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
February 2, 2016

A meeting of the Fayetteville City Council was held on February 2, 2016 at 5:30 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

PRESENT: Alderman Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Barrett Baber Proclamation

Mayor Jordan read the proclamation and presented Barrett Baber a key to the City of Fayetteville. Mayor Jordan stated he is a great citizen and friend to the city. He stated Barrett Baber has served the community as an educator and has inspired young minds to dare to dream through artistic expression.

Barrett Baber, Musician: It has been an incredible journey for me the last six months. One of the most gratifying and humbling parts of the journey has been to represent the people of the City of Fayetteville in a way that made them proud. I'm so glad that the people of the City of Fayetteville, the people of Northwest Arkansas, and the people of Arkansas took ownership of my success. It shows the kind of place that we live and the people that live here. I am really proud to call this place my home. Thank you and I am grateful for this honor.

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

Agenda Additions: None

Consent:

Mayor Jordan stated Alderman La Tour would like to pull the **Gulf Coast High Intensity Drug Trafficking Area Funding** item from Consent for discussion.

Approval of the January 19, 2016 City Council Meeting Minutes.

Approved

Animal Services Donation Revenue: A resolution to approve a budget adjustment in the amount of $21,573.00 representing donation revenue to Animal Services received during the third and fourth quarters of 2015.

Resolution 32-16 as recorded in the office of the City Clerk

Lewis Automotive Group of Fayetteville: A resolution to approve the purchase of a 2016 Dodge Ram 1500 Tradesman Quad Cab 4x4 from Lewis Automotive Group of Fayetteville in the amount of $22,995.00, pursuant to a state procurement contract, for use by the Engineering Division.

Resolution 33-16 as recorded in the office of the City Clerk

Bid #16-18 Utility Service Company, Inc.: A resolution to award Bid #16-18 and authorize a contract with Utility Service Company, Inc. in the amount of $1,133,510.00 for the Baxter and Mount Sequoyah Tank Rehabilitation improvements Project, to approve a project contingency in the amount of $113,351.00, and to approve a budget adjustment.

Resolution 34-16 as recorded in the office of the City Clerk

Environmental Consulting Operations, Inc. Amendment No. 2: A resolution to approve Amendment No. 2 to the contract with Environmental Consulting Operations, Inc. in the amount of $50,000.00 for wetlands mitigation site monitoring and management through 2016.

Resolution 35-16 as recorded in the office of the City Clerk

KEE, LLC and Servpro of Fayetteville/Springdale: A resolution pursuant to Fayetteville Code of ordinances Section 39.10(C)(4) to authorize the Mayor to pay the amount of $11,695.64 to KEE, LLC and $5,290.40 to Servpro of Fayetteville/Springdale for a wastewater damage claim arising at 620 N. Rockcliff Road.

Resolution 36-16 as recorded in the office of the City Clerk

Precision Rescue, LLC Donation Revenue: A resolution to approve a budget adjustment in the amount of $200.00 representing donation revenue from Precision Rescue, LLC to the Fayetteville Fire Department for the annual employee service awards event.

Resolution 37-16 as recorded in the office of the City Clerk

Fayetteville Firefighters Association Donation Revenue: A resolution to approve a budget adjustment in the amount of $750.00 representing donation revenue from the Fayetteville Firefighters Association to the Fayetteville Fire Department for the annual employee service awards event.

Resolution 38-16 as recorded in the office of the City Clerk

Grant Thornton LLP: A resolution to approve a contract with Grant Thornton LLP in the amount of $97,500.00 to provide independent audit services to the City of Fayetteville.

Resolution 39-16 as recorded in the office of the City Clerk

Pacific Vet Group-USA, Inc.: A resolution to approve a budget adjustment for 2015 to appropriate the non-cash repurchase of approximately 24 acres in the Fayetteville Commerce District from Pacific Vet Group-USA, Inc.

Resolution 40-16 as recorded in the office of the City Clerk

Frank Sharum Landscape Design, Inc.: A resolution to award Bid #16-17 and authorize a contract with Frank Sharum Landscape Design, Inc. in the amount of $148,743.00 for the installation of trees and shrubs within the medians of Crossover Road and Van Asche Drive, and to approve a project contingency in the amount of $15,000.00.

Resolution 41-16 as recorded in the office of the City Clerk

Ewing Signal Construction, LLC: A resolution to approve a contract with Ewing Signal Construction, LLC of Nixa, Missouri in the amount of $100,041.50 for the construction of a traffic signal at the intersection of Van Asche Drive and Garland Avenue (Highway 112), and to approve a project contingency in the amount of $10,000.00.

Resolution 42-16 as recorded in the office of the City Clerk

Arkansas Highway and Transportation Department: A resolution to approve a payment of $359,587.42 to the Arkansas Highway and Transportation Department for the design and construction of the Highway 45/Old Wire Road Signal and Intersection Improvements Project.
Resolution 43-16 as recorded in the office of the City Clerk

Gulf Coast High Intensity Drug Trafficking Area Funding: A resolution to approve a budget adjustment recognizing funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of $136,992.00 for the Police Department.

Removed from the Consent Agenda for discussion

Alderman Marsh moved to accept the Consent Agenda as read with Gulf Coast High Intensity Drug Trafficking Area Funding removed from the Consent Agenda for discussion. Alderman Long seconded the motion. Upon roll call the motion passed unanimously.

The **Gulf Coast High Intensity Drug Trafficking Area Funding** item was pulled from Consent for discussion.

Gulf Coast High Intensity Drug Trafficking Area Funding: A resolution to approve a budget adjustment recognizing funding from the Gulf Coast High Intensity Drug Trafficking Area in the amount of $136,992.00 for the Police Department.

Alderman La Tour: I pulled this item to give a citizen a chance to speak.

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

Alderman La Tour: Is this money funding salaries or buying vehicles?

Greg Tabor: It funds officer overtime, there is an allowance for two vehicles, and allows for the purchase of evidence and information.

Chris Deile, Citizen: I am concerned about the public safety as it relates to the issue and specifically of people being court ordered to Alcoholics Anonymous or Narcotics Anonymous. It hasn't stopped DUI's. I don't think the punishment is severe enough. We need more severe laws. When court ordered people come to Alcoholics Anonymous they are told it is a spiritual program, but not religious. It in fact is religious. Alcoholics Anonymous is helpful in many respects, but religion is used in an infusive manner.

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

Resolution 44-16 as recorded in the office of the City Clerk

Unfinished Business: None

New Business:

In-House Pavement Improvements Project: A resolution to approve a budget adjustment reappropriating funds in the amount of $500,000.00 from the Willow Bend Development Cost Share Project to the In-House Pavement Improvements Project for 2016.

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

Mayor Jordan: Did this go through the Transportation Committee?

Alderman Petty: Yes, it did. We reviewed it in detail and there was unanimous support for it.

Mayor Jordan asked Alderman La Tour if he would like to speak on the item.

Alderman La Tour stated that if a lot of money is being spent, he would like for it to be discussed in a public forum instead of placing the item under the Consent section on the agenda.

Alderman Gray: I am delighted for us to do anything we can to help this project move forward.

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

Resolution 45-16 as recorded in the office of the City Clerk

Rescue Phone, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of a Crisis Response System from Rescue Phone, Inc. in the amount of $22,985.00 plus applicable taxes for use by the Police Department, and to approve a budget adjustment.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5844 as recorded in the office of the City Clerk

RZN 15-5268 (North of 812 S. College Ave./Cameron): An ordinance to rezone that property described in Rezoning Petition RZN 15-5268 for approximately 0.53 acres located north of 812 South College Avenue from NC, Neighborhood Conservation to RSF-18, Residential Single Family, 18 units per acre.

City Attorney Kit Williams read the ordinance.

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

Alderman Petty: I will be recusing from this vote. I filed this application and one of the owners of the property will be here tonight to answer your questions.

Zara Niederman, Owner: I am available for any questions you may have.

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

City Attorney Kit Williams read the ordinance.

Alderman Gray moved to suspend the rules and go to the third and final reading. Alderman Marsh seconded the motion. Alderman Petty recused. Upon roll call the motion passed 7-0.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Alderman Petty recused. Upon roll call the motion passed 7-0.

Ordinance 5845 as recorded in the office of the City Clerk

VAC 15-5277 (327 S. West Ave./Habitat for Humanity, Washington County): An ordinance to approve VAC 15-5277 submitted by Specialized Real Estate, Inc. for property located at 327 South West Avenue to vacate portions of street and alley rights-of-way.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and the Planning Commission are recommending approval.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5846 as recorded in the office of the City Clerk

VAC 15-5279 (660 W. MLK Blvd./Walmart Neighborhood Market): An ordinance to approve VAC 15-5279 submitted by CEI Engineering Associates, Inc. for property located at 660 West Martin Luther King Boulevard to vacate portions of utility easements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and the Planning Commission are recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5847 as recorded in the office of the City Clerk

VAC 15-5281 (1211 W. James St./Haven Campus Communities): An ordinance to approve VAC 15-5281 submitted by Blew and Associates, Inc. for property located at 1211 West James Street to vacate portions of utility and drainage easements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and the Planning Commission are recommending approval.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5848 as recorded in the office of the City Clerk

ADM 15-5270 (Southwest Corner of Persimmion and Mountain Ranch/Parkhill at Mountain Ranch PZD Modification): An ordinance to modify R-PZD, Residential Planned Zoning District 12-4284 (Parkhill at Mountain Ranch) to slightly reduce the total area and the number of lots and to replace an alley with shared driveways.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. Staff and the Planning Commission are recommending approval.

Alderman Long requested an explanation of replacing an alley with shared driveways.

Dave Jorgensen, Jorgensen & Associates: The reason for the revision to the PZD is that originally the owner had planned on taking the rear of some of the lots in Mountain Ranch Phase I. The new revision makes our west boundary line conform to the east boundary line of Mountain Ranch Phase I. This reduced that amount of property and also reduced the amount of lots that we have on there. In addition, we had complaints from some of the neighbors that they would prefer not to have an alley running the length of the property.

Alderman La Tour: Is it shared because everybody on that property line is going to be using the same driveway?

Dave Jorgensen: Correct.

Alderman La Tour: Does that become cumbersome at some point?

Dave Jorgensen: Sometimes it can be.

City Attorney Kit Williams: There are several shared driveways planned for this, aren't there?

Dave Jorgensen: Yes, on the new version. It is shared by two houses in the case of one or two of them and three houses in the other case. This is an access and utility easement. Problems can arise for a shared drive.

Alderman La Tour: Anybody who purchases in this development understands that they are taking it with a shared driveway.

Dave Jorgensen: Absolutely.

Alderman Long: There will be adequate parking for each house?

Dave Jorgensen: Yes.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5849 as recorded in the office of the City Clerk

Announcements:

Alderman Gray: There will be a Ward 1 meeting on February 4, 2016 at the Senior Center.

Jeremy Pate encouraged residents to fill out the Economic Development Strategic Plan survey that can be found on the city website.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:15 p.m.

Sondra E. Smith

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk Treasurer