

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
November 3, 2015**

A meeting of the Fayetteville City Council was held on November 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, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Martin Schoppmeyer

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Civil Rights Commission Nominating Committee Report.

Alderman Kinion presented the Civil Rights Commission Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman La Tour: I have opposed this from the beginning. The City Council did not appoint these individuals. The Nominating Committee of our City Council did. I'm not suggesting

impropriety or bias existed, but the appearance is present of bias. There are four members of that committee. Three of those four members voted for 119 that was repealed by the people. Those same three voted for the passage of this ordinance. They had every incentive to appoint people to the commission that are biased in favor of the LGBT community and against the conservative traditional marriage communities. I urge my colleagues to vote against this commission.

Alderman Gray: I have all the confidence in the world in the four alderman who serve on the Nominating Committee. I served on that committee for four years. I know we worked hard to make sure we had an objective group. Our alderman who made this selection have done exactly the same thing. I feel that this is a good slate to bring forward.

Alderman Kinion: This is the way our City Council has determined that we operate. The Nominating Committee has a representative from each ward. We are selected to serve on the Nominating Committee to be fair. Anyone can come to the interviews, anyone can look at the applications, and anyone can have discourse with any of the members of the Nominating Committee. To suggest that there is impropriety, shows a disregard and disrespect for the individuals that serve your city with integrity. It is my pleasure to be the Chairman of the Nominating Committee and to represent this slate as selected by the committee after open transparency and fair review of all applicants.

Alderman Marsh: The members of the Nominating Committee were appointed long before we had this current Civil Rights ordinance up for vote. Anyone who has questions or concerns can review the video on the city website.

Alderman Long: This wasn't handled any differently than any of the other boards and commissions.

Alderman Marsh moved to approve the Civil Rights Commission Nominating Committee report. Alderman Gray seconded the motion. Upon roll call the motion passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Quarterly Financial Report - 3rd Quarter 2015, Paul Becker, Chief Financial Officer.

Paul Becker, Chief Financial Officer gave the 3rd Quarter Financial Report for 2015.

Agenda Additions: None

Consent:

Approval of the October 6, 2015 and October 20, 2015 City Council meeting minutes.

Approved

Bid No. 15-53 Lewis Ford Sales, Inc.: A resolution to award Bid No. 15-53 and authorize the purchase of a Ford F350 with Reading Utility Body and Tiger Crane from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$55,006.38 for use by the Water and Sewer Operations Division.

Resolution 195-15 as recorded in the office of the City Clerk

Bid No. 15-54 Lewis Ford Sales, Inc.: A resolution to award Bid No. 15-54 and authorize the purchase of a Ford F250 with Reading Utility Body from Lewis Ford Sales, Inc. of Fayetteville in the amount of \$32,978.38 for use by the Parks and Recreation Department.

Resolution 196-15 as recorded in the office of the City Clerk

Amend Resolution No. 181-15: A resolution to amend Resolution No. 181-15 concerning the purchase of a rotary lift system, pursuant to a National Joint Powers Alliance purchasing agreement, for use by the Fleet Division.

Resolution 197-15 as recorded in the office of the City Clerk

Destruction of Certain Records: A resolution to authorize the destruction of certain records shown on the attached affidavits pursuant to relevant code sections of the Arkansas Code annotated related to maintenance and destruction of accounting, court and other records.

Resolution 198-15 as recorded in the office of the City Clerk

Alderman Gray moved to accept the Consent Agenda as read. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Schoppmeyer was absent.

Unfinished Business: None

New Business:

Bid No. 15-57 Austin King, Inc. d/b/a King Electrical Contractors, Inc.: A resolution to award Bid No. 15-57 and authorize a contract with Austin King, Inc. d/b/a King Electrical Contractors, Inc. for electrical services on an on-call basis for a period of one year with an automatic option to renew for four additional years.

Paul Becker, Chief Financial Officer gave a brief description of the resolution.

Alderman Long: The City Council passed a resolution last year about outsourcing things from the city and keeping things in house where possible so that our city employees would do the work. This would be something that I think would fall in that. Are we making an exception to that for this contract?

Paul Becker: If we can do it in house, we do. We have an individual skilled in electrical work and an air conditioning specialist. Many of the jobs are too large. We don't have staff to handle this.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 199-15 as recorded in the office of the City Clerk

Bid No. 15-57 King Electrical Contractors: A resolution to authorize a contract with King Electrical Contractors in the amount of \$66,240.00, pursuant to Bid No. 15-57, for the installation of LED trail light fixtures and light poles along the Town Branch Trail from Greathouse Park to Hollywood Avenue, and to approve a project contingency in the amount of \$6,624.00.

Matt Mihalevich, Trails Coordinator gave a brief description of the resolution.

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

Resolution 200-15 as recorded in the office of the City Clerk

Boyette Strategic Advisors: A resolution to approve a contract with Boyette Strategic Advisors in an amount not to exceed \$89,210.00 to facilitate and prepare an update to the City's Economic Development Strategic Plan, and to approve a budget adjustment.

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

Alderman Marsh: On Exhibit A that is attached to the contract, one thing I noticed that was missing under, Recommendation Development, was local food. We would be remiss to leave that out.

Jeremy Pate: What they intend on doing at the project launch is to try to find the stakeholders and identify those target sectors. They didn't want to come in preconceiving anything that Fayetteville wants to focus on in the Economic Development strategy. We can discuss this with them.

A discussion followed about the Selection Committee process in determining who received the contract.

Alderman Marsh: I'm feeling concerned that they are already working with Bentonville and the Northwest Arkansas Council. I want to make sure this is about Fayetteville.

Alderman Kinion: That was the first thing on everyone's mind and it was the first thing they handled by pointing out the cities they had worked with. Before we had a chance to inquire, they were up front. What was impressive is that they brought their team. We had a real good insight on what the team members had to offer. We were assured that Fayetteville is not Bentonville. We wanted this to be specifically designed for Fayetteville, and to be sure there wasn't a preconceived template being used as we move forward.

Alderman La Tour: Jeremy, we just raised taxes on our citizens. We just spent \$3.5 million to renovate the administrative offices at our Recycling Facility. I'm concerned with a price tag of nearly \$90,000. Explain the adverse effects on our economic development, business environment, and employment environment if we didn't commission this study. Tell me how frequently we have a study of this type performed in our city.

Jeremy Pate: The last time was in 2009. As a city and region we are growing very rapidly. It is important to understand how to invest our city funds. For example where we build water and sewer lines, and where we upgrade streets. There is an economic development decision that was made to invest in a bond program for projects such as the Ruppel Road connection, and to improve College Avenue. Those are all investment decisions in order to hopefully incite private investment to follow. We are hoping to create a clear strategy for the City Council and citizens to follow.

City Council approved around \$250,000 for a traffic signal for the construction of Whole Foods. This was brought forward by a singular project and was a decision made by the Council as an investment for economic development. We want to be forward looking as opposed to a project already locating here and they are asking us for help with an infrastructure investment. This will hopefully enable us to focus on specific investments so that we don't fall behind our neighbors in the region. Most of our neighbors, if not all, have a strategic plan in place. We are competing against other cities for dollars, jobs, and recreation.

Don Marr, Chief of Staff: This is an agenda item being brought by the staff, but at the direction of the City Council. Mayor Jordan called for the City Council to come to an input session. The consensus of the group that participated was that you wanted to have an updated strategic plan for economic development. Just like on the building issue, the reason we are bringing that forward is because we have a resolution by the City Council that says we aren't going to outsource our services. We planned for the expansion of our Waste and Recycling Facility.

Alderman La Tour: Jeremy, is there a particular reason why we are having the study done at this time?

Jeremy Pate: One reason is that our economic development contract expires. We recently extended it for six months. It expires next April. We want to make sure, as we go forward with a new contractor, that we have a clear vision that they can assist us in implementing.

Alderman Marsh: This initiative is about writing a business plan for our community. It is about doing the research and identifying who our target market is, what our assets are, where our potential challenges may be so that we can effectively plan for that. It would be irresponsible of

us to keep moving forward without a well thought out business plan. This could strategically invest our resources so that we are getting the maximum benefit.

Peter Tonnessen, Ward 3 voiced his concerns if there were any identifiable gains made as a result of the 2009 study and if the study will consider what happens if the economy fails.

Alderman Marsh moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Resolution 201-15 as recorded in the office of the City Clerk

Crossland Construction Company, Inc. Change Order No. 8: A resolution to approve Change Order No. 8 to the contract with Crossland Construction Company, Inc. in the amount of \$715,453.00 to add a fourth baseball field and lighting for the soccer complex at the Regional Park, to approve an additional project contingency in the amount of \$9,547.00, and to approve a budget adjustment.

Alison Jumper, Park Planning Superintendent gave a brief description of the resolution.

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

Resolution 202-15 as recorded in the office of the City Clerk

Tree Preservation Area Vacation for Crain Automotive: A resolution to reject the recommendation of the Urban Forester who determined that the tree preservation and mitigation areas in easements and dedications agreed to and signed by the owner/developer on June 25, 2014, should not be vacated or changed by a new development proposal for this acreage.

City Attorney Kit Williams read the resolution.

Derek Linn, Urban Forester gave a brief description of the resolution. Staff is requesting denial of the request.

Tom Hennelly, Crafton Tull representing Crain Automotive gave a brief history of the project. He stated Crain Automotive was not of the understanding that they were encumbering that property in perpetuity to the city. He stated they thought that was the tree preservation that they had to meet for the project. He believes they have gone through every iteration possible to try and meet the city's requirement. He stated that this type of business brings in about \$50,000 a month in tax revenue to the city. He believes they are not requesting any special consideration, and that Crain Automotive has gone beyond what the ordinance requires for mitigation. He stated that Fayetteville Public Schools are willing to take 76 trees that are being proposed to give to the city, in lieu of the 5,300 square feet of existing canopy. He stated it will reset the clock on the three year

bond of the 36 mitigation trees that were planted originally. He described the community involvement that Crain Automotive has in Fayetteville.

Alderman Tennant: Nelms Subaru went to great lengths to build a very environmentally sound model. Can you speak to the plans of the actual facility?

Tom Hennelly: There are certain architectural plans that are approved for Volkswagen dealerships. Volkswagen has a very hands-on approach. Subaru franchises may have a much more liberal approach to what each individual franchisee is allowed to do. Volkswagen is not that way.

Alderman Tennant: I've worked with Volkswagen from a corporate perspective. I know that Volkswagen has very strict rules with their vendor partners and their dealerships around the world. I have found them to be environmentally friendly and community oriented. They are a very good company.

Alderman Petty: What is the primary objective of Volkswagen driving this request? Is it the number of vehicles you need to have on display?

Tom Hennelly: Not necessarily on display, but in inventory on-site. They consider display along the right-of-way that is visible as a drive-by. The inventory on-site is what is driving the issue.

Alderman Petty: Are your parking lots developed according to the standards we have on our books?

Tom Hennelly: Not all of them. We have not complied with every standard parking lot design in the areas where the inventory will be stored.

Alderman Petty: I'm skeptical to grant this particular request with my vote. The Crain's should have understood granting an easement is a pretty permanent deal. I would be eager to grant any kind of request that might reduce some of the geometry that are required on our own codes and the parking lot standards. You can make your parking lot more compact, and maybe avoid the tree preservation issue.

Alderman Marsh: What is Crafton Tull's role in this project?

Tom Hennelly: We are the engineer.

Alderman Marsh: Is this project seeking LEED certification?

Tom Hennelly: I do not know if it is seeking LEED certification.

Alderman Marsh: It is not included in your contract?

Tom Hennelly: If there is LEED certification associated with this, it is normally applied for by the architect. We would be requested to find LEED points to attribute to that total score. As of yet, we have not been asked that.

Alderman Marsh: Site planning would play a large role. It would be safe to assume that there is no LEED certification planned at this facility.

Alderman La Tour: I am sorry that you have to appear before City Council to discuss how many trees you have to plant or not plant. I have strong respect for Volkswagen. I have strong respect for every business decision that is made in this city. If a business does something that offends the community, they will pay for that with their business sales. You have my vote.

Peter Tonnessen, Ward 3 believes that the City Council should defer to the city's expert.

James Morgan, Executive Manager at the Fayetteville location expressed that they support Fayetteville through community involvement. He believes they are building a state of the art facility that is above standards. He stated they do things that sometimes the city fails to do, such as mowing, and keeping everything beautiful.

Alderman Long: Your business offered to plant 1.5 times the mitigation trees required by the Unified Development Code.

James Morgan: That is correct.

Alderman Long: Can we actually require that?

Tom Hennelly: The Crain's offered to do that. They understood that Fayetteville's foremost task is to preserve canopy. They have agreed to go up to two times the number of trees required for that amount of canopy.

A discussion followed about taking care of the city and the community.

City Attorney Kit Williams: Your proposal is that all your mitigation trees will be off-site. You aren't going to have any mitigation trees on-site?

Tom Hennelly: We intend on planting every mitigation tree we can on-site. We know that we can't plant 76 trees on that site with all the other landscape requirements. Anything we can't fit on site, we would like to plant at Fayetteville Public Schools, at campuses as close to this as we can get.

City Attorney Kit Williams: Are you preserving any of the existing canopy?

Tom Hennelly: We are. There are still remaining preserved canopy all on this property.

City Attorney Kit Williams: How much of the existing canopy are you going to be able to maintain? We have to follow our own ordinances, and our ordinances allow off-site mitigation on property you own, and with the consent of the Parks Department, in a park. It does not allow you to use school property in order to plant mitigation trees. If you owned other property, then you can sometimes maintain an existing forest there. If you had a property that didn't have trees on it that

you own, then you would be able to plant mitigation trees there. Your proposal is not feasible at this time, because it can't be accomplished to satisfy your tree preservation requirements.

Derek Linn: They preserved it approximately 0.84 acres total, which comes out to just under 40,000 square feet. They would be subtracting 5,300. It is between 36,000 and 40,000.

City Attorney Kit Williams: They are preserving most of the tree canopy that has been reserved, but not the 5,300. Is that what you are saying?

Derek Linn: The request was a smaller portion of the total.

A discussion followed about the map showing the area in question.

City Attorney Kit Williams: City Council, there is another option if someone can't meet any of the first requirements, like planting mitigation trees on-site or off-site or having reforestation on their own property. They can pay into the tree escrow account. It will then be up to the city to try and locate good places to plant trees. The Urban Forester is the official interpreter of the tree ordinance.

Mayor Jordan: They can pay into the tree escrow account?

Derek Linn: It is up to the applicant to prove to City Council that their proposal is in the best interest of the City of Fayetteville. The trees that would be displaced, the 39 existing mitigation trees, those must be planted on-site or other lands that they own. They could exercise some of the other options. It is up to you to determine if you want to support the vacation of what was recently platted in 2014 or not.

Mayor Jordan: You do not recommend that they be allowed to pay into the tree escrow fund?

Derek Linn: It is great that we have a variety of options in Chapter 167. They exercised that option in 2014 to receive their Planning Commission approval. They preserved, mitigated, and exercised that escrow payment. The burden on city staff is that we have to take that money, and within seven years we have to coordinate on city staff time places to plant. We would like to see the private property owner take care of these private property matters, on their property.

Alderman La Tour: Mr. Hennelly, the Crain's are probably indifferent whether they plant them on public school grounds or parks. Would they be willing to plant them in our parks?

Tom Hennelly: They would be willing to plant them anywhere that the city has a need. We met with the Parks Department and there wasn't a need at that time for trees.

Alderman Tennant: If they wanted to pay into the fund, we would value the trees and multiply that?

City Attorney Kit Williams: We have a standard value or cost for us to plant and maintain a tree for three years.

A discussion followed about the amount of possible trees to be planted and the possible escrow amount.

Alderman Tennant: I want to do all we can to let this facility be built. I drive by many dealerships on Moberly Lane in Bentonville that used to be in Fayetteville. I don't want to let 24 trees stand in the way of this happening, especially when the Crains' are willing to give this city either twice the amount of trees or twice the amount of money that it would cost to put these in other places. If we ask them to go to twice the amount of trees or whatever the value is, can we vote on this tonight or does it have to be rewritten?

City Attorney Kit Williams: We can amend the resolution. Planting them in the schools is not an option. Planting them in the parks would be an option, but the Parks Department doesn't believe there is a need. The only true legal option would be for you to pay into the tree escrow account. You partially did that the first time. Does your offer to plant twice the number of trees mean you are offering to pay twice what you would normally have to pay into the tree escrow account if they are willing to vacate a portion of the tree easement you already dedicated?

James Morgan, Absolutely.

City Attorney Kit Williams: With their consent, we could in fact do that. I could draft a resolution to reflect that.

Alderman Long: Bryce Davis Park in Ward 4 does not have a lot of trees lining the park. They need trees at that park. Could we use trees there?

Connie Edmonston: We were looking at an area closer to the dealership to replace that canopy. We can put more trees in the Bryce Davis Park.

City Attorney Kit Williams: The City Council gives the Parks and Recreation Director the power on this. It does say a nearby park which is a relative term. You could donate some of the trees to Bryce Davis Park in Ward 4. If we go this way, then we can't decide this tonight. Connie and her staff will need to look at Bryce Davis to see where and how many potential trees are needed. I suggest we table this. Will this be okay with the Crain dealership?

James Morgan: Yes.

Alderman Marsh: They are anticipating removing numerous hardwood trees. Is that correct?

James Morgan: That's correct.

Alderman Marsh: This is a large expansive parking lot that creates a large amount of stormwater runoff. They exasperate urban heat island effect. There will be issues with violations of night sky ordinances with the large lights they have. I see no indication for any kind of low impact development scenarios. There is no LEED work under contract with the dealership. I see the City Council actually considering selling off all these beautiful urban forest to put in a parking lot. Our Urban Forester is recommending that we not do this. The Parks Department does not have a serious

need for these trees. Even if they pay us the two times rate, what is the value of the ecological services that these trees provide?

I remember when car dealerships were along North College. What remains is not a healthy economic environment. We ended up with a lot of parking lots. These trees have been here for probably 100 years. I don't think that is what our ordinances were designed to do. If we are going to excuse people from the tree ordinance requirement, it has to be for a reason that would provide an exceptional amount of community benefit. I will be voting against it.

Alderman Gray: I appreciate Crain Automotive and Crafton Tull. I will do anything I can to help you all to be able to build this lovely facility that will bring in \$50,000 a month. What I am hearing tonight is the reason why we have a reputation that it is hard to do business in Fayetteville. It is embarrassing to me that we have a person standing here who is willing to do anything and we are quibbling about whether or not we are going to let them build in our city. I want to keep our city beautiful, but we have to be reasonable. I would like to change the ordinance so that the City Council has a little more say in where the trees are planted. It would be wonderful for the Fayetteville schools to get the trees. As far as mitigation, we should give them a certain amount of time to plant those.

James Morgan: Thank you. The dealership is our business and our way of giving back. We provide taxes, we provide to our community and our schools. It's not just a dealership on the side of the road.

Alderman Tennant: I am in favor of redoing North College. When the Mercedes Benz dealership left, we now have the Whole Foods shopping center going in. I agree with Alderman Gray that we should change the ordinance so that the public schools could receive the trees.

Alderman Kinion: I feel a little bit of anguish diminishing the value of a well-established tree preservation plan that we have in place and that is well defined in the ordinance of Fayetteville. City Council wants to develop a compromise and a plan so that we can move forward with Crain. We want the business here. I would like to see this tabled so that we can have more discussion with a well-defined plan. We have a heritage of tree preservation in Fayetteville. We have the opportunity to move forward with a compromise. We have a tough topography with water issues that no place north of us deals with.

Alderman Petty: Have you proposed to staff or Volkswagen that you reduce the parking lot geometry by marginal amounts?

Tom Hennelly: Absolutely.

Alderman Petty: I am pleased to hear that.

Alderman Petty: This is one of those times that reasonable people can disagree. We need to reframe the way this entire discussion has gone. Talking about this proposal as either being remove these trees and plant them elsewhere or kill the project, is false. There are other parameters at play

that aren't being discussed. The majority of the City Council wants to do what we can to make sure Crain Automotive gets to do the project. I want to table it.

If we look across that site from left to right, there are at least five complete rows of parking lanes. Those are 24 feet wide each per our own parking lot design guidelines. Each of the stalls are 19 feet deep per our own parking lot design guidelines. Most vehicles can fit in a space that is smaller than that. There is a lot of room to work with and we have created this condition for ourselves by virtue of our own codes. If the parking lanes could be reduced in size it would give extra feet to work with. Crafton Tull could put together a design that shifts everything by these inches from one side of the site to the other. They could come back to us in two weeks and ask us if it is okay, and we can say, yes. We would then not have a tree preservation issue and they don't have an issue with the number of vehicles they can store on the site. This is assuming that Volkswagen and the City Council doesn't care about 12 inches here or there. If this gets tabled, I want to encourage you to bring back that solution.

Tom Hennelly: If we are able too, we are more than happy to do that.

Alderman Petty: Bentonville planted 1,000 trees in a day with donations and volunteers. We are here talking about less than 50 trees when there is another solution. We should find a new way to design and plan projects like this from the very beginning. This shouldn't even be a conversation we are having right now.

Tom Hennelly: Alderman Kinion, we haven't brought this through large scale yet. This is a conceptual plat. We have to still meet all water quality standards and city ordinances.

Alderman Kinion: Yes, I know we don't have that in front of us yet.

Tom Hennelly: If we are given the latitude to reduce the geometry of the parking lot, then we will do absolutely everything we can to minimize.

City Attorney Kit Williams: Mr. Hennelly, at large scale you could ask for the variance that was suggested by Alderman Petty.

Tom Hennelly: The Fire Department is normally the largest obstacle. There are opportunities to leave the isles around the building the way they need to be for fire access and then everything else can be compressed. We are happy to do that.

Alderman Long: I agree with Alderman Petty and Alderman Gray. If this gets tabled, I would like to see a topographical map next time. If we do mitigation for a portion of the trees, something that Alderman Marsh suggested a while back when we redid our ordinances, is not only that we can use public parks to mitigate, but we can use public property. There are going to be some medians put in that area, maybe we could use some of those trees there.

A discussion followed about variance request procedures and City Council following their own ordinances.

Alderman Tennant moved to table the resolution to the November 17, 2015 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Schoppmeyer was absent.

This resolution was Tabled to the November 17, 2015 City Council meeting.

Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association: A resolution to express the City Council's intent to participate in cooperative regional efforts to evaluate the potential cost savings and environmental benefits that may be available to the City of Fayetteville through the formation of a Northwest Arkansas Multi-Jurisdictional Water Quality Compliance Association.

Tim Nyander, Utilities Director gave a brief description of the resolution.

Alderman Petty: Is Fayetteville currently in a position within the watershed to leverage these trading negotiations?

Tim Nyander: Yes, we would. Fayetteville is in the Illinois and White River watersheds. We have opportunities in both watersheds.

Alderman Kinion: This has been discussed at the Water, Sewer & Solid Waste Committee. We have talked about the possibility of this and now it is reality. The benefit is that we have two watersheds. The watersheds are in peril. By having a regional approach we have the opportunity to broaden the risk of peril that we face.

Alderman Long: Do you know who you will be appointing for that position? Is it a current staff member?

Tim Nyander: Yes.

Alderman Long: Just making sure we weren't adding a staff position.

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

Resolution 203-15 as recorded in the office of the City Clerk

Henard Utility Products, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of twelve (12) Trimble Ranger hand-held water meter reading devices manufactured by Badger Meters, Inc. from Henard Utility Products, Inc. in the amount of \$51,725.00 plus applicable taxes for use by the Utilities Department.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance.

Mayor Jordan: Alderman Kinion, has this been through the Water, Sewer & Solid Waste Committee?

Alderman Kinion: Yes. This is the next step of getting efficiency and managing the information we gather at our water meters. This will pay for itself in the long run.

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 Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Tennant 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 Schoppmeyer** 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 Schoppmeyer** was absent.

Ordinance 5819 as Recorded in the office of the City Clerk

Bid No. 15-51 Crossland Heavy Contractors, Inc.: A resolution to award Bid No. 15-51 and authorize a contract with Crossland Heavy Contractors, Inc. in the amount of \$1,725,071.42 for the construction of the Maple Street and Lafayette Street Bridge Rehabilitation Project, to approve a project contingency in the amount of \$172,507.14, and to approve a budget adjustment.

Chris Brown, City Engineer gave a brief description of the resolution. Staff is recommending approval of the contract.

Alderman Gray stated she is delighted that the bridges are being repaired.

Don Marr, Chief of Staff: I was a Council member at the time when this came forward on the bond issue. While we think about it being long, this was actually a project that was supposed to be in the third and final stage. You are getting it early thanks to Mayor Jordan for pushing it and getting federal funding for it. We also got dollars towards it that were originally going to be paid 100% through the local bond that are now with federal matching bridge dollars.

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

Resolution 204-15 as recorded in the office of the City Clerk

Amend Chapter 177 Landscape Regulations: An ordinance to amend Chapter 177 **Landscape Regulations** of the Unified Development Code to adopt regulations prohibiting the installation of certain invasive plant species in new developments that require a landscape plan review and approval by the Urban Forestry Division, and to make certain technical revisions.

City Attorney Kit Williams read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance.

Alderman Long: The Environmental Action Committee sent a letter to the Council on October 20, 2015 in support of this. On the exhibit it says, "Cultivars that do not produce flowers or fruit are not considered non-invasive." Should that be, are not considered invasive?

Peter Nierengarten: Thank you. That is a typo.

City Attorney Kit Williams: I ask you all to amend to this exhibit with that one correction that they are not considered invasive.

Peter Nierengarten: The Urban Forestry Advisory Board also heard this item on October 14, 2015 and recommended that it be forwarded for you all.

Alderman Long moved to amend the ordinance to the new Exhibit A. Alderman Marsh seconded the motion. Upon roll call the motion to amend passed 7-0. Alderman Schoppmeyer was absent.

Jennifer Ogle, Botanist gave a brief description about bamboo species.

Alderman Long: Are there some bamboo species that we would still be able to plant in Fayetteville?

Jennifer Ogle: No.

Alderman Long: Pretty much all bamboo is out?

Jennifer Ogle: All the non-native bamboos. River Cane bamboo is native to Arkansas. It would be an acceptable option.

Peter Nierengarten: River Cane bamboo is the recommended replacement species.

Alderman La Tour: This ordinance would not make the sale of an invasive plant illegal. These prohibitions would not apply to single-family dwelling units. Peter, can you give us your personal assurance as long as you are with the City of Fayetteville that you won't seek to change those?

City Attorney Kit Williams: The only person that can change it, is sitting up here.

Alderman La Tour: He can seek to change it. I want his assurance that he won't do that.

Mayor Jordan: Peter, you don't have to answer that question.

A discussion followed about the different names of bamboo.

Alderman La Tour: I will voting against this.

Sue Madison, Urban Forestry Advisory Board has a Master's Degree in Botany. She stated that her rental properties and church are consistently having to remove invasive plants that they did not plant. She spoke in favor of the ordinance.

Jennifer Ogle stated that invasive plants negatively impact water quality and inhibit forest regeneration. She spoke in favor of the ordinance.

Alan Ostner, Landscape Architect stated he was on the citizen committee that helped Peter work on the project. He spoke in favor of the ordinance.

Kyle Smith, Environmental Action Committee stated he supports the ordinance.

Mayor Jordan: Sue, as a member of the Urban Forestry Advisory Board you have given us a report every year since I have been in office. Every year you tell us we need to develop something to control the invasive plants. Why is it so critically important?

Sue Madison: It is changing the character of our town. When I moved here in 1979 I loved seeing the sassafras and sumac along the side of the road. When you drive down the street now, it is sheared bush honeysuckle and privet. We have fabulous plants that are native to our area. We have native butterflies and birds that need those plants. These plants that are invasive, are native to areas like China, Japan, and Europe.

Alderman Petty moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-1. **Alderman La Tour** voting no. **Alderman Schoppmeyer** 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 6-1. **Alderman La Tour** voting no. **Alderman Schoppmeyer** was absent.

City Attorney Kit Williams read the ordinance.

Alderman Marsh expressed her appreciation to the task force that helped develop the ordinance. She stated she hopes that the city goes further to address residential invasive plants.

Alderman Long: This is a good a starting place, but eventually we will have to go further as other communities across the United States are doing right now.

Alderman La Tour spoke in opposition of the ordinance.

Mayor Jordan: John, I apologize I seemed to have been a little bit abrupt with Peter answering your question. The staff works for the Mayor. Whatever they bring before you has been cleared by me.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. Alderman La Tour voting no. Alderman Schoppmeyer was absent.

Ordinance 5820 as Recorded in the office of the City Clerk

Announcements:

Alderman Kinion: Applications are available for various Boards and Commissions. Please get your applications in by November 25, 2015.

Don Marr, Chief of Staff: On November 11, 2015 the city will be closed in observance of Veteran's Day.

The 2016 Budget Session will be on Saturday, November 14, 2015 at 8:00 a.m.

The city was recognized as a 2015 digital city winner using technology to improve service and boost efficiencies.

Alderman Marsh: On Monday, November 16, 2015 Energize Southside will meet at 5:30 p.m. at the new design school.

Alderman Gray gave a brief description of the Civil Rights ordinance.

Alderman Long: In November and December there will be no Ward 4 meetings due to the holidays.

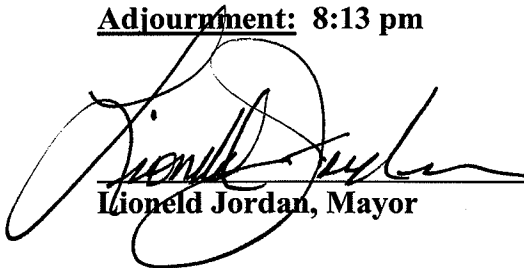
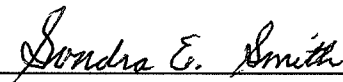
City Attorney Kit Williams: There is a hearing on the case where the city, Mayor Jordan, and all alderman were sued in order to try to overturn the Civil Rights ordinance. The current issue is to be argued on Friday, November 6, 2015. It is a motion to stay the enforcement of the ordinance. I have asked the judge to consider the motion to dismiss.

A discussion followed about who needs to show up at court.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 8:13 pm


Lioneld Jordan, Mayor
Sondra E. Smith, City Clerk Treasurer