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
# August 18, 2015

**A meeting of the Fayetteville City Council was held on August 18, 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, 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.**

**ABSENT: Alderman Sarah Marsh and Alderman Mark Kinion**

**Pledge of Allegiance:**

**Mayor's Announcements, Proclamations and Recognitions:** None

**City Council Meeting Presentations, Reports and Discussion Items:** None

**Agenda Additions:** None

**Consent:**

Approval of the August 4, 2015 City Council meeting minutes.

***Approved***

**Bid No. 15-37 Donelson Construction Co., LLC:** A resolution to award Bid No. 15-37 and authorize a contract with Donelson Construction Co., LLC in the amount of $151,510.00 for asphalt micro-surfacing of city streets at a cost of $2.78 per square yard, and to approve a project contingency in the amount of $15,151.00.

***Resolution 138-15 as recorded in the office of the City Clerk***

**Fayetteville Municipal Parking Lot 1:** A resolution to approve lease agreements for four (4) parking spaces located in Fayetteville Municipal Parking Lot 1 at 160 West Mountain Street for one (1) year with the option to renew for four (4) additional one-year terms at a monthly cost of $50.00 per parking space.

***Resolution 139 -15 as recorded in the office of the City Clerk***

**Change Order No. 1 Leigh Earthworks, LLC:** A resolution to approve Change Order No. 1 to the contract with Leigh Earthworks, LLC in the amount of $15,362.00 to correct the slope of existing accessible parking spaces at the Fayetteville Senior Activity and Wellness Center.

***Resolution 140-15 as recorded in the office of the City Clerk***

**State of Arkansas Equity Investment Incentive Tax Credit:** A resolution to express the City Council's support for the relocation, startup and expansion of companies in the eCommerce and retail technologies industry in the City of Fayetteville, and to support the application of overdrive brands for a state of Arkansas Equity Investment Incentive Tax Credit.

***Resolution 141-15 as recorded in the office of the City Clerk***

**Bid No. 15-45 Hi-Lite Airfield Services, LLC:** A resolution to award Bid No. 15-45 and authorize a contract with Hi-Lite Airfield Services, LLC in the amount of $88,492.50 for the painting portion of the Airfield Pavement Marking Rehabilitation Project, and to approve a project contingency in the amount of $4,425.00.

***Resolution 142-15 as recorded in the office of the City Clerk***

**Special Needs Assistance Program Grants:** A resolution to authorize the mayor to sign a letter of intent to accept Special Needs Assistance Program grants through the U.S. Department of Housing and Urban Development.

***Resolution 143-15 as recorded in the office of the City Clerk***

**Arkansas Historic Preservation Program Grant:** A resolution to approve a grant agreement with the Arkansas Historic Preservation Program in the amount of $13,150.00 for travel and training, for the hiring of a qualified consultant to research and catalog historic structures, and for repair and reconstruction of fencing at Oaks Cemetery; and to approve a budget adjustment.

***Resolution 144-15 as recorded in the office of the City Clerk***

**Alderman Gray moved to accept the Consent Agenda as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-1. Alderman La Tour voting no. Alderman Marsh and Alderman Kinion were absent.**

**Unfinished Business:**

**RZN 15-5044 (4065 E. Huntsville Rd./The Plaza):** An ordinance rezoning that property described in Rezoning Petition RZN 15-5044, for approximately 16.02 acres, located at 4065 E. Huntsville Road from R-PZD 08-3071, Residential Planned Zoning District Bridgedale Plaza to RSF-7, Residential Single Family, 7 Units Per Acre, NS, Neighborhood Services, and CS, Community Services. ***At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting. At the July 21, 2015 City Council meeting, this ordinance was tabled to the August 4, 2015 City Council meeting. At the August 4, 2015 City Council meeting, this ordinance was tabled to the August 18, 2015 City Council meeting.***

**City Attorney Kit Williams:** The attorney for the applicant supplied a signed Bill of Assurance. From a legal perspective it did follow our form and it has been properly signed. There are some terms like reasonable in there, but it is enforceable.

**Jeremy Pate,** Director of Development Services gave a brief description of the ordinance. He read the Bill of Assurance.

**City Attorney Kit Williams:** The Exhibit B which can be the different zoning districts should be for only that and not for the lot configuration shown, that is not being approved by the City Council. This is an approval of the three different zones, including the new one, which would be Neighborhood Conservation as opposed to the RSF-7. You don't do that with a Bill of Assurance, you do that at the City Council level. I would suggest that an amendment be made by City Council, if you like that zoning, before further discussion.

**Alderman La Tour:** Jeremy, how do you feel about the Bill of Assurance? Do you think this will satisfy the neighborhood and their concerns?

**Jeremy Pate:** I would defer to the neighborhood on that question. As far as the neighborhood, from staff perspective, several of these items are development related items that we would review as part of the development, regardless. The applicant is stating, for the record, that they will participate to whatever a reasonable level is. That is something our Planning Commission determines, based on the impact of the development itself. The change from the zoning perspective such as no gas stations will be permitted alleviates some concern with traffic. The change to Neighborhood Conservation allows for a higher density, but they limited themselves with the maximum number of 57 lots or 4.7 units per acre. We are comfortable with that number.

**Alderman La Tour:** The Bill of Assurance isn't a bill of goods. They are making statements that we can enforce against them?

**Jeremy Pate:** Correct. A Bill of Assurance runs with the property. Even if the property is sold, it is enforceable on the next property owner.

**Mayor Jordan** explained the rules of public comment.

**Seth Hodskins,** 1128 South St. Andrews Circle: Are these lots limited to individual family residents or can they be multiple duplexes?

**Jeremy Pate:** It would be limited to Single Family residences.

**Seth Hodskins** stated he would like for the developer to have their own entrance and exit and not use his neighborhood.

**Glenda Patterson,** 1106 St. Andrews Circle stated her concerns about traffic. She spoke in opposition of the ordinance.

**Jay Ray,** 2050 South Cherry Hills Drive: Is 16 a State Highway or does Fayetteville own it?

**Mayor Jordan:** It is a State Highway.

**Jay Ray** stated his concerns about traffic.

**Dick Hovey,** 1262 South River Meadows Drive stated his concerns about high density housing. He spoke in opposition of the ordinance.

**Robert Rhoads,** Hall Estill Law Firm requested for a motion to be made for the amendment that City Attorney Kit Williams discussed. He stated it would allow the vote to be based on the change in the zoning for the 12 acres from RSF-7 to Neighborhood Conservation.

**Alderman La Tour moved to amend the ordinance to remove RSF-7 and replace with Neighborhood Conservation. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

**Robert Rhoads**: There will be a stub out that will go into River Meadows Road. It will be 300 feet of River Meadows Road. It will only effect two houses, except that it will put a little more traffic on that particular intersection. People can ingress and egress during this whole process, whether it is after or during the construction through Roberts Road. The new highway and bridge helps the traffic situation. There is always going to be traffic anywhere in Fayetteville that has any kind of population and density during the morning and evening hours. There would be three areas of ingress and egress that will be open and available, not just after the project is complete, but the entire time when the residential construction is being carried out. In regards to urban sprawl, please refer to the memo from the Planning Department indicating that this is in compliance with the City Plan 2030 and that the Planning Department supports this rezoning. The Planning Commission supports this.

**Alderman Gray:** The neighbors said one of the ways of getting out of this area will be through the subdivision, through Pinnacle. Is that your understanding of where the ingress and egress will be?

**Dave Jorgensen, Engineer:** We are going to have one access point onto River Meadows. We will have a new access onto Highway 16. We will also connect to an existing street on the south side of the proposed project, which is Pinnacle and that leads over to Roberts Road. We will have a stub out on the east side of the project so that if one of these days something develops, we can have direct access through that property over to Roberts Road.

**Cindy Hodskins,** 1128 St. Andrews Circle: The street that will complete Pinnacle Hills, you can turn left and go to Roberts Road or you can turn right and end up on St. Andrews. It will be the residents' choice. No one can guarantee that they are going to go to Roberts Road.

**Jay Ray:** Since it is a State Highway, does anybody have the authority to put a line?

**Mayor Jordan:** The state does, we don't.

**Jay Ray:** You can only use one lane. Is that correct?

**Don Marr,** Chief of Staff: Correct, unless the state makes the changes.

**Jay Ray:** Roberts Road is not big enough for two vehicles.

**Alderman Gray:** Is Roberts Road useable for construction traffic?

**Dave Jorgensen:** Yes. Roberts Road is a higher classification than River Meadows. It is supposed to take on more traffic than River Meadows. Eventually, Roberts Road will take on more of the traffic just because of the fact that it is classified higher. We will have to do a traffic study to accomplish some of these things that we would like to do. As listed in the Bill of Assurance we will be willing to help monetarily to install a traffic signal and additional lanes.

**Alderman Gray:** Jeremy, you support this?

**Jeremy Pate** stated that he does. He continued to discuss the area and zoning.

**Alderman Tennant:** What was the Planning Commission vote?

**Don Marr,** Chief of Staff: 6 to 1 in favor.

**Seth Hodskins:** The comment made by the engineer about Roberts Road are totally in error. It is a terrible road. It is very narrow for two cars to pass. There is lots of wash out and it is not being maintained. Construction crews and residents are not going to use that road. They are going to come into our neighborhood and make our traffic worse.

**Glenda Patterson:** Getting into River Meadows and Roberts Road is not a problem. The problem is exiting. This development will make exiting more of a problem than it already is.

**Dick Hovey** stated Roberts Road is substandard with no curbs or gutters, and has substantial pot holes. He suggested that Roberts Road be brought up to its full standards before construction begins on the new development.

**Mayor Jordan:** I think that is a very good point.

**Robert Rhoads:** The traffic that will be on River Meadows Road is 300 feet. It will impact two homes. I understand it will impact the intersection. All the construction traffic can ingress and egress right onto Highway 16 from the site.

**City Attorney Kit Williams:** When we are looking at development proposals we can direct where the construction traffic will leave a State Highway in order to be able to get to a site. Have we done that in the past?

**Chris Brown,** City Engineer: Yes. It is part of the review of a development. If there is damage done by construction traffic to areas around the development, we sometimes have developers correct that at the end of the project.

**Jeremy Pate:** On our Master Street Plan, Roberts Road is shown as a collector's street. This is an existing road that was there when the city annexed this property many years ago. Because it has a lot of older development around it, it has not been improved in a number of years. It would be my expectation for this development that construction traffic would not access this particular area.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Gray voting no. Alderman Marsh and Alderman Kinion were absent.**

***Ordinance 5790 as Recorded in the office of the City Clerk***

**Arkansas Legacy LLC Appeal:** An ordinance rezoning that property described in Rezoning Petition RZN 15-5066, for approximately 3.98 acres, located at 1338 and 1326 W. Cleveland Street from RMF-24, Residential Multi-Family, 24 units per acre and RSF-4, Residential Single-Family, 4 units per acre to DG, Downtown General subject to a Bill of Assurance. ***At the July 21, 2015 City Council meeting, this ordinance was left on the first reading. At the August 4, 2015 City Council meeting, this ordinance was left on the second reading.***

**Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate,** Director of Development Services gave a brief description of the ordinance. He stated the applicant has requested the item to be tabled to September 15, 2015 to gain feedback from the Ward 4 meeting on August 31, 2015 about potential changes to the rezoning request.

**Alderman La Tour:** How long have they been working on this project?

**Jeremy Pate:** It has been several weeks at least.

**Alderman La Tour:** My first meeting was in February.

**Brian Teague,** Property Owner Representative: We requested to table until the September 15, 2015 meeting. We are working on making some changes to the proposal. We have discussed those with the neighbors and Mr. Pate last week. We would like a little extra time to work on formalizing those changes and present them at the Ward 4 meeting on August 31, 2015.

**Alderman Long:** We've had multiple Ward 4 meetings. We are happy to host people that want to give information at those meetings. If you did present something at that meeting and the people that were there had consensus on something that you wanted to do, that wouldn't be representative of the entire neighborhood.

**Brian Teague:** I think that is the best we can do. I don't quite understand.

**Alderman La Tour:** A limited number of people come to those meetings. I don't know that it will be a full representation of the neighborhood.

A discussion followed about the numerous Ward 4 meetings that have been held discussing this item.

**Alderman Long:** What is your goal?

**Brian Teague:** We met with some of the neighbors last week and talked about some potential changes to the proposal. The idea would be that those neighbors would hopefully be in favor of those changes that we make to the proposal. We would be happy to present those changes at the Ward 4 meeting, if you'll have us.

**Alderman La Tour:** We have been talking about this project since February. The Downtown General classification that you are seeking, even though you are trying to modify it and make it something else, it still comes down to that. What would be wrong with the idea of starting over with a different classification that the neighbors could live with? Why don't we have a vote on this proposal, up or down, and if it gets voted down then you can come back and start a new proposal with a classification that everyone is happy with.

**Brian Teague:** We are trying to make some changes where it could be a plan that at least proposes Single Family homes on the west and north side of the property that is more compatible with the surrounding neighborhood. We feel like we could get that done and present it at the ward meeting. We could come back at the September 15th meeting and discuss it.

**Alderman La Tour:** With my discussions with the neighbors, if the zoning classification is still Downtown General, it will have a very slim chance of gaining their approval. We need to move to the next step with a new classification.

**Brian Teague:** That is why we requested to table tonight so we can work on accommodating some of those concerns and presenting them at the ward meeting.

**Alderman Long:** I agree with Alderman La Tour. The City Council appeal process from the Planning Commission isn't truly the form for us to work out a new zoning classification for the project. This really needs to go back through the process of the Planning Commission, after going through the Planning staff in a new application process. The City Council, making a decision without Planning staff and Planning Commission input, just based on a Ward 4 meeting conversation is going to be as comprehensive of an evaluation as we should have here. A new application process would be better and more appropriate.

**Brian Teague:** In my conversations with the neighbors last week, I think we can discuss another zoning classification without going all the way back to the start and causing the neighbors to go to numerous meetings. I request that you give us this time to make these changes.

**Alderman Petty:** I would support tabling. I understand the frustration. The applicant is willing to directly address the concern about Downtown General. That's encouraging and we could say ok, do that and start over or do that within the current context. The reason why I am drawn to doing it within the current context is because I try to be sensitive to the amount of time these kind of discussions take. We have been very clear that this has taken too long. If we start this over it will take at least another 60 days to come back to us. If we table it and if a consensus could be reached, it could be done in a month. If not, we are back to square one.

**Susan Gardner,** 909 Hall Avenue stated she was not approached via email or phone by the developer. She stated she has been to numerous City Council, Ward 4, and Planning Commission meetings. She stated Downtown General isn't appropriate and spoke in opposition of the ordinance.

**Archie Schaffer,** 1404 West Cleveland stated as long as Downtown General is on the table it will be hard to work it out. He spoke in opposition of the ordinance.

**Ken Gardner,** 909 Hall Avenue spoke in opposition of the ordinance.

**George Hamilton,** 1400 West Cleveland spoke in opposition of the ordinance.

**Mary Bassett,** 814 Sunset spoke in opposition of the ordinance.

**Alderman Long:** The next Ward 4 meeting is August 31, 2015 and I'm ok with having another meeting. We have had many meetings and this topic has been up for consideration since January. I view the current context as an appeal and one that in the last seven months has not been productive. For me to say that I think that is going to change in the next month, given the same current context, I don't think I can do that. Assurances that are wanted from the city and the neighborhood do not exist outside of the application process. This is an appeal of the Planning Commission's decision. I don't believe City Council is the right forum for working out zoning. The zoning should be reevaluated through a new process. We can use the Ward 4 meeting as a forum for input by the neighbors. The City Council decision should be about a decision of whether or not the Downtown General zoning is appropriate for the area. I don't feel that the Downtown General zoning is compatible. I ask that the City Council vote to deny the rezoning request and Planning Commission appeal based on compatibility with the neighborhood.

**Alderman La Tour:** It is paramount that the parties continue to have dialogue between each other. Downtown General poisoned that whole process. We have to move beyond that to some classification that will give the neighbors assurances they need and the developer the assurances he needs. I encourage the City Council to vote down the proposal as it stands. Something needs to be done with the property. Productive property means greater tax roles for the city, housing opportunities, and profit potential for the owners.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 0-6. Alderman Marsh and Alderman Kinion were absent.**

***This ordinance Failed***

**New Business:**

**RFP No. 14-11 New World Systems Corporation:** A resolution to award RFP No. 14-11 and authorize a contract with New World Systems Corporation in the amount of $813,651.00 to upgrade the City's Enterprise Resource Planning System, to approve a five (5) year maintenance agreement in the amount of $840,500.00, and to approve a project contingency in the amount of $147,000.00.

**Keith Macedo,** Information Technology Director gave a brief summary on five companion items that are on the City Council agenda. He stated the New World financial system was purchased in 1992 and is in dire need of replacing. He continued to give a brief description of the resolutions.

**Alderman La Tour:** We are spending several million dollars on the four proposals. I want to know what the new system will do that the old system didn't do. Will the new system let us email bills instead of paying for postage and paper?

**Keith Macedo:** Yes.

**Alderman La Tour:** Our current system will not allow us to do that?

**Keith Macedo:** Correct. You could pretty much do anything with a computer if you want to spend enough money on custom programming. You get to a point where you spend too much money and make things too complicated where they can be difficult to support. Our focus with this purchase is to get away from a custom software because we have had to customize this software significantly over the years.

**Alderman La Tour:** You purchased this first software package 23 years ago. The company that sold you the original package, are they not offering a newer or updated version? Is it the same company?

**Keith Macedo** stated it is the same company. He gave a brief explanation of the RFP process. He stated that New World was chosen due to the product they provided. He stated heavy negotiations occurred to get the best possible purchase price.

**Alderman La Tour:** For this item we are paying $813,651. What was the first price that you were quoted on that project?

**Paul Becker,** Finance Director: $1.2 million dollars was the list price originally on the first product. We negotiated very heavily, especially on the ongoing maintenance. We got that down to a reasonable price. We are dealing with two technological worlds. We are operating on an AS400 which is old technology. This is a web based system that is going to give us much more functionality. It's a credit to the Accounting Department and Budget Department that we have been able to manage with this system this long. We need this very desperately.

**Alderman La Tour:** Can you give me three to five features of the new system that you particularly like?

**Keith Macedo** stated it would improve utility billings, improve interactions with vendors, improve business licensing, give the ability to pay HMR taxes online, and improve financial transparency tools. The City of Fayetteville has a willing and ready workforce that needs and wants an upgrade.

**Don Marr,** Chief of Staff: When we went through our technology assessment and we looked at our citizens and their feedback, citizens want the ability to utilize online forms. Using electronics versus having to be in person not only saves our citizens time, but saves time here at the city. The reduced duplication of effort allows us to go longer without having to add staff and administrative functions. Online registration aids in the age of convenience from having to physically be in front of a city employee to sign up for things such as softball and soccer.

We have a lot of capabilities coming forward that we haven't had. While it is a very significant expenditure, this system touches every aspect of what we do. It will make the city more available 24/7, versus the day to day basis. This is an infrastructure just like a road or a park. The last software lasted 23 years and in the age of technology where the average life is three to five years that is phenomenal. I believe the city is at a point today where if customers want to interact with the city electronically, which is one of the biggest request, the city has to have the tools to do that.

**Alderman Long:** I was here last year when we put it in the budget and I support it. Are you confident the transition period will go smoothly?

**Keith Macedo**: This is a very large project. It will encompass many staff members. One of the reasons we selected New World was because they have in depth knowledge of our current system. They made some assurances to us that they have done a lot of these upgrades. We are confident they are going to do a good job for us.

**Alderman Long:** How long will their assistance contract last for our transition?

**Keith Macedo**: The ERP project is approximately 18 months. If approved, we will start this project in November.

**Alderman Tennant:** I am in full support of this. We have been talking about this for years. One of the reasons it hasn't been done up to now is because it is really difficult and time consuming. It is good that we have taken the investment of time to do this. It will reap benefits for us. It is a big deal when you negotiate and pick a vendor because you have to live with that vendor as a partner. It is difficult to say what this will mean for us in efficiency gains in man hours and cost. It is a huge step forward for us. I know it is a lot of money, but I believe we will see immediate gains.

**Alderman La Tour:** Is New World publically or privately held? How many employees?

**Mark Dvorak,** New World Systems: We are employee owned and a privately held company since September 1981. We have around 415 employees.

**Alderman La Tour:** Are there any other cities in Arkansas using this package we are investing in?

**Mark Dvorak:** Several other cities in Arkansas use the package.

**Alderman La Tour:** Can you name some of those cities.

**Mark Dvorak:** On the public safety side is Rogers and Bentonville. On the public admin side Hot Springs and Sebastian County. We have over 380 live customers on this application.

**Alderman Gray:** I think this is a great thing. We always want Fayetteville to be on the cutting edge. This is what we need to do for both the public safety and administration. It is a huge amount of money, but you all have done your homework. I value your opinion.

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

***Resolution 145-15 as recorded in the office of the City Clerk***

**New World Systems Corporation:** A resolution to authorize a contract with New World Systems Corporation in the amount of $1,184,576.00 to upgrade the City's Public Safety Software for police, fire and after hours city-wide services, to approve a five (5) year maintenance agreement in the amount of $846,675.00, and to approve a project contingency in the amount of $160,000.00.

**City Attorney Kit Williams:** There was one item left off of the title which is, and to approve a budget adjustment. It was left off inadvertently and we need to amend the resolution to add the $622,000 budget adjustment.

**Alderman Petty moved to amend the resolution to add "and approving a budget adjustment". Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

**Jamie Fields,** Fayetteville Police Department Administrative Captain gave a brief description of the resolution.

**Alderman Long:** How will the transition work for the old records being downloaded into the new system? I know the AS400 and the AR6000 program will download into Microsoft excel and interface with some other programs. How will you retain those records?

**Jamie Fields:** New World will help us with the conversion process. We will work out, with their team, the time table to do that. We expect it to be a seamless conversion of all our data in the Police Department.

**Alderman Gray moved to approve the resolution. Alderman Long seconded the motion. Upon roll call the resolution passed 5-0. Alderman Schoppmeyer was absent during the vote. Alderman Marsh and Alderman Kinion were absent.**

***Resolution 146-15 as recorded in the office of the City Clerk***

**Presidio Networked Solutions, LLC:** A resolution to authorize a contract with Presidio Networked Solutions, LLC in the amount of $158,355.05 plus applicable taxes, pursuant to the Tips/Taps cooperative purchasing contract, for the purchase of three (3) Nimble Storage Area Network Arrays for the Enterprise Resource Planning and Public Safety System software upgrades, and to approve a budget adjustment.

**Keith Macedo,** Information Technology Director stated this a companion item to both the ERP and the Public Safety upgrade. He gave a brief description of the resolution.

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

***Resolution 147-15 as recorded in the office of the City Clerk***

**AOS, LLC:** A resolution to authorize a contract with AOS, LLC in the amount of $71,039.88 plus applicable taxes, pursuant to a State of Arkansas procurement contract, for the purchase of six (6) Cisco Unified Computing System servers to support the Enterprise Resource Planning and Public Safety System upgrades, and to approve a budget adjustment.
**Keith Macedo,** Information Technology Director gave a brief description of the resolution.

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

***Resolution 148-15 as recorded in the office of the City Clerk***

**SHI, Inc.:** A resolution to authorize a contract with SHI, Inc. in the amount of $100,433.00 plus applicable taxes, pursuant to a State of Arkansas procurement contract and the Western States Contracting Alliance contract, for the purchase of Microsoft, Veeam, and VMware support software necessary for the Enterprise Resource Planning and Public Safety System software upgrades.

**Keith Macedo,** Information Technology Director gave a brief description of the resolution.

**Don Marr,** Chief of Staff thanked Police Chief Greg Tabor, Captain Jamie Fields, Andrea Foren, Purchasing Department, Paul Becker, Finance Director, Devon Hendricks, Police IT Department Kevin Springer, Budget, and Brad Fulmer, IT Department. This team has been instrumental in doing the work to review these systems. We are extremely proud of the talent here at the city. They have done stellar work in selection and negotiation of the system.

**Keith Macedo,** Information Technology Director: I would like to make one point of clarification. We brought to you the entire package for ERP and public safety, except for one item. We are replacing our fire and mobile data terminals. These are going out to bid right now. The bid is closing next week. In a future City Council meeting we will be bringing those to you.

**Don Marr,** Chief of Staff: We also went through that at the Agenda Session to remind you.

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

***Resolution 149-15 as recorded in the office of the City Clerk***

**Sweetser Construction, Inc.:** A resolution to authorize a contract with Sweetser Construction, Inc. in the amount of $7,307,280.00 for the construction of Rupple Road from Persimmon Street to Martin Luther King, Jr. Boulevard, and to approve a project contingency in the amount of $730,000.00.

**Chris Brown,** City Engineer gave a brief description of the resolution. He stated the Transportation Committee recommends approval. Staff recommends approval.

**Don Marr,** Chief of Staff: This is one of the projects on the original bond issue that citizens approved.

**Alderman La Tour:** Do we like the price per square foot of asphalt and is this a good deal?

**Chris Brown:** Yes. It was a little higher than the engineer's estimate, but it is within the budget of this project. We are satisfied with the price.

**Alderman Long:** People in Ward 4 will greatly appreciate this. My one concern moving forward is that we haven't finished the design construction from Starry Night on Rupple Road to Mount Comfort. This is going to divert even more traffic into a very dangerous Y intersection. I know that is in the plans and going through the process of approval. I look forward to that section being done.

**Mayor Jordan:** We are going to get that. That is one of my top priorities.

**Don Marr,** Chief of Staff: Council, every opportunity you have to speak with our federal delegation and the approval of a transportation bill that funds the state's stiff requirements only help us on that item.

**Alderman Long moved to approve the resolution. Alderman La Tour seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

***Resolution 150-15 as recorded in the office of the City Clerk***

**VAC 15-5116 (808 N. Highland Avenue):** An ordinance to approve VAC 15-5116 submitted by Josef Tucker for property located at 808 N. Highland Avenue to vacate a portion of an existing utility easement.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate,** Director of Development Services gave a brief description of the ordinance. Planning Commission voted 8-0 in favor. Staff is recommending in favor.

**Alderman Long moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read 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 6-0. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

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

***Ordinance 5791 as Recorded in the office of the City Clerk***

**R-PZD 04-06.00 (Rupple Row):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 04-06.00, Rupple Row, containing approximately 41.70 acres, to modify the zoning of the duplexes and triplexes on Wordsworth Lane to allow up to four unrelated persons to live in each dwelling unit.

***City Attorney Kit Williams read the ordinance.***

**Jeremy Pate,** Director of Development Services gave a brief description of the ordinance. Planning Commission voted 7-1 in favor. Staff does not support the request.

**Rob Kimbel,** Owner: There is some gray area of interpretation within the zoning. What I am asking for is not any different than what I have been doing for the past three years. There have been no complaints with the Fire Marshal, police, trash, or water. The original PZD from 11 years ago was meant to allow for flexibility to be able to have single family or rental duplex. We have 431 parking spaces for the area and have 320 tenants. We could add more parking, but I do not feel that it is needed. There was a comment about how the project would push the rest of the area into the rental market. There are already rental units that border his property. We have the support of the Property Owners Association Board and the Boys & Girls Club. Since 2012 the average price per square foot for property in this area has increased.

**Alderman Long:** You don't have enough vehicles there at the residences to take up the number of parking spaces?

**Rob Kimbel:** Correct. We have 111 extra parking spaces.

**Alderman Long:** In the staff report, is that looking at this from a rezoning type proposal, we have to look at the number of cars that would be required for it to be at full capacity?

**Jeremy Pate:** When we look at Single Family development we require two spaces per unit. When looking at Multi Family development it is one space per bedroom. These have to be able to leave without parking in tandem. One of the concerns is that at least half of the parking spaces are tandem parking.

**Alderman Long:** I have received some mixed feedback. We will be having a Ward 4 meeting at the end of this month. Some people want to come and have an opportunity to speak with you if you were interested in being there.

**Rob Kimbel:** I don't mind, but I don't know if it would help any. We are not asking to operate any different than what we have for the last three years.

**Alderman Long:** It is just a request that I had.

**Alderman La Tour:** It has been my experience that not all students drive cars. Many of them drive scooters. This might explain why you have additional parking spaces available. Codes can get out of date. Back when this parking requirement was put in, all students probably drove cars, but that is no longer the case. I would like for Fayetteville to be free to have people live with whoever they want to live with and work out their own private arrangements.

**Rob Kimbel:** The Downtown student housing has about 220 people living on one acre. A regular Multi Family has about 75 per acre. We are a third less than even RMF-24. We are way down on the density.

**Alderman Petty:** Were the declarations included in the original application?

**Rob Kimbel:** Yes.

**Alderman Petty:** You have documentation from Parks & Recreation Department that refers to this PZD as a Multi Family PZD?

**Rob Kimbel:** It refers to the lots that are in question as Multi Family.

**Alderman Gray:** Is there some parking in the alley?

**Rob Kimbel:** No. They do not park in the alley. All of the homes have rear access to the garage and they park in the driveway.

A discussion followed about the parking spots available.

**Alderman Long:** In the staff report, the fire code was an issue on Wordsworth Lane.

**Rob Kimbel:** Is that in the Planning Commission notes?

**Alderman Long:** It is from staff member Andrew Garner to the Planning Commission.

**Rob Kimbel:** I met the Fire Marshal out there. I asked him to tell me what is wrong. He said, "This isn't actually the road that Andrew told me to come visit. It is a different road." After we discussed it he said, "I've never had an issue with this road and I don't see any reason to do anything different than what you are doing."

**Jeremy Pate:** I don't have the full background. The reference we have in the Council packet is if cars are parked on both sides, which is not permitted currently, then that would be a fire lane issue. We spoke with the Fire Marshal after Mr. Kimbel spoke with him. I think he was confused about which street we were talking about when we originally discussed the project. He wanted it to stay out of the recommendation from the perspective of this application because it is a zoning matter. Parking is an issue and we don't want it to become an issue in the future.

Residential parking is probably our number one complaint in the city along with over occupancy. Every university town deals with those issues. We put a lot of resources in trying to enforce those codes. We have found that most of the students that have registered scooters also have their own vehicle here. It is a secondary impact.

**Alderman Petty:** Is there something written in the original application that says Single Family, PZD?

**Jeremy Pate:** Yes. When this original PZD was submitted we had an ordinance on the books that there was a Residential, a Commercial, and an Industrial Planned Zoning District. We classified them based on the predominant use of that Planned Zoned District. We took that out of our code and we adopted amendments to this Planned Zoning District around two to three years ago to remove that reference. It would still be in place however, based upon the predominate use of the development pattern. Our RSF zones allow the exact same units as this Planned Zoning District. They allow duplexes, but those duplexes are not allowed to have more than three unrelated persons.

**Alderman Petty:** It was classified as Single Family PZD by default, not by a designation made by the applicant?

**Jeremy Pate:** That is correct.

**Alderman Petty:** I am confused by the history of this. The facts are that we have documentation from Parks & Recreation saying this is Multi Family, which is in contradiction with what staff is telling us today. The original declarations that were part of the application talked about how uses could change in response to the market. It was originally intended to operate as it has been for the last three years. It seems to me that it has been interpreted correctly over the last three years.

The staff report talks about how parking could become an issue. It has been operating for three years and hasn't been an issue. I toured a model home out there and I was the only person that parked on the street. If tandem parking is how tenants have to park and they aren't satisfied, then they don't have to lease the space. The reliance on the idea that Single Family zones can also contain these units, I think there is a fundamental difference. In this PZD, two family and three family dwellings are by right. A Single Family zone and RSF zone are by conditional use. That is a really important distinction. This is not a Single Family zone. There have been zero complaints in this neighborhood. I am inclined to support this.

**Alderman Gray:** I like what Mr. Kimbel said about they are controlling the situation by letting people know where they can park and where they can't park. I agree with Alderman Petty that the tandem parking might not be totally ideal, but they are making it work. I've always admired this area. I've never seen any cars parked on the grass. I appreciate our staff having concerns. We have to look at the individual situation. It is a well-cared for area. I will be supporting this.

**Alderman Long:** I would appreciate the Council holding it for two weeks while I take some input at the Ward 4 meeting. There have been some people that back up to this neighborhood that have had some concerns. I would like to let them voice their concerns before we vote.

**Alderman Gray:** Please share what those concerns are.

**Alderman Long:** Some of them were in relation to the staffs' concerns of the area being more rental. It is a nice area and neighborhood.

**Alderman La Tour:** I'm all for public input, but this a public meeting. If they feel that strongly about it they would be here to voice their concerns. I'm not sure why we should delay what has been taking place for the last three years.

**Alderman Petty moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

*City Attorney Kit Williams read the ordinance.*

**Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

*City Attorney Kit Williams read the ordinance.*

**City Attorney Kit Williams:** We will be following the rules if you vote in favor of this. We are not ignoring the rules. This is what must happen in order for the Planning Department to follow the rules that the City Council set forth.

**Alderman Long:** I'm disappointed we moved forward without letting constituents concerns be heard, especially when it's a situation that has never happened before. I found it strange when the amendment to the definition of family was passed. All the elected officials that were on the Council and everyone at this table including the City Attorney, when Kit interpreted the code, he explained it as a situation that would be used for new development only. That may not be what is written in the laws right now, but that was what was discussed at the City Council meeting and how the code was explained. It is hard to have elected officials explain a law one way to people that are against an ordinance and then the City Council act on it differently.

**City Attorney Kit Williams:** When we were discussing the change to the definition of family that was for a five unrelated person unit and had many different kinds of conditions, controls, and requirements, such as separate buildings and making sure they weren't going to adversely affect a new neighborhood. Therefore, that would be a new development. They aren't asking for five unrelated people. It is saying these duplexes and triplexes which have already been there and are operating, be deemed to be Multi Family for four unrelated persons rather than Single Family for three. I don't think that's an improper request. That was the only thing that Planning could suggest that they do in order to become compliant with our code.

**Alderman Long:** These are just indeed Single Family homes.

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Long voting no. Alderman Marsh and Alderman Kinion were absent.**

***Ordinance 5792 as Recorded in the office of the City Clerk***

**Amend Chapters 151 and 163:** An ordinance to Amend Chapters 151 and 163 of the Unified Development Code to modify Bed and Breakfast definition and Use Conditions.

***City Attorney Kit Williams read the ordinance.***

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

A discussion followed about permits.

**Alderman Long:** Would this apply to places like the Pratt Place?

**Jeremy Pate:** It would not apply in that case. Some businesses like that call themselves a Bed and Breakfast. By our definition it would not qualify. They would have to be in a certain zone that allows that type of use such as a Commercial zone or a Planned Zoning District that would approve specifically for that.

**Alderman Gray moved to suspend the rules and go to the second reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

**Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 6-1. Alderman Long voting no. Mayor Jordan voted yes to suspend the rules. Alderman Marsh and Alderman Kinion were absent.**

***City Attorney Kit Williams read the ordinance.***

**Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Long voting no. Alderman Marsh and Alderman Kinion were absent.**

***Ordinance 5793 as Recorded in the office of the City Clerk***

**<u>Announcements:</u>**

**Alderman Long:** There will be a Ward 4 meeting on August 31, 2015 at 6:00 p.m.

**Don Marr,** Chief of Staff: We welcome back the University of Arkansas students and faculty.

The city is accepting applications for city committees. The deadline to apply for those committees is August 28, 2015 at 5:00 p.m. We encourage citizens of Fayetteville to apply.

The City of Fayetteville Parks & Recreation in collaboration with the Bentonville Parks & Recreation is offering a "Square to Square Bicycle Fun Ride" from the Bentonville Square to the Fayetteville Square. Riders need to register in advance.

**City Council Agenda Session Presentations:**

Agenda Session Presentation - Spring Street Municipal Parking Deck-Construction Update.

**City Council Tour:** None

**Adjournment: 8:06 p.m.**

Lioneld Jordan

**Lioneld Jordan, Mayor**

Sondra E. Smith

**Sondra E. Smith, City Clerk Treasurer**