Jordan to offer for sale approximately 1.25 acres of city owned real property on Old Wire Road near Gulley Park. *This resolution was tabled to the March 3, 2015 City Council meeting at the February 17, 2015 City Council meeting.*

Connie Edmonston, Parks & Recreation Director gave a brief description of the resolution. She requested to change the sealed bid date to May 4, 2015 to give more time to sell the property. She requested that the current zoning of RSF-4 would remain intact.

Don Marr, Chief of Staff discussed the zoning notification process.

A discussion followed about amending the resolution to change the sealed bid date to May 4, 2015.

Alderman Long: In regards to potentially rezoning this in the future, how would we give notification to people?

City Attorney Kit Williams: We would follow our normal rezoning procedures where staff would present it and they would follow all the notification procedures. They would mail the letter, publish in the newspaper and put up signs.

Jeremy Pate: Correct.

Alderman Petty moved to amend the resolution to change the sealed bid date to May 4, 2015. **Alderman Marsh** seconded the motion. Upon roll call the motion passed unanimously.

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

Resolution 61 -15 as recorded in the office of the City Clerk

New Business:

Rezoning Petition RZN 15-4942: An ordinance rezoning that property described in Rezoning Petition RZN 15-4942, for approximately 4.84 acres, located at 3010 West Old Farmington Road from R-A, Residential-Agriculture to RSF-8, Residential Single Family, 8 units per acre.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. The Planning Commission voted 9-0 in favor of the request. Staff is in favor of the rezoning request.

Vicky Bedford, Applicant stated she believes that RSF-8 would be an appropriate density for the acreage.

Alderman Tennant moved to suspend the rules and go to the second reading. **Alderman Marsh** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Tennant 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 5754 as Recorded in the office of the City Clerk

Walton Arts Center Expansion: An ordinance to waive competitive bidding and approve a Memorandum of Understanding with the Walton Arts Center, CDI Contractors, LLC and Boora Architects, Inc. to spend not to exceed \$6,323,515.00 of the 2014 HMR bond proceeds to partially pay for the Walton Arts Center Expansion and Enhancement project.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description of the ordinance.

City Attorney Kit Williams: At Agenda Session, I pointed out that we had been working on a contract with the Walton Arts Center. I have a slightly amended version that has been signed by all parties, but the City of Fayetteville. The slight change was in paragraph 5 of the agreement that expanded on the explanation of how the citizens of Fayetteville's investment would be acknowledged and honored by the Walton Arts Center. I am satisfied with the agreement.

Mayor Jordan: Thank you Kit for working on that.

Tim Vogt, CFO of the Walton Arts Center: The Walton Family Foundation gave us a grant of \$5 million towards this project. It is a one to three match. We are happy to report that we have raised almost \$20 million to date. We are well on our way to our target of \$23 million to accomplish this project. Thank you to the Mayor, Don, City Council, A&P Commission and especially the citizens of Fayetteville. It was their support in November 2013 to vote these funds towards this project.

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

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: The reason I put this in an ordinance, waiving competitive bidding, is that we properly selected CDI. The Memorandum of Understanding includes two other parties including the Walton Arts Center, we are doing a cost share with them, and because it is a \$6 to \$7 million contract, I like as many as backstops as I can have so that someone can't challenge it and recover taxpayers' money.

Alderman Petty: Do we need to make an amendment for your new Memorandum of Understanding?

City Attorney Kit Williams: No. It is understood that this will be the Memorandum that was approved. I don't think you need an amendment to that. This is what you will be approving and authorizing Mayor Jordan to sign.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Tennant: Thank you to City Attorney Williams for featuring the citizens of Fayetteville in the recognition wall. The citizens of Fayetteville are a huge donor.

Mayor Jordan thanked everyone involved in the project. He stated it is a wonderful moment in the City of Fayetteville.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5755 as Recorded in the office of the City Clerk

New World Systems Corporation (Software Service and Maintenance): An ordinance to waive the requirements of formal competitive bidding and approve a two (2) year contract with New World Systems Corporation for software service and maintenance in the amount of \$106,690.00 per year, plus any applicable sales taxes.

City Attorney Kit Williams read the ordinance.

Paul Becker, Finance Director gave a brief description 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 unanimously.

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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5756 as Recorded in the office of the City Clerk

2015 Employee Compensation Adjustment: A resolution to approve a budget adjustment in the amount of \$1,375,000.00 to fund the City-Wide 2015 Employee Compensation Adjustment.

Paul Becker, Finance Director gave a brief description of the resolution.

Alderman Marsh: We will now have all our employees at market rate?

Mayor Jordan: Absolutely.

Alderman Long: Are we at market rate or above market rate? We have a city policy of being above market rate on pay.

Don Marr, Chief of Staff: We strive to be above market rate, but we are at market rate.

Alderman Marsh: The surplus that is enabling us to do this was achieved primarily through expense control. Thank you to all the city staff for your wise and prudent use of city resources that enables us to do this.

Alderman Petty moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 62-15 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville Historic Preservation award nominations are being accepted. These are nominations to honor projects, organizations and individuals that have displayed an outstanding commitment, practice or leadership in the preservation area in Fayetteville. The deadline is Friday, March 27, 2015 at 5:00 p.m.

The Parks & Recreation Youth Softball registration runs through March 15, 2015.

The National Weather Service issued a winter storm for our area. Our Transportation Division will be going to shifts at 4:00 a.m. in the morning. This event is projected to start with freezing rain, which prohibits and limits pretreatment capabilities. We want to caution citizens to expect impaired travel tomorrow.

Alderman Marsh: Would you recommend that people go ahead and put their trash and recycling out tonight, for collection tomorrow?

Don Marr: Yes. We will get as much done before we aren't able.

City Attorney Kit Williams: Today we were supposed to be in trial over the city hospital land. Fortunately our summary judgment motion was granted and Washington Regional Medical Center

is now the fee simple owner of the land as we had attempted to do in 2011. The judge found that what the city and city hospital board did was correct in transferring this deed and now they can go forward if they want to sell the land to the Fayetteville Public Library.

City Council Agenda Session Presentations:

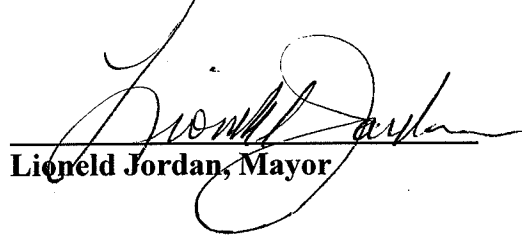
Agenda Session Presentation: Paul Becker: Mayors Recommended Pay Plan for 2015.

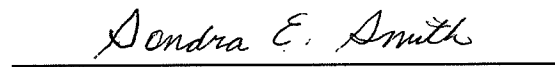
Agenda Session Presentation: Jeremy Pate: Spring Street Municipal Parking Deck.

City Council Tour:

Monday, March 2, 2015 5:00 PM - City Council will be touring RZN 14-4938 (N.W. Cross & Maine NE Intersection/West End Addition).

Adjournment: 6:45 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk/Treasurer