

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
December 15, 2015**

A meeting of the Fayetteville City Council was held on December 15, 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, Assistant City Attorney Blake Pennington, Deputy City Clerk Lisa Branson, Staff, Press, and Audience.

Alderman Long arrived after roll.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports and Discussion Items:

Nominating Committee Report

Alderman Kinion read the Nominating Committee Report and recommended the appointments as submitted.

Alderman Kinion moved to approve the Nominating Committee Report. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

A copy of the report is attached.

Town Center Annual Report

Sandra Bennett, Facilities Manager presented the Town Center report.

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the November 17, 2015 and December 1, 2015 City Council meeting minutes.

Approved

Garver, LLC Amendment No. 1: A resolution to approve Amendment No. 1 to the contract with Garver, LLC in the amount of \$9,293.75 to add bidding phase services for the water and sewer relocations associated with Arkansas Highway and Transportation Department Project BB0414 - Interstate 49 and Highway 112 Interchange.

Resolution 222-15 as recorded in the office of the City Clerk

Bid No. 15-60 Red River Pump Specialists, Inc.: A resolution to award Bid No. 15-60 and authorize the purchase of a trailer mounted diesel powered water pump from Red River Pump Specialists, Inc. in the amount of \$71,575.00 plus applicable taxes for use at the Biosolids Management site.

Resolution 223-15 as recorded in the office of the City Clerk

Clay Maxey Motor Sports: A resolution to authorize the purchase of a Kawasaki Mule from Clay Maxey Motor Sports of Harrison, Arkansas in the amount of \$14,000.00 for use by the Police Department, and to approve a budget adjustment.

Resolution 224-15 as recorded in the office of the City Clerk

Lake Fayetteville Boat Dock Operator Contract: A resolution to approve the Lake Fayetteville Boat Dock Operator contract with Alvaro Perea in the amount of \$40,188.00 for services in 2016, with automatic renewals for up to four additional one year terms.

Resolution 225-15 as recorded in the office of the City Clerk

Ozark Floor Company and G&W Diesel Service Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$700.00 representing donation revenue from Ozark

Floor Company and G&W Diesel Service to the Fayetteville Fire Department for the annual employee service awards event.

Resolution 226-15 as recorded in the office of the City Clerk

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 \$3,233.00 and increasing the related expense budget.

Resolution 227-15 as recorded in the office of the City Clerk

TEC, The Employment Company d/b/a Tec Staffing Services: A resolution to approve a one year contract with automatic renewals for four additional one year terms with TEC, The Employment Company d/b/a TEC Staffing Services for temporary staffing services for varying hourly rates by job category.

Resolution 228-15 as recorded in the office of the City Clerk

Daugherty & Daugherty Investments, LLC d/b/a 1st Employment Staffing: A resolution to approve a one year contract with automatic renewals for four additional one year terms with Daugherty & Daugherty Investments, LLC d/b/a 1st Employment Staffing for temporary staffing services for varying hourly rates by job category.

Resolution 229-15 as recorded in the office of the City Clerk

Federal and State Law Enforcement Forfeitures Revenue: A resolution to approve a budget adjustment in the total amount of \$37,581.00 recognizing revenue associated with federal and state law enforcement forfeitures.

Resolution 230-15 as recorded in the office of the City Clerk

Fayetteville Police Department Donation Revenue: A resolution to approve a budget adjustment in the total amount of \$6,961.00 recognizing donation revenue to the Fayetteville Police Department in support of general recognition and officer service awards.

Resolution 231-15 as recorded in the office of the City Clerk

CDW-Government: A resolution to approve the purchase of forty (40) Sierra Wireless Gateway Modems and Antennas from CDW-Government in the amount of \$31,330.08 plus applicable taxes, pursuant to a national intergovernmental purchasing alliance contract, for use by the Police Department.

Resolution 232-15 as recorded in the office of the City Clerk

Bid No. 15-65 Wanco, Inc.: A resolution to award Bid No. 15-65 and authorize the purchase of a portable video surveillance trailer from Wanco, Inc. of Arvada, Colorado in the amount of \$58,212.00 plus applicable taxes for use by the Police Department.

Resolution 233-15 as recorded in the office of the City Clerk

Metova, Inc.: A resolution to approve and certify the participation of Metova, Inc. in the Arkansas tax back program and to agree to authorize DF&A to refund city sales tax back to Metova, Inc.

Resolution 234-15 as recorded in the office of the City Clerk

Pacific Vet Group-USA, Inc.: A resolution to approve a land sale agreement with Pacific Vet Group-USA, Inc. to sell about 24 acres in the Fayetteville Commerce District (formerly Industrial Park) back to the city in exchange for the cancellation of the remaining indebtedness owed to the city.

Resolution 235-15 as recorded in the office of the City Clerk

Lib Horn Animal Shelter: A resolution to authorize Mayor Jordan to sign any and all documents necessary to accept, collect, receive and/or transfer all of the assets given by Lib Horn to the Lib Horn Animal Shelter of Fayetteville.

Resolution 236-15 as recorded in the office of the City Clerk

Alderman Long: I will have to recuse. There is a person on one of the items that I am personally related to.

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

Unfinished Business:

Amend Chapter 97 Parks and Recreation: An ordinance to amend Chapter 97 **Parks and Recreation** of the Fayetteville City Code to allow twenty four (24) hour access to shared use paved trails; to add leash requirements for animals in certain parks; to prohibit certain activities in parks including unauthorized vehicle operation, use of paddle boards on city lakes, and shooting of model rockets; to provide for certain activities in parks including camping, horseback riding, limited vending at park events, and posting of temporary signs; and to make other technical revisions. *At the November 17, 2015 City Council meeting, this ordinance was left on the first reading. At the December 1, 2015 City Council meeting, this ordinance was left on the second reading.*

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.

Assistant City Attorney Blake Pennington read the ordinance.

Connie Edmonston, Parks & Recreation Director: This has come before you several times. I am here to answer any questions you may have.

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

Ordinance 5828 as recorded in the office of the City Clerk

Amend §73.04 Riding on Roadways and Bicycle Paths and §73.05 Riding on Sidewalks: An ordinance to amend §73.04 **Riding on Roadways and Bicycle Paths** to provide for the safe operation of bicycles on roadways and bicycle paths, and to amend §73.05 **Riding on Sidewalks** to provide for the safe operation of bicycles on sidewalks. *At the November 17, 2015 City Council meeting, this ordinance was left on the first reading. At the December 1, 2015 City Council meeting, this ordinance was left on the second reading.*

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.

Assistant City Attorney Blake Pennington read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance. He stated that the Active Transportation Advisory Committee held a special meeting on December 2, 2015 and approved recommended changes. He stated staff supports the changes.

Alderman La Tour requested more clarification on the amendment.

Peter Nierengarten: The amendment is to move from the original language developed by the City Attorney office for Chapter 73.04, to language that is more in line with recommendations from the League of American Bicyclist. It contains more details in areas related to the specifics of where cyclist can and cannot ride on the roadway and what kind of hazards they may or may not be expected to ride through.

Alderman La Tour: Can you give some examples?

Peter Nierengarten gave a brief description of examples.

Alderman La Tour: Does a cyclist have an obligation to ride on a sidewalk or to ride off the sidewalk?

Peter Nierengarten: There is a separate change in the packet under Chapter 73.05 related to regulations of when a cyclist may or may not ride on a sidewalk. That is a separate proposed change. The new proposal states that you can ride on a sidewalk anywhere except where that sidewalk abuts a building face.

Alderman La Tour: Would you agree that the more we can take bicyclist out of the flow of traffic, the safer everyone is?

Peter Nierengarten: It depends on the context and the type of cyclist using the facility and where the facility is. There are some roadways where the grade of the street and the speed of the traffic is such that a bicyclist can operate at practically the same speed as an automobile going downhill. There are some streets that it makes sense for cyclist to have separation from vehicles and pedestrians for safety.

Paxton Roberts, Executive Director of the Bicycle Coalition of the Ozarks and a member of the Active Transportation Advisory Committee thanked the Council for looking at revising the ordinance. He stated it is an ordinance that helps move Fayetteville forward to being more bicycle and pedestrian friendly. He spoke in favor of the ordinance.

Lorraine O'Neal, 3001 West Wedington stated that the wording of the ordinance was complicated and lengthy.

Aubrey Shepherd, South Duncan Avenue stated that the ordinance was excellent. He believes more education is needed.

Alderman Marsh: As a member of the Active Transportation Advisory Committee, we wanted to make sure the language exactly told cyclist where they can ride and what their rights and responsibilities are on the road. We feel that the new ordinance offers a lot of clarity for all of the road users. In order to develop this we looked at other cities around the country as well as bicycle advisory groups. We think it is going to be a good model language that other communities in the state begin to adopt to be more bicycle friendly.

Alderman Marsh moved to amend the language recommended by the Active Transportation Advisory Committee. Alderman Kinion seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

Alderman La Tour: I don't want people to think I am against bicycles. I am concerned with the language I have heard tonight about moving forward, being progressive, and we are going to be a leader in a more bicycle friendly town. I want bicycles to be safe. I think they are safest when they aren't in traffic.

Mayor Jordan: Peter, did you send copies of the ordinance to all of the Council members?

Peter Nierengarten: Yes, sir.

Alderman Petty: The data is overwhelming that cyclist who ride on the sidewalk for comfort or legality places themselves in the most deadly zone of riding a bicycle.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman La Tour voting no.

Ordinance 5829 as recorded in the office of the City Clerk

RZN 15-5214: (West of N. Gregg Ave. & W. Van Asche Dr./WG Land Company) Appeal: An ordinance to rezone that property described in Rezoning Petition RZN 15-5214 for approximately 186.65 acres located west of the intersection of North Gregg Avenue and West Van Asche Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial. *At the December 1, 2015 City Council meeting, this ordinance was left on the first reading.*

Alderman Long moved to suspend the rules and go to the second reading. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-0. Alderman Kinion was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services: The applicant has a few slides to present tonight.

Tom Overbey, Representing WG Land Company showed a slide illustrating the boundary between the City of Johnson and City of Fayetteville beginning in 2008. He gave a brief historical timeline of events. He discussed a settlement and stated that the City of Fayetteville got what they wanted and the City of Johnson received better water and sewer agreements with the City of Fayetteville. He stated all that remains is for WG Land to receive the commercial zoning they negotiated for.

Aubrey Shepherd discussed the landscape, water, and wildlife in the area. He would like staff to guide developers when the project begins.

Mayor Jordan: Will the Corp of Engineers study that piece of property?

Jeremy Pate: If there are wetlands on the property, that is under the jurisdiction of the Corp of Engineers, not the city.

Lorraine O'Neal, 3001 West Wedington spoke in favor of the rezoning.

Tom Terminella, 24 East Meadow: We have done a watershed study of the 305 acres. All the water flows south and then east and then north through Tune Concrete. It intersects Scull Creek into Mud Creek and then to Clear Creek and goes west from there. The watershed does not flow under the interstate to Wilson Springs. We have ran the flood and stormwater calculations for the watershed. We have a clear understanding of where all the water goes. There are no streams on this property. The landowners have done a great deal of work to keep it from evolving into wetlands.

Joshua Baxter, Martin Luther King: I assume the decision has already been made. It is unfortunate that a tract of land with so many opportunities to make Fayetteville a wonderful community is being lost.

Alderman Marsh: We are embarking on the construction of a major expansion of our city. How we steer this development will have resounding implications on our city for generations to come. What do we want the city to become and how do we want our city to function? We have a responsibility to our citizens to get the highest and best use of this land in exchange for the citizens' investment in the multi-million dollar transportation corridor. A March 19, 2008 memo by Gary Dumas to the City Council states, "The area south of the extension of Van Asche should be encouraged to develop as densely as possible. Every effort should be made to promote a dense compact development style, not a highway commercial style development."

I want to see this property developed to its highest and best use. To me that means very dense traditional neighborhood style development, where we have a mix of commercial space, retail space, office space, and housing. If we want to build a successful economy and vibrant city, we have to make a walkable city. We should rezone this to promote dense compact development. I believe we can do that while meeting the intent of the Memorandum of Understanding while upholding the goals set forth for us by our citizens.

Alderman Petty: I haven't read that memo. Is it in our packet?

Alderman Marsh: It is buried in the thousands of pages in the packet. I have a copy of it printed out. I have a November 4, 2015 memo from former Mayor Coody that states, "Commercial zoning for that area is its highest and best use. It was not the intent of my office or the Council to have the blanket suburban commercial zoning and if a specific zoning district had been the intent, the resolution would have clearly stated that."

Alderman Petty: That memo is not referenced in our City Attorney's memo. I'm wondering why that particular opinion of the Chief of Staff at the time wasn't considered relevant?

Assistant City Attorney Blake Pennington: It is because we have a written contract in place. I think all the extra memos that could clarify it cannot contradict what is written in the Memorandum of Understanding.

Alderman Petty: Why did our City Attorney reference another memo from Gary Dumas?

Assistant City Attorney Blake Pennington: It clarified what was in the Memorandum of Understanding. It was in compliance with what was already in the written contract. The written contract says, Commercial Zoning District and what we mean at the time is, C-1, C-2, and C-3. The Gary Dumas memo at that time talked about C-3 zoning.

Alderman Marsh: On the memo, he says that for every effort to be made to promote dense compact development style, not a highway commercial style development, for this reason the most logical zoning is C-3. At that point that was the most appropriate tool we had in our toolbox. We have a better tool to use to achieve the aim of this Memorandum of Understanding.

Assistant City Attorney Blake Pennington: Yes, there are better tools today. If it gets to a point of litigation, the court is going to look at what did the terms mean at the time they were entered

into and at the time the Memorandum of Understanding was signed by the parties, that's all we had.

Alderman Marsh: In the Memorandum of Understanding, item two is requesting that the portion of the property north of the proposed Van Asche Boulevard extension shall be rezoned to an Industrial Zoning District, consistent with use for warehousing and cold storage. If we are to go word for word by the Memorandum of Understanding, all of the property north of the proposed Van Asche Boulevard extension shall be rezoned industrial. If we can take liberties with that, then I don't know understand why we can't deliver the same level of development potential with the improved zoning tools.

Assistant City Attorney Blake Pennington: The problem is that paragraph one is much more clear about what is going to be south of Van Ashe. The paragraph talking about what is going on north, you have to read that on context with the cold storage and warehousing. This is not something that occurred in the land that was annexed by the City of Fayetteville. That is an activity that goes on in the land that was not annexed that still remains in the City of Johnson. That portion of the contract is absolutely ambiguous. As Kit Williams said in his memo, ambiguities are interpreted against the drafter, which was the city. Out of an abundance of caution, our recommendation to avoid getting sued for millions is to follow what the applicant is requesting.

Alderman La Tour: People spent money. They spent that with an expectation of one day getting what they bargained for, a commercial zoning on their property. Kit Williams told us this could be the largest judgment against the city in my lifetime. Don't we want to be people of our word? The people who maintain the property, who defend the lawsuits, and who pay the taxes on the land have the most at risk. I want to let the market determine what will be the highest and best use of the land.

Alderman Long: When this agreement was made, did they not know they would have to come back before the City Council to get approval for the rezoning? The prior Council can't say they are going to rezone something seven years later because there is no guarantee they will be on the Council. What was the discussion back then?

Alderman Gray: I don't remember a discussion of that nature at that time. Do you remember Mayor?

Mayor Jordan: I can't tell you all of the negotiations prior to 2009. I can give you an accurate account of what I know from 2009 to present. When we as a Council voted on it, we were familiar with C-2 and C-3 on the outside fringes of the city. On the interior we had some new zoning we were trying to develop at the time. We voted for that and we did have that memo. Back then we didn't have all the options we have today. We believed C-2 and C-3 was appropriate for an outside fringe. In 2009 I came into office and visited with the Mayor of the City of Johnson. There was a huge project that included the caves at Zero Mountain. I didn't want the caves and the mountain side. I wanted the flat land from where the caves started, back south. Part of that was in the City of Johnson. He said, "You aren't going to get it." So, we just waited. A lawsuit went on for about a year.

In 2010, Mr. Jones and Mr. Whitfield came in and met with me. They asked if the city was going to keep their word for the C-2 and C-3 zoning. I saw that piece of land as a connector from the west side to the east side of this city. The late Swifty Reynolds was the first Council member to talk about that. In present era, Mr. Jones said they were going to give us the right-of-way to build our road, if the city keeps their word on what they said they were going to do. The City Attorney has documentation to show what the city voted on. Mr. Jones believes that C-2 and C-3 was what was worked out. Whatever Mr. Jones tells you, he believes it. He's never told me anything that wasn't the truth. When the Memorandum of Understanding was presented and the City Attorney was concerned about legal issues, he and other attorneys believe that the Memorandum of Understanding was like a contract. I don't think this is the best zoning for the property. I believe the Urban Thoroughfare is best and part of it needs to be a mixed use. That is not the point here tonight. It is about what the word of the city is worth. I can't put the city at risk for a possible lawsuit.

Alderman Long: I don't know what they plan to do with the property, but Urban Thoroughfare has all the uses that C-2 and C-3 has. Is that correct?

Jeremy Pate: That's correct. There are a few exceptions. Primarily it is within the residential uses. Urban Thoroughfare allows a lot more residential uses in addition to commercial uses than does C-2 or C-3.

Alderman Long: If we were to rezone this Urban Thoroughfare, would we not be meeting the Memorandum of Understanding by allowing every use type that is in C-2 and C-3?

Assistant City Attorney Blake Pennington: I don't think so. C-2 and C-3 are Commercial Zoning Districts. Urban Thoroughfare is a zoning district that allows commercial use. We have to look at what the applicants are asking for, as opposed to what we want.

Alderman Long: Tom, in the Memorandum of Understanding it doesn't specify the zoning districts. No one here on the Council remembers exactly what it was because it wasn't put into writing. There's a lot of conversations. I trust that those conversations are true and accurate when they are represented to us. We want to work out what's best for the city. From your perspective would Urban Thoroughfare not be a suitable zoning for this area?

Tom Overbey: I am told by our broker that C-2 and C-3 is the desirable zoning by the people who are showing interest in the property at this time.

Alderman Long: What if we were to hold this for two weeks?

Tom Overbey: We have been at this for seven years. We have been sitting on a property for more years than that waiting for the prime time. It will probably be well into 2016 before we get our first contract. The first person to come and do development work is going to have to bite a big chunk. There's going to be a lot of things that have to be worked out. Two weeks are meaningless.

Alderman Long: If we made the decision in two weeks, would you able to go back to the landowner and ask if UT would be appropriate?

Tom Overbey: We have already done that. Mr. Terminella has contacted the prospects we have and they are not interested in UT.

Alderman Gray: I've enjoyed all of the ideas we've discussed. I agree with Mayor Jordan. We have a promise made and I want to see a promise kept. I agree completely with the Mayor that it isn't our business to be putting the city in a place where they can't be trusted and to be sued for a lot of money. More than anything, we want to be a city whose governing body can be trusted to do what we say we are going to do. I'm ready for us to move on and waste no more time or energy on this great project. I support this ordinance.

Alderman Petty: It is time to move on. I'm going to vote under duress in support of the request. I don't think there is any arguing with the memo we received from the City Attorney. I have seen the preliminary development plans for this site. This is a North College and West Wedington. It is frustrating to me because it is one more example of an incompetent public private partnership. This is an incompetent deal, made irrevocable on paper, and we are being held to this bad decision. With respect to the prior Council and Administration, this is a deal where the city allowed itself to be bought. There's this idea that we owe the developers something because they donated right-of-way, but that road is the only reason the land is valuable.

Alderman Kinion: The decision that I'm making to support this is based on the fact that we have to keep our word. I hope that future City Councils will look at what we have done and they will keep our word. There's going to be a decision seven or eight years from now that are going to have to be reviewed based on trends. Looking at the legal terms that have been presented to us, it is at the time of the agreement that we have to consider. We didn't have Urban Thoroughfare at the time of the agreement. I give accolades to the staff that recommended Urban Thoroughfare because it says specifically in the language that UT is a Commercial Zoning District. I will be supporting the commercial request. I don't like it, but at the time the agreement was made, it was C-1, C-2, and C-3 zoning.

Alderman Marsh read section 161.21 of city code that defines Urban Thoroughfare.

Alderman Marsh: It is clear that Urban Thoroughfare is a commercial zone. This is the future of our city and a really important decision. I hear about the benevolence of the landowners generously donating the right-of-way, but it was the taxpayers' \$4.5 million dollar investment that created value. Prior to this annexation, this property was located in the City of Johnson which in their annexation file did not have the capacity to support the infrastructure or services needed to develop the property. Fayetteville citizens' investment are what created the development potential on this property. In talking about promises, what about the promises to our citizens. We have our 2030 City Plan goals that were adopted by this City Council and were developed by our citizens. It seems like we are turning our back on this promise to our citizens a lot lately. I'm voting against this development.

Alderman Petty moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 6-2. Alderman Long and Marsh voting no.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate: I want to clarify the specific zoning request with Mr. Overbey. On the map, there is a 4 acre tract south of Fulbright Expressway proposed as C-2. The legal description agrees with that in your exhibits. One of the maps that was submitted by Jorgensen shows it as C-3. I believe that was an error in the numbers. Could you please confirm if that is supposed to be C-2 or C-3?

Tom Overbey: C-2.

Jeremy Pate: We can correct the map. Thank you.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Marsh voting no.

Ordinance 5830 as recorded in the office of the City Clerk

RZN 15-5209: (NE Corner of McGuire St. & Van Asche Dr./McClinton) Appeal: An ordinance to rezone that property described in Rezoning Petition RZN 15-5209 for approximately 18.34 acres located at the Northeast corner of McGuire Street and Van Asche Drive from R-A, Residential Agricultural to C-2, Thoroughfare Commercial and C-3, Central Commercial. *At the December 1, 2015 City Council meeting, this ordinance was left on the first reading.*

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.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan: Jeremy, since the other property next door is C-2 and C-3, is there some sort of consistency? There's no contract on this.

Jeremy Pate, Director of Development Services stated that this item stands alone and is not subject to a preexisting contract. He stated that the zoning district that has been requested would be appropriate given the decision Council has made.

Mayor Jordan: Blake, you don't see any issues with this. Correct?

Assistant City Attorney Blake Pennington: Correct.

Tom Terminella, 24 East Meadow gave a brief history of the item.

Alderman La Tour spoke in favor of the rezoning as requested.

A discussion followed about the exact location of the property.

Aubrey Shepherd: Was there a concrete operation on the hill in that parcel already?

Jeremy Pate: Not in this particular parcel.

Aubrey Shepherd gave a brief discussion on water flow in the area.

Alderman Petty moved to suspend the rules and go to the third and final reading. **Alderman Schoppmeyer** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Long** was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-1. **Alderman Marsh** voting no. **Alderman Long** was absent during the vote.

Ordinance 5831 as recorded in the office of the City Clerk

New Business:

Bid No. 15-64 Rogers Iron and Metal Corporation: A resolution to award Bid No. 15-64 to Rogers Iron and Metal Corporation for the removal and recycling of scrap metal items for an amount established in the seventh effective issue each month of the American Metal Market automobile scrap index for the Arkansas/Tennessee market less Rogers Iron and Metal's operating costs in the amount of \$89.00 per ton for a period of one year with automatic extensions for four additional one year terms.

Brian Pugh, Waste Reduction Coordinator gave a brief description of the resolution. Staff recommends approval.

Alderman La Tour: What type of metal are we talking about? What are we collecting from our recycling?

Brian Pugh: It is the big bulky scrap metal material that we typically get from the bulky waste pickups and operations around our Transfer Station. It is appliances, swing sets, and any type of big bulky metal items. It's not the steel cans that we get in our curbside program.

Alderman La Tour: What happens to steel cans that we get?

Brian Pugh: That goes out on an open bid system whenever we have those available for a load.

Alderman La Tour: What's the origin of the material we are collecting?

Brian Pugh: It is from all sources in Fayetteville, such as residential and commercial. We have a box set up at our Transfer Station for people to drop it off.

Alderman La Tour: Do we sell the metal that we are recycling?

Brian Pugh: Correct. This is why we have this bid in place. It is tied to a scrap metal market so that we can get the best price for the City of Fayetteville.

Alderman La Tour: Over the last three to five years have prices gawn up or down?

Brian Pugh: Prices have been going down. Supply and demand dictates that.

Alderman La Tour: Do you know what the operational costs are?

Brian Pugh: Yes.

Alderman La Tour: Are we making money or losing money on this program?

Brian Pugh: We are making money on scrap metal.

Alderman Kinion: This has been through the Water, Sewer, and Solid Waste Committee with approval to move forward to City Council. If anyone is interested in the numbers, it is published and available. The markets are fluctuating and we watch them regularly. This is a good bid.

Alderman Long: What would you say our margin is if we are making money?

Brian Pugh: We have labor involved. I don't have those numbers in front of me for every time we handle a piece of material.

Alderman Long: How much money are we making?

Brian Pugh: According to the last check we received it was \$72 per gross ton. In a year we made \$16,228 on scrap metal.

A discussion followed about the fluctuation of scrap metal prices.

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

Resolution 237-15 as recorded in the office of the City Clerk

Bid No. 15-63 Modern Control Access, Inc.: A resolution to award Bid No. 15-63 and authorize a contract with Modern Control Access, Inc. for the construction of security fencing, gates, and gate controls at the Police Department parking lot at the southeast corner of South Block Avenue and West Rock Street in the amount of \$66,970.00, and further approves a 10% project contingency in the amount of \$6,697.00.

Greg Tabor, Chief of Police gave a brief description of the resolution.

Alderman Marsh: I recognize the need and importance for having this type of facility. I don't think we would allow these fences in people's front yards. Is that correct?

Jeremy Pate: We don't allow the height.

Greg Tabor: We received a variance from the Planning Commission for the height.

Jeremy Pate: We allow this type of fence on all other sides of the structure. There is a height limitation that is about 42 inches in front of the structure in the Downtown area.

Alderman Marsh: In a sense this is part of the front yard of our Downtown. This land has a great deal of value and when we create these obviously secured areas, it has the implication of making other areas feel less secure. It is not as welcoming for our Downtown as it could be. Were other sites considered?

Greg Tabor: This is the only piece of property that I am aware of that the city owns adjacent to the Police Department. It has to be in close proximity to the Police Department.

Alderman Marsh: In our long term planning we need to upgrade our police facility. We need to minimize these type of gated parking lots in our Downtown area to make it as viable as it can be.

Alderman Petty: My concern is cost. What is the salary for an evidence clerk?

Greg Tabor: Mid 30's. I was shocked when I saw the price. When you hear Brian Pugh talk about the low price of steel, I would hate to be buying this when the price of steel was high. Some of our vendors did tell us this was a great time to do it, because the price was low. It will be paid out of forfeitures and not General Fund money.

Alderman Petty: I assumed an evidence clerk would make \$50,000 after benefits.

Greg Tabor: Yes, with benefits.

Alderman Petty: For Capital Improvements I'm looking to have a ten year return or better in general. For that to work out, that clerk would have to spend a full day every week in traveling back and forth to get a ten year return. My other issue is that we already have a secure facility for some of these things. If we have to send two people at a time, why don't we just subdivide the secured facility we already have. It would have to be a fraction of what we are talking about.

Greg Tabor: You are right, it is a fraction. Our vehicles need to be more securely parked than they are. We haven't had any recent thefts out of a police car. I can recall twice in my career that a police car was stolen off the back parking lot. Springdale had an incident before their lot was fenced where a bomb got placed under a police car. It blew up when a police officer started it and injured the officer.

Alderman Petty: Two thefts in your career?

Greg Tabor: Yes.

Alderman Petty: We just authorized the purchase of three new Tahoes at \$33,000 each. If we were to avoid spending this money we would be able to finance two of those. With regard to theft or property damage, I know that we carry insurance. The reason we are buying those vehicles is to put them in the lot in case a vehicle in service got totaled. We aren't talking about any potential impacts to our fleet capacity if we were to continue to park our service cars there. I would vote for this if it was to subdivide the space that we have.

Alderman Long: My concern was a little bit along the same lines as Alderman Petty. We are spending \$66,970 when we are needing a new police building.

Greg Tabor: There is a lot of difference between \$18 million and \$66,000.

Alderman Long: Every bit goes a distance.

Alderman Marsh discussed tabling the item for two weeks to allow for more time to explore other options.

Don Marr, Chief Of Staff: The primary function of this lot is vehicle storage, not equipment storage. The equipment that we are talking about storing is not as significant as the actual vehicle storage. Where it makes it difficult to consider another campus for that, is our lockers, check in points, and meeting aspect of our change of shifts all occur at the Police Department. The efficiency of having those vehicles close to the station is important. From an emergency management and best practices perspective, one of the things on our future check list has been the security of vehicles. The only area in which we don't have secure fleet is at the Police Department. I believe we are the only Police Department in Northwest Arkansas that does not have police vehicles with controlled access of our city size.

Greg Tabor: That is correct.

Alderman Marsh moved to table the item for two weeks. The motion died for lack of a second.

Lorraine O'Neal, 3001 West Wedington: Would this affect our insurance rate as an offsetting cost for this?

Assistant City Attorney Blake Pennington: All of our vehicles are covered under the Municipal Leagues vehicle policy. I think we pay \$100 per vehicle, whether they are secured or not.

Mayor Jordan: It was a great question.

Alderman Petty: I don't think our service vehicles need to be secured. A fence like that is more of a deterrent of inconvenience than it would actually stop the worst acts that we might fear. We don't have a history of regular vandalism or property damage.

Alderman Petty moved to deny the resolution. Alderman Marsh seconded the motion. Alderman Petty withdrew his motion to deny the resolution.

Alderman Long moved to approve the resolution. Alderman La Tour seconded the motion. Upon roll call the motion passed 7-1. Alderman Petty voting no.

Resolution 238-15 as recorded in the office of the City Clerk

2016 Transportation Division Overlay and Sidewalk Projects: A resolution to approve the Transportation Division Overlay and Sidewalk Projects list for 2016.

Terry Gulley, Transportation Services Director gave a brief description of the resolution.

Alderman La Tour: When you are planning streets for our city, does aesthetics, convenience, or safety get the highest priority?

Terry Gulley: Safety, then convenience. Aesthetics are a design feature when we are doing a sidewalk or building a street.

Alderman La Tour: I spoke in favor of putting a sidewalk on Halsell Road. Six days a year we have Razorback football games. My family home is in the area. There are thousands of people walking in the street. There is no sidewalk, just a ditch. It is a horrible accident waiting to happen. I suspect more people walk on Halsell Road on one game day than walk on Palmer Street all year long.

Mayor Jordan: This went through the Transportation Department?

Alderman Petty: Yes. The consensus from the committee was that the sidewalk on Palmer was a higher priority than the Halsell sidewalk. The reason we are having this discussion is because we have tried to appease each of the aldermen whenever we come up with a program. I hope going forward that we will utilize a different approach to make these recommendations. Council members should be free and encouraged to try and make recommendations for what we should spend our money on. Those recommendations should stand on their merits and stand up against a program that has been derived from the best data we have available. Safety is a paramount concern. If we were going to only look at vehicular and pedestrian collisions, then there are a lot of other streets in town that would be getting this kind of work, well before Halsell Road.

Alderman Long: Palmer Street completes the puzzle all the way from Razorback to Wedington. This is the last missing link. We've got a city park at the intersection of Hotz, Palmer, and Sawyer Lane. It is a five way intersection. We have children walking right on the edge of the road by an extremely deep ditch with nowhere to go. We aren't just talking about University students. We are talking about school age children too. There are a lot of old trees on Halsell Road. I posed a question to many people and I received varying responses to a sidewalk on Halsell Road. Some were for, some against, and others didn't know what side of the street they wanted it to go on

because of the trees. I'm not against a sidewalk on Halsell Road. I am for a sidewalk on Palmer first, because it completes what our goal was to do.

Alderman Marsh: As a member of the Active Transportation Advisory Committee, we did have some concerns that our sidewalk plan was too ward driven, as opposed to needs based driven. Next on our agenda is to develop objective metrics for sidewalk prioritization. We should be looking at data. When talking about safety, we have little children walking in ditches to the Yvonne Richardson Center every day. We should be putting more dollars down there.

We are temporarily diverting \$500,000 from the Willow Bend project, which is a wise reallocation. The Nominating Committee met with and interviewed 32 people for boards and positions. We asked every one of them why they loved Fayetteville. All of them gave us the same two answers. It was our trails and our culture. If we are going to reallocate \$500,000 from the Willow Bend project, I would like to see us use that money to accelerate the build out of our trails program. It has come to my attention that there may possibly be some matching funds available so that we could leverage that money and get \$2 for every \$1. It would be a better opportunity for us to expand our trails network at a faster rate and might pay back greater dividends than investing that in resurfacing streets.

Alderman La Tour: I appreciate planning, but we built sidewalks on the west end of Halsell Road already this year. To say that building on Halsell is not keeping with the plan, we spent a lot of money there earlier this year. If you are trying to make a walkable trail to the University, you would go right down Halsell. When speaking of safety, hundreds, if not thousands of people walk down Halsell Road on game day. One game day has more people walking on Halsell Road than probably walking on Palmer all year long.

Alderman Gray: The reason I agreed with the switch from Halsell to Palmer was because of the long range plan. That plan started in the Ward 4 meeting where there was lots of discussion among residents as to where they wanted the sidewalk to go. That was the deciding factor for me.

Alderman Kinion: Is there information I can get about the possibility of matching funds on trails? If there is, this opens up a whole new discussion that I feel like hasn't been presented to the Council as a whole.

Don Marr, Chief of Staff: Council member Marsh and I had a discussion that we have had a long standing discussion with the private foundations that support and fund items in our community. They have had the willingness to match and provide funding for our trail program and are willing to do more if we could accommodate it. The challenge is that we build our trails ourselves, which allows us to build them at a lower cost and to take that money further in terms of distance. We are at capacity with our trail crews. For us to get additional money at this point, we would have to either contract out at a higher cost and get less trail built for the dollars or you are talking about a second trail crew. This is why we haven't brought that discussion forward to you at this point. We are using the full capacity of the trail crew for the matching funds for trails. We moved money into the trail program to maximize to the 100% capacity of our trail crews and maximize matching funds. We are at that tough spot where you either have to commit to a whole other crew, which is a much bigger cost that we haven't been willing to take on at this point because of our budget

constraints or you have to contract it out and get it built at a higher cost per distance. The foundations have been willing to wait until we had the capacity. This is the only reason we haven't brought that discussion to you.

Terry Gulley: In next year's production to get to that 100% we have added an extra \$420,000 above what was programmed to be in there.

A discussion followed about maximizing the city's capacity and the funds available up to that capacity.

Mayor Jordan: I am a huge supporter of the trails program, but we also have to repair the roads that we have. In order to do that we had to move money from Willow Bend. If we don't start repairing some of these roads, we are going to have some shoddy roads in the city. I know we can get matching funds for the trails, but at the same time we are sacrificing the roads that we are going to be able to repair in the city.

Don Marr, Chief of Staff: A road has a life, just like our fleet has a life. There's a point at which that life drops to where it is a greater cost because you have to rebuild the street if it degrades to a particular level.

A discussion followed about ward boundary request.

Terry Gulley stated he is in favor of this because funding for the overlay program is less now than it was nine years ago.

Alderman Long: I want to clarify that we put sidewalk on the part of Halsell that turns into Sang.

Lorraine O'Neal, 3001 West Wedington stated that safety should be the first priority and aesthetics should be the last consideration.

Alderman Long moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

Resolution 239-15 as recorded in the office of the City Clerk

The Field Shop, Inc.: A resolution to approve a contract with The Field Shop, Inc. of Little Rock to design, purchase and install upgraded audio-visual equipment in the City Council Chamber and City Hall Room 326 in the amount of \$186,168.00 plus applicable taxes and a project contingency in the amount of \$16,500.00; and upgraded audio-visual and broadcast system equipment in the Television Center in the amount of \$218,546.46 plus applicable taxes and a project contingency in the amount of \$5,000.00.

Don Marr, Chief of Staff gave a brief description about the CIP project for City Hall. He stated there would be some alternate locations for City Council and Planning Commission meetings while work is being done in the City Council chambers.

Susan Norton, Communications Director gave a brief description of the resolution.

Alderman Long: Will you show us how to use it?

Susan Norton: Absolutely. I think you will find it will be much easier to use. We will have training for sure.

Alderman Long: What will be the size of the displays?

Susan Norton: There will be four, 65 inch displays.

Don Marr: Those are for audience viewing. The Council's viewing will be on screens placed at your individual locations with the ability to move between the agenda, the voting items, and the display item.

Alderman Long: How long will it take to do this?

Don Marr: We are estimating about a month for the total renovation.

Lorraine O'Neal, 3001 West Wedington spoke in opposition of the resolution.

Alderman Long: Will this bring the room up to ADA compliance?

Mayor Jordan: Yes.

Alderman Long: This is not just convenience.

Don Marr: This is money that was allocated in the 2012 budget, and re-budgeted. The money is collected and in hand.

Mayor Jordan: We have patched and fixed. It is time to replace.

Alderman Gray moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the motion passed unanimously.

Resolution 240-15 as recorded in the office of the City Clerk

RZN 15-5194 Depalma Edition (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 10.04 acres located at the south end of Anson Street from R-PZD 05-1798 (Depalma Edition) to RSF-4, Residential Single Family, 4 units per acre.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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

Assistant City Attorney Blake Pennington 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 7-0. Alderman Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5832 as recorded in the office of the City Clerk

RZN 15-5194 Villas at Stonebridge (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 53.03 acres located at east of Riverwalk Subdivision on Dead Horse Mountain Road from RPZD 06-2170 (Villas at Stonebridge) to R-A, Residential-Agricultural.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended 6-1 in favor of the rezoning. He stated the applicant and their attorney requested that the item be left on the first reading.

This ordinance was left on the First Reading.

RZN 15-5194 University Club Condos (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 10.29 acres located at north end of Waterside Court from R-PZD 06-2191 (University Club Condos) to R-O, Residential-Office and C-2, Thoroughfare Commercial.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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

Assistant City Attorney Blake Pennington 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 7-0. Alderman Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Marsh: I am not comfortable with the C-2 zoning. The area would be better served with a mixed use development. None of our zoning classifications are a good fit for this condition with the grade change between the site and the main street.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5833 as recorded in the office of the City Clerk

RZN 15-5194 West Fork Place (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 13.92 acres located at the south end of Ray Avenue from R-PZD 06-2196 (West Fork place) to RSF-4, Residential Single Family, Four Units Per Acre.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Gray 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5834 as recorded in the office of the City Clerk

RZN 15-5194 Amberwood Place (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 39.98 acres located at southeast of Double Springs and Dot Tipton Roads from R-PZD 08-2965 (Amberwood Place) to R-A, Residential-Agricultural.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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

Assistant City Attorney Blake Pennington 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 7-0. **Alderman Petty** was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. **Alderman Petty** was absent during the vote.

Ordinance 5835 as recorded in the office of the City Clerk

RZN 15-5194 Porchscapes (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 8.81 acres located at the South End of Seven Hills Drive from R-PZD 08-3006 (Porchscapes) to RSF-4, Residential Single Family, Four Units Per Acre.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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

Assistant City Attorney Blake Pennington 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 Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5836 as recorded in the office of the City Clerk

RZN 15-5194 Stonewood Gardens (Various Expired PZD Locations/Expired PZDs): An ordinance to rezone that property described in rezoning petition RZN 15-5194 for approximately 3.36 acres located at the southeast corner of Crossover and Albright Roads from R-PZD 08-3022 (Stonewood Gardens) to R-O, Residential-Office.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

Lorraine O'Neal, 3001 West Wedington stated she has attended many Council meetings and believes that a lot of time is spent on rezonings.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long: I would like to address Lorraine's statement. We do spend a lot of time on these, but we aren't supposed to leave properties without zonings. These PZD's have expired and can't be developed or built on. We have to address them when staff brings them forward.

Lorraine O'Neal, 3001 West Wedington stated her appreciation for the clarification.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5837 as recorded in the office of the City Clerk

RZN 15-5194 College Avenue Townhomes (Various Expired PZD Locations/Expired PZDs):

An ordinance to rezone that property described in Rezoning Petition RZN 15-5194 for approximately 2.34 acres located at North College Avenue and Golden Eagle Drive from R-PZD 07-2649 (College Avenue Townhomes) to R-O, Residential-Office.

Assistant City Attorney Blake Pennington read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff is recommending approval. The Planning Commission recommended in favor of the rezoning.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Schoppmeyer seconded the motion. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the motion passed 7-0. Alderman Petty was absent during the vote.

Ordinance 5838 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The City of Fayetteville was named the third best city to found a company outside of Silicon Valley and New York. We were ranked fourth as the best college town in the United States and the number one college town within the SEC.

City offices will be closed on December 24-25, 2015 for the Christmas holiday.

The Transfer Station at our Recycling and Trash Facility will be open on December 24, 2015 from 6:00 a.m. to noon. All residential and commercial collections that take place on December 24th will occur as normal. Collections that are normally on December 25th will occur on December 24th or December 26th.

The city will be taking Christmas trees through the month of January.

The City of Fayetteville has free mulch to give away.

We have a lot of projects going on around town. There has been some morning traffic congestion with the closing of east Dickson Street. Please allow yourself extra time in your commute with our detour routes.

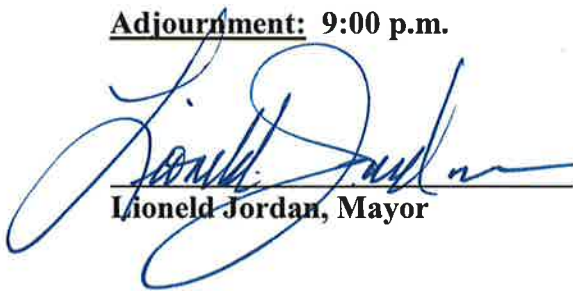
Alderman Long: We will not be having a Ward 4 meeting this month due to the holiday.

City Council Agenda Session Presentations:

Agenda Session Presentation - Building Efficiency Improvements by Peter Nierengarten.

City Council Tour: None

Adjournment: 9:00 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer

Nominating Committee Report

Members Present – Chair Mark Kinion, Sarah Marsh, and Martin W. Schoppmeyer Jr.

Absent – Alan Long

The Mayor recommends the following candidate appointment:

HISTORIC DISTRICT COMMISSION

Rhianon DeLeeuw - unexpired term ending 06/30/17

The Nominating Committee recommends the following candidates for appointment:

ACTIVE TRANSPORTATION ADVISORY COMMITTEE

Rachel Spencer - Community Citizen at Large term ending 12/31/17

Paxton Roberts - Community Citizen at Large Bicycle Advocate term ending 12/31/17

AIRPORT BOARD

Paul Algee - Aeronautical term ending 12/31/20

AUDIT COMMITTEE

Michael W. White - term ending 12/31/18

BOTANICAL GARDEN SOCIETY OF THE OZARKS

Joyce Mendenhall - term ending 12/31/18

CONSTRUCTION BOARD OF ADJUSTMENTS AND APPEALS

Mary Catherine Johnson - Alternate Member unexpired term ending 03/31/16

Vacant - Alternate Member unexpired term ending 03/31/16

ENERGY IMPROVEMENT DISTRICT

NO. 1

Matt Pope - term ending 12/31/17

James Bell - term ending 12/31/17

ENVIRONMENTAL ACTION COMMITTEE

Garnett Wise - Local Industry term ending 12/31/18

Mike Emery - Community Citizen at Large terms ending 12/31/18

Emily Deitchler - Community Citizen at Large terms ending 12/31/18

PARKS AND RECREATION ADVISORY BOARD

David Proffitt– term ending 12/31/18

Chuck Maxwell– term ending 12/31/18

J L Jennings– term ending 12/31/18

TOWN AND GOWN ADVISORY BOARD

Phil Jones – unexpired Ward 1 Resident term ending 09/30/17

URBAN FORESTRY ADVISORY BOARD

*Aubrey Shepherd – Land Development term ending 12/31/17

*Russell Dye – University Representative term ending 12/31/17

Damon Lipinski – Community Citizen at Large term ending 12/31/17

**In the event no application for a position as a representative from a specific discipline is received, the position may be filled by any citizen of the City.*

12/15/15 City Council Board

**Fayetteville Town Center
Annual Report to Fayetteville City Council
December 2015**

I. Goals (as stated in Article V, Section 507 of the Lease and Agreement between the City of Fayetteville, Arkansas and the A&P Commission of the City of Fayetteville, Arkansas)

- A. Generate increased tourism for Fayetteville.
- B. Remain financially viable with all debts and obligations paid timely.
- C. Serve the Fayetteville community by use for local, non-profit groups and other community events.

II. Tourism Review

Total Contracts & Events (September – September)

	2013-2014	2014-2015	Variance
Number of Contracts	174	188	8%
Amount of Contracts	\$439,882.40	\$455,243.37	3%
Number of Events	275	214	(22%)

III. Increased Tourism

The following list represents FTC participation in events during 2014-2015 that potentially resulted in overnight guests from outside the NWA area. Because the FTC does not track client guest lists, we have no way to accurately determine revenue associated with each event.

Event Name	Event Date
Arkansas Gas Association	September 14, 2014
Arkansas Alumni Association	October 23, 2014
Chi Omega Founders Day	April 6, 2015
Towers of Old Main	April 8, 2015
Law School Graduation	May 16, 2015
Fayetteville Roots Festival	August 31, 2015
Various Wedding Receptions	

IV. Financial Viability Summary

	2015 BUDGET (As of September)	2015 Actual (As of September)
Revenue	\$403,269.00	\$430,069.00
Expenses	\$404,939.00	\$463,747.00

V. Facility Use Summary (September – September)

	2013-2014	2014-2015
Sales (# executed contracts)	172	142
Sales (\$ executed Contracts)	\$467,236.38	\$621,572.03
Collections	\$484,973.70	\$554,564.74

VI. Non-Profit (September – September)

	2013-2014	2014-2015
Number of Non-Profit Events	29	33
Percentage of Non-Profit Events	12%	15%

The Fayetteville Town Center offers a reduced rate for non-profit organizations which supports their ability to raise funds for their organization. Following is a partial list of non-profit events held at the Town Center.

Event Name	Event Date
Habitat for Humanity	October 3, 2014
Chill with the Hills – 7 Hills	October 4, 2014
NWA Center for Equality	November 14, 2014
American Heart Association	January 24, 2015
Chilirhea	February 27, 2015
I'm With Miller	March 26, 2015

VII. Community Support

- ❖ Lights of the Ozarks
- ❖ First Thursday
- ❖ Girl Scout Thinking Day
- ❖ Hospitality Hero
- ❖ Last Night

VIII. Fayetteville Town Center Staff

- Sandra Bennett, Operations Administrator
- Caroline Franco, Director of Sales – Non-Profit, Educational, Social
- Kelley Carey, Director of Sales – Corporate, Associations, University
- Madison Lanza, Event Management Coordinator
- Melissa Green, Event Management Coordinator

IX. Supporting Documentation (not included with report unless otherwise noted)

- 2014 General Ledger
- 2015 General Ledger