

Alderman Adella Gray
Ward 1 Position 1

Alderman Sarah Marsh
Ward 1 Position 2

Alderman Mark Kinion
Ward 2 Position 1

Alderman Matthew Petty
Ward 2 Position 2



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

Alderman Justin Tennant
Ward 3 Position 1

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

Alderman John La Tour
Ward 4 Position 1

Alderman Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
March 1, 2016**

A meeting of the Fayetteville City Council was held on March 1, 2016 at 5:30 p.m. at the Ray Adams Leadership Center located at 1000 West Bulldog Avenue, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Alderman Tennant and Alderman Petty arrived at 5:36 p.m.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

In Recognition of the Fayetteville High School State Championships in Football, Golf, Cross Country, and Volleyball.

Mayor Jordan read a proclamation recognizing the Fayetteville High School State Championships in Football, Golf, Cross Country, and Volleyball. He stated the teams demonstrated character, talent, faith, and determination. He stated they have brought honor to the Fayetteville High School athletic program as well as Fayetteville citizens.

The Fayetteville High School coaches introduced players and expressed their appreciation for the honor.

City Council Meeting Presentations, Reports, and Discussion Items:

2015 4th Quarter Financial Report.

Paul Becker, Chief Financial Officer gave a brief summary of the 4th Quarter, 2015 Financial Report.

Agenda Additions: None

Consent:

Approval of the February 16, 2016 City Council Meeting Minutes.

Approved

Insituform Technologies, Inc.: A resolution to approve a one year contract extension with Insituform Technologies, Inc. in an amount not to exceed \$330,000.00 for sewer rehabilitation using cured-in-place sanitary sewer linings.

Resolution 50-16 as recorded in the office of the City Clerk

Hawg Dwellings, LLC: A resolution pursuant to Fayetteville Code of Ordinances section 39.10(C)(4) to authorize the Mayor to pay the amount of \$8,971.91 to Hawg Dwellings, LLC and \$7,936.56 to Servpro of Fayetteville/Springdale for a wastewater damage claim arising at 902 West Cleveland Street.

Resolution 51-16 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc. Supplemental Agreement No. 1: A resolution to approve Supplemental Agreement No. 1 to the contract with McClelland Consulting Engineers, Inc. for additional construction phase services associated with the Old Wire Road Sewer Main Replacement Project which will increase the total amount of the contract from \$228,644.00 to an amount not to exceed \$250,402.00, and to approve a budget adjustment.

Resolution 52-16 as recorded in the office of the City Clerk

Bid #16-19 T-G Excavating, Inc.: A resolution to award Bid #16-19 and authorize a contract with T-G Excavating, Inc. in the amount of \$2,373,333.00 for construction services associated with the Old Wire Road Sewer Main Replacement Project, to approve a project contingency in the amount of \$237,333.30, and to approve a budget adjustment.

Resolution 53-16 as recorded in the office of the City Clerk

HUB International Contract: A resolution to approve a one year contract with HUB International in the amount of \$13,000.00 with automatic renewals for three additional one year terms for the provision of insurance brokerage and consultation services.

Resolution 54-16 as recorded in the office of the City Clerk

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

Unfinished Business:

RZN 15-5240 (2514 W. Lori Rd./Razorback Golf Course): An ordinance to rezone that property described in Rezoning Petition RZN 15-5240 for approximately 128 acres located at 2514 West Lori Road from R-A, Residential-Agricultural; RSF-1, Residential Single Family one unit per acre; and RSF-4, Residential Single Family, 4 units per acre to R-A, Residential-Agricultural; RMF-24; Residential Multi-Family, 24 units per acre; NC, Neighborhood Conservation; and NS, Neighborhood Services, subject to a Bill of Assurance.

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

City Attorney Kit Williams read the ordinance.

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

Ron Caviness, Razorback Golf Course Owner stated he was there to answer any questions.

Hugh Jarratt, Representing the Potential Developer: There has been issues expressed with development in the floodplain. Floodplains are developed all day, and the issue that a floodway can't be developed is not true. Development can help flooding problems in that area.

At the last meeting I used some numbers for apartments and homes based on the Bill of Assurance. It comes to about 7,300 trips a day for traffic. Those numbers can be verified by city staff. There is no danger on Deane Solomon from the development in that area with the traffic improvements that will be required. Fayetteville needs apartments. There are a lot of people who work here and should be able to live here.

A discussion followed about infrastructure improvements.

Alderman Long: Since we are only talking about zoning, we can't consider infrastructure improvements.

Hugh Jarratt: I wouldn't be on that if it wasn't an issue that has come up.

Alderman Gray: I would like for Jeremy Pate to explain how development can help flooding.

Jeremy Pate: We generally do not allow development in the floodway and that is not proposed here. The floodplain has specific FEMA and city regulations. There is a lot of development within our floodplain. We have a Streamside Protection zone that provides a buffer for streams in the area. We believe the rezoning would provide the Enduring Green Network. Properties can be developed in the floodplain subject to certain rules. A development can improve flooding when detaining water where runoff is prevalent pre-development. A detention pond can reduce the velocity at which water goes into a stream. Development can provide for holding areas within the development itself. The reason this particular area of town floods is because it is so flat.

Alderman Gray: What you are describing are low impact development processes?

Jeremy Pate: Yes. That is what we encourage all developments to do.

Alderman Gray: How long have we been asking developers to do those kinds of things?

Jeremy Pate: The city has had detention, water quality, and flooding requirements for decades. The low impact development techniques are more recent, since around 2011. In the last year and a half, the City Council adopted a Drainage Criteria Manual which incorporated a lot of those low impact development techniques within the actual ordinance itself.

John Kester, II, 3037 North Azure Avenue suggested that the land be turned into a migratory bird sanctuary, city park, or remain a city golf course.

Alan Edmondson, Northwest Arkansas Land Trust: We own the 121 acre Wilson Springs Preserve adjacent to the proposed rezoning site. Wetlands provide ecosystem services that slow, hold, and filter stormwater runoff in the area. We are working to restore and maintain the former wet prairie ecosystem through partnerships with Arkansas Game & Fish Commission and U.S. Fish & Wildlife Service. The environmental impact of any rezoning should be carefully considered in this area of Fayetteville, which provides important ecosystem services to the city, such as slowing of stormwater, streambank erosion control, filtering of pollutants, wildlife habitat, and scenic assets that improve surrounding property values.

Alderman Kinion: Do you have an opinion on this specific item that we are considering for rezoning?

Alan Edmondson: We do not have an official opinion on the rezoning.

Mayor Jordan reminded everybody that the topic was about rezoning of the property.

Kyle Smith, 2801 West Dove Drive stated that change happens and he will adapt to it. He doesn't have a particular desire for this type of development, but he is also not opposed to it.

Sarah Lewis, Berry Street stated flooding is already happening in the area and the more development there is will put it at more risk. She stated it doesn't mean there should be zero development, it means that it is a highly sensitive area. There are techniques that as the Council considers this zoning, should be considered. She stated there are tools in place in the Drainage

Criteria Manual that can help. Some very specific techniques should be considered to protect those downstream home owners.

Alderman Tennant: I think this will be developed at some point. Would you be more concerned, less concerned, or equally as concerned if it was a development following the RSF-4 type scenario as some of the other developments down Mt. Comfort did?

Sarah Lewis: I would be equally concerned. Any increase in impervious surface in that area is going to cause an impact. We have good engineers and techniques in place, but this calls for some extra recognition of technical designs on this property.

Alderman Gray: Would a Bill of Assurance concerning low impact development meet our need?

Sarah Lewis: That would be one of the tools that should be considered.

Alderman Gray: We know that those follow the zoning. If this developer didn't develop and someone else bought it, they would still be tied to that. Is that correct?

Sarah Lewis: Exactly.

Alderman Kinion: When you look at this and the way it is proposed, there is high density on one end and then it goes less. Do you think that the way it is arranged is manageable, because it is putting the high density in one area?

Sarah Lewis: For the project or the zoning?

Alderman Kinion: The zoning.

Sarah Lewis: So, the zoning is denser further away?

Alderman Kinion: Yes

Sarah Lewis: That is a good technique. The whole property has issues because that area is flooding already. Breaking up that impervious surface is going to be key in ensuring the water is slowed down.

Aubrey Shepherd stated each impervious surface will endanger property downstream.

John Calhoun, 3243 Raven Lane stated he is not against RMF zoning or apartments in general. He believes this specific project is lacking in planning. He spoke in opposition of the rezoning.

Jim Irwin, 2925 West Topaz stated his concerns about the road and flooding. He is not against the development of the property, but believes it is not a good plan for this property. He spoke in opposition of the rezoning.

Terrell Bowen, 3084 North Harrier Drive spoke in opposition of the rezoning.

Craig Smith, 3145 West Salem Road stated that the infrastructure is the primary problem and spoke in opposition of the rezoning.

Zach Hulett, 2570 West Vanike Drive addressed his concerns about flooding and traffic. He spoke in opposition of the rezoning.

Carly Grace, Ward 4 stated she isn't against development, but spoke in opposition of the rezoning. She believes infrastructure in the area should be the main reason City Council votes against the rezoning.

Alderman Kinion: You were at all the Planning Commission meetings and are well versed in the discussion of all the different zoning classifications. The Planning Commission did not vote for RMF-24. Do you have an opinion on that discussion specifically and how it relates to this?

Carly Grace: This is a great piece of property. It will probably be developed and there will be higher density than there is currently. The neighbors in the area are open to NC and NS zoning. RMF-24 is a huge jump from RSF-4. I am for Multi-Family housing, but we are not in a land shortage. It would be irresponsible to rezone this land.

John Thorn, 2319 West Wolf Run Drive voiced his concern about safety and traffic. He spoke in opposition of the rezoning.

Wes Berry, 2875 West Topaz stated his concern about flooding and safety. He spoke in opposition of the rezoning.

Robert Rhoads, Law Firm of Hall Estill stated he was representing four neighborhood Property Owners Associations. He spoke about traffic issues and believes a traffic study should have been done. He stated that that the project is not compatible and spoke in opposition of the rezoning.

Amanda Craig, 2372 Crane Court stated her concern about safety and infrastructure. She spoke in opposition of the rezoning.

Alderman Gray: I've struggled with this decision. I generally have been supportive of Lindsey Developments. I am not going to be able to be supportive of this development due to drainage and flooding. I spoke with Mr. Jarratt and asked him for the possibility of some Bills of Assurance regarding low impact development. We did not get those. The traffic and infrastructure problems are huge and I hear no commitment from anyone about any infrastructure improvement. There are other parts of town where property is available and traffic is not so bad. Traffic in Ward 4 is unbelievable. I can't support this particular development.

Alderman Kinion: City staff and I attended a Stormwater Management Consortium meeting for Northwest Arkansas. We understand that there is peril in managing the stormwater runoff at the headwaters of the creeks here in our city. This is the headwaters of Clabber Creek. The higher you go, the more important it is to manage that runoff. There are ways to manage it with low impact development. Our engineering standards we have currently do not guarantee that there is low impact at the headwaters that we have to manage in the long run. With new standards proposed by

the ADEQ and EPA, we don't know what we are going to have to meet in the future and how we are going to have to treat that. Currently, all stormwater in the City of Fayetteville runs directly off the impervious surfaces into a drainage system, directly into the creeks.

We are going to have more demands on us in managing the quality of water at it goes into the streams. Form Based Codes are so important. It will be important that we develop our codes to meet the management of these expectations of State and Federal guidelines. We don't have them right now, but we know they are coming. There are patterns already in place in other communities that we can look at in the future that are not expensive. It will be a paradigm shift in the way we look at engineering. I can't support this. I would like them to come back with a Bill of Assurance with low impact development.

Alderman Marsh: I second Mark's comments regarding the watershed and that is the reason I can't support this proposal. I like the idea of Neighborhood Services along Deane Solomon Road. I take issue that it's not bikeable, because I bike it all the time. I like the idea of having a little more density along that corridor as well as some variety of housing types. I would love to see a PZD proposing row houses up and down that street with accessory dwelling units in the back to provide some apartments. We have a lot of low wage jobs developing along this corridor and if we are going to have low wage jobs, we have to have low cost housing. I hope the developer will come back with another proposal with a Bill of Assurance or submit this as a PZD so we can fine tune the stormwater issue.

Alderman Tennant: I struggle with this because a few years ago we had a piece of property I made a huge deal about that the owner should be able to sell his property. It turned into apartments and the big difference in where that was and the connectivity in and out of those places, is totally not here. I spent time out there and I went to the north end of the intersection and it is terrible. Adding hundreds of cars to that doesn't make it any better. I would be in support of some sort of development. I hate it for the owner of this property that he can't take advantage of this opportunity to sale his land. I'm hopeful that someone will invest enough to make this work at some point. I can't agree with this zoning.

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 7-1. Alderman Kinion voting no.

Alderman Kinion: I voted no to go to the third and final reading because I want the developer to have the opportunity to come back with a better Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Alderman Long voiced his appreciation of everyone's perspectives. He stated he would like to let them come back with something else.

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

This ordinance failed.

Amend §72.58 Off-Street Parking Facilities; Rules and Rates: An ordinance to Amend §72.58 Off-Street Parking Facilities; Rules and Rates (M) to limit the Mayor's authority to assign any City owned paid parking lots, on-street paid parking spaces or the closure of city streets for the use of a permitted special event to not more than two (2) days per year without express approval of the City Council.

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Tennant seconded the motion. Upon roll call the motion passed 7-1. Alderman La Tour voting no.

City Attorney Kit Williams read the ordinance.

Alderman Marsh gave a brief description of the ordinance. She believes that public input should be welcomed on events. She spoke about responsible tourism. She stated the ordinance was initiated by local business owner Cary Arsaga. She would like the ordinance to cover the entire city, not just the Downtown area. She stated it would exempt events such as the Farmer's Market and First Thursday because they are authorized by a separate ordinance.

Alderman La Tour: Why do we give special treatment to these groups and why do they get special ordinances and no one else does? Is that equal protection of the law?

Alderman Marsh: They were already exempt by previous ordinances.

Alderman La Tour: We are the City Council and we can exempt anyone we want too, correct?

City Attorney Kit Williams: I suggested this to Alderman Marsh. When she wanted to expand this city wide I knew we had other established groups that had been authorized by City Council ordinances to operate along the Square for the Farmer's Market. This was already in our Code of Ordinances and we didn't need to go back and try to change that. This also applies to First Thursday and Lights of the Ozarks. Their impact is limited primarily to the Square.

Alderman Marsh: When those were authorized by code, they went through the same process with three readings in front of the City Council. We are applying the same vetting process to other large scale events.

Alderman La Tour: I can't support any ordinance that will discriminate against certain groups and preference for other groups.

Alderman Marsh moved to amend the ordinance to include the entire city, not just the Downtown. The motion died for lack of a second.

Alderman Marsh stated more oversight is needed for events.

Cary Arsaga, Local Business Owner stated that the ordinance was not started to kill Bikes, Blues & Barbeque. He stated there is a common belief that if you bring more people into the city that it helps all businesses, but that is not the case. He would like for there to be a public forum so small businesses can come forward and let City Council know how it affects them. He doesn't believe this ordinance would cause over regulation. He believes the ordinance is a reasonable and measured request that will help Fayetteville manage future festivals.

Alderman Kinion: This is being presented as an Off-Street Parking Facilities and Rules type change in our ordinance. I would like to amend this to read that it goes to the Transportation Committee with the opportunity to be appealed to City Council. This is more in line with the way that we handle our zoning by having a Planning Commission that is informed of the implications.

Alderman Kinion: We have received correspondence that this is a Bikes, Blues & Barbeque killer.

Alderman Marsh: This is not about killing Bikes, Blues & Barbeque. This is about taking an event and reining it in.

Alderman Kinion: In order to take that implication out of it and if we want this to be an Off-Street Parking Facilities ordinance, then we should give this opportunity to a committee that manages our transportation.

Cary Arsaga: Is that permitted?

City Attorney Kit Williams: This is just a general idea right now.

Alderman Long: This could mirror the appeal process that the Planning Commission has where a City Council member could appeal within one week's time any permit to the entire City Council. My concern with the amendment that you are offering is that the Transportation Committee only meets once a month, where the City Council meets twice a month.

Mayor Jordan: The Transportation Committee can call a meeting any time they want by the Chair.

Alderman Long: With our schedules it could be difficult.

Alderman Kinion: I want to take the implication out that we are targeting an event.

Alderman Long: I agree.

Alderman La Tour: Alderman Kinion, if you want to take the idea out that we are targeting a specific event, why don't we exempt that event?

Alderman Kinion: Perhaps we should send this to the Ordinance Review Committee for further review.

Mayor Jordan invited the public to speak about the possibility of the ordinance going to the Ordinance Review Committee.

Laura Phillips, 2055 South Cline spoke in favor of the ordinance being sent to the Ordinance Review Committee.

A discussion followed about what the Ordinance Review Committee does when reviewing an ordinance and how they hopefully can come up with a possible solution and compromise to present to City Council.

Kenneth Morton: I have no objection of it going to the Ordinance Review Committee. This may put us in a situation where we have to do something else because we are in the process of taking deposits for vendors. Vendors are planning trips. The people that bring big events in plan way out in advance. We aren't threatening, but you put us in a liability situation because this came up late and these people plan from six to nine months out in advance. I ask that if you do take it to the Ordinance Review Committee that you do it for the next year.

Mayor Jordan: Are you opposed to it going to Ordinance Review?

Kenneth Morton: I'm not opposed to it going to Ordinance Review in the long run.

Mayor Jordan: You are opposed to it right now?

Kenneth Morton: If it can be done fairly soon. Our concern is we are already signing contracts with people on certain locations. We have to notify them if we shift it somewhere else.

Alderman Long: Have you all put in your application yet for this year?

Kenneth Morton: It is in.

Tommy Sizemore, Executive Director of Bikes, Blues & Barbeque: People are able to contact the Mayor or their Alderman. When we turned in our application, it is vetted by many city offices and everybody has input. We don't see any reason to change the current system because it works quite well.

Alderman La Tour: Mr. Morton and Mr. Sizemore have to make business decisions and they now don't know if they will be able to be in Fayetteville. It injects an element of risk into the decision making process. It stifles their ability to function.

Mayor Jordan: I don't disagree with you, John.

Alderman La Tour: I don't see the big need for this. Mayor Jordan has an open door policy. If the people who make the decisions on these permits are not doing a good job, the public has ample opportunity to voice their opinions.

A discussion followed about electing a new chair every year for committees.

City Attorney Kit Williams: Until this ordinance is actually amended, the current code section is in effect with the Mayor having the power to approve it. If a decision is not made by City Council by the next meeting, the permit will probably be decided by the Mayor.

A discussion followed about when a meeting could be held for the Ordinance Review Committee.

Kendall Curlee, 524 Prospect Street: When it goes to Ordinance Review, is there public comment at that time?

City Attorney Kit Williams: It is the decision of the Chairman of the Ordinance Review Committee to decide that.

Kendall Curlee: I would hope there would be an opportunity for the public to have some input.

City Attorney Kit Williams: You would have public comment at the City Council meeting after they make their recommendation.

Tom Overbey, 211 North Block: Bikes, Blues & Barbeque typically applies in March. The permitting process is typically not finished until August.

Kenneth Morton: We have never had this issue before. We haven't been concerned about any liability because it has always been adopted by the city. I know there is risk at that, but now we know there is serious risk of putting us in a situation and we need a quick decision.

Cary Arsaga: They are talking about their contracts and how it impacts the city and your relationship. I've lost money every year for 16 years. Everybody in Fayetteville has something to lose.

Alderman Kinion: The reason I suggested that it go to Ordinance Review is because we have received so much correspondence that doesn't relate specifically to what we are considering. There is a public concern about how we manage this. I hope we can come up with a compromise where there is input from the community and a fair balance in the impact of the economy.

Alderman Gray: My greatest concern about this ordinance is if we have to go through this process with every event and festival that people do not know how to plan. These festivals require quite a bit of planning. If there is a process and they don't know if they are going to be approved or not, that is the biggest problem I see with this ordinance.

Alderman Marsh stated she included some evaluation criteria to be discussed at the Ordinance Review Committee. She requested everyone to be respectful as the conversation continues to move forward.

Alderman Petty: I encourage everyone to submit your comments before the Ordinance Review Committee meeting as to what specific changes or considerations you would like this ordinance to include. Right now we have a catchall ordinance. The idea that Council approval rest on this kind of catchall is the biggest weakness in the proposal.

City Attorney Kit Williams: Please send them to my office due to FOIA regulations. I will try to compile them and send them out.

Alderman Long stated he didn't want the discussion at the Ordinance Review Committee to be about one festival. He believes it needs to be a fair and generalized discussion of the way practices are done in Fayetteville.

Alderman Marsh moved to send the ordinance to the Ordinance Review Committee. Alderman Kinion seconded the motion. Upon roll call the motion to send to the Ordinance Review Committee passed 7-1. Alderman Gray voting no.

Alderman Gray stated she voted no to send it to Ordinance Review Committee because she isn't sure when she can meet and will not be in attendance at the March 15, 2016 City Council meeting. She requested that the decision to be delayed until the first meeting in April. She expressed her desire to be able to vote on the issue.

City Attorney Kit Williams briefly described parliamentary procedure.

Alderman Gray moved to table the ordinance to the April 5, 2016 City Council meeting. Alderman Long seconded the motion. Upon roll call the motion to table passed 6-2. Alderman Marsh and Alderman Petty voting no.

This ordinance was left on the Second Reading and tabled to the April 5, 2016 City Council meeting.

New Business:

AIT Services, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of spare parts for the thermal drying unit located at the Biosolids Management site from AIT Services, Inc. in the amount of \$65,371.50 plus applicable taxes, to approve a project contingency in the amount of \$7,174.52, and to waive the requirements of formal competitive bidding for future purchases of parts and repair services through December 31, 2018.

City Attorney Kit Williams read the ordinance.

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

Alderman Kinion: This was discussed by Water, Sewer, and Solid Waste.

Alderman La Tour: How do we save money by waiving our bid requirement?

Tim Nyander: We are saving money by being able to order the parts now from a sole source provider. If the thermal drying unit goes down, we have to pay landfill tipping fees for our sludge because it is not dry.

Alderman La Tour: The bidding process guarantees the people of Fayetteville that they are getting the best price they can on this product or service. Without the bidding, how do we assure citizens we are getting a good deal?

Tim Nyander: There is only one bidder for this product. It is a sole source provider.

Alderman La Tour: They have a monopoly on that market?

Tim Nyander: Yes.

Alderman La Tour: We have no choice.

Tim Nyander: That is correct.

Mayor Jordan: They are the only one who makes the part.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5854 as recorded in the office of the City Clerk

Laserfiche Document Management System from MCCI, LLC Additional Software User Licenses: An ordinance to waive the requirements of formal competitive bidding and authorize the purchase of additional Laserfiche user licenses, the Laserfiche forms module, annual software maintenance, and future software and service needs through the end of fiscal year 2017 from MCCI, LLC in an amount not to exceed \$235,000.00 plus applicable taxes.

City Attorney Kit Williams read the ordinance.

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

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

City Attorney Kit Williams read the ordinance.

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 thanked Keith Macedo and Augusta Branham, Web Content Manager for their work on the project.

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

Ordinance 5855 as recorded in the office of the City Clerk

RZN 15-5293 (701 E. Huntsville Rd./Rose Bauer): An ordinance to rezone that property described in Rezoning Petition RZN 15-5293 for approximately 36.25 acres located at 701 East Huntsville Road from RSF-4, Residential Single Family, 4 units per acre to CS, Community Services; NC, Neighborhood Conservation and R-A, Residential-Agricultural and subject to a Bill of Assurance.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Director of Development Services gave a brief description of the ordinance. A Bill of Assurance has been offered to preserve green space purposes. Staff recommends approval. The Planning Commission voted in favor 7-2.

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.

Alderman Long: Is it common practice for a testamentary trust to be able to sign a Bill of Assurance?

City Attorney Kit Williams: The owner is supposed to sign it. I imagine the owner must be the testamentary trust.

Alderman Long: The person who signed the Bill of Assurance is a different name than the trust.

City Attorney Kit Williams: The person that signed says he's the trustee. If he is the trustee, then he can sign for the trust.

A discussion followed about proper procedure for the signature of the Bill of Assurance.

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

Ordinance 5856 as recorded in the office of the City Clerk

RZN 16-5299 (4170 W. MLK Blvd./Calypso Properties): An ordinance to rezone that property described in Rezoning Petition RZN 16-5299 for approximately 3.4 acres located at 4170 West Martin Luther King Boulevard from RO, Residential Office to UT, Urban Thoroughfare.

City Attorney Kit Williams read the ordinance.

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

Ben Israel, 4477 West Wedge Drive stated he was representing the applicant. He gave a brief description of the surrounding property in the area.

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.

Alderman Marsh thanked the applicant for choosing a Form Based Zone.

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

Ordinance 5857 as recorded in the office of the City Clerk

West Avenue Parking Lot Development Consideration: A resolution to express the City Council's intent to consider proposals for the development and improvement of the City's 2.8 acre property at the Southwest corner of West Avenue and Dickson Street currently used as the West Avenue Parking Lot.

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

Alderman La Tour: Where is the closest stream in relation to this parking lot?

Jeremy Pate: The closet stream is directly underneath it.

Alderman La Tour: On one of the edges, the stream comes out, right?

Jeremy Pate: The stream flows from the intersection of Dickson and West. It flows in a southwest manner diagonally across the property. It is contained underground until it gets to Center Street and that is where it daylights out. Any proposal is going to have to take that in consideration as they look at development of that property.

Alderman La Tour: We have been talking about not developing other land because there are some streams nearby and now we are building right on top of one.

Mayor Jordan: No. We are bringing a study for you to look at.

Alderman Kinion: That is old infrastructure that needs improvement and this might give us the opportunity for improvement.

Alderman La Tour: Let's be consistent. I'm shocked that we are building on top of a stream.

A discussion followed about the stream and developing the parking lot.

Mayor Jordan: I didn't go through the paid parking issue and build a deck to lose parking spaces. We are looking at proposals.

Alderman Marsh: I am glad to see this moving forward. That is one of the most valuable pieces of property in Northwest Arkansas. It is underutilized as a parking lot. This is a great opportunity for us to bring new residents and businesses into our Downtown. I hope we reserve space for a regional transit hub. Rather than seeing this as some mega project, I'd like it to be broken into smaller parcels for an incremental approach. Dickson Street was historically developed as small store fronts. That is what gives the architecture and urban fabric richness. I would like us to give

preference to a long term lease of the property rather than taking that out of the hands of the citizens. Selling the property would be irresponsible for us.

Alderman Petty: When I voted for the paid parking program, I talked publically that building the parking garage was like moving a chess piece out of the way so we can do something else. The time has come to start talking about that something else. As parking goes forward, I appreciate your stance Mayor that you don't want to reduce spaces. It would be difficult to dial up the knob on this site with regards to parking capacity without having to turn down other knobs in regards to the quality of open space or quality of the buildings and what they give back to the community. If we look across the entire Downtown zone, we have some obvious inefficiencies in our current parking system. We have hardware and software issues that need corrected. Projects of this size usually come with off-site improvements that we can leverage from making some of these changes.

In regards to the use of the site for open space, we need some guidance for the needs of festivals and open space in Downtown. It is vital that we recognize the economic and social value of having open space that is available for the public to use in the Downtown area. There is an opportunity to turn this lot into a legacy project for Fayetteville. The design team would have to be international in caliber. I support an incremental approach. The Transportation Master Plan study would impact this and hopefully there will be a study of our parking systems. I hope we get a range of RFP's to end up with the best solution for Fayetteville.

Bob Nickel, Realtor: I would like a delay in a Request for Proposals. Once you set that in motion there are going to be a number of people to come up with proposals. We need better knowledge about what impact TheatreSquared and the Walton Arts Center additions are going to have in that area. This is a key piece of property and it will be worth more five years from now, than it is today. I encourage you to discuss this more, do some studying, and not pass the resolution tonight.

Janet McMullen, 916 Eva: If the parking lot goes away immediately, there will be no center stage or a place for vendors. The parking garage will not be able to replace a flat lot. Are you trying to eliminate Bikes, Blues & Barbeque and other festivals that bring revenue to our community? More research is needed.

Hunter Hanes: I appreciate that this has been brought forward as a possible opportunity for an RFP. I would be one of the parties that will be interested in participating in the study.

Alderman Long: It is going to be important to get the information from the RFP's to see what we get back.

Alderman Long 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 during the vote.

Resolution 55-16 as recorded in the office of the City Clerk

2016 Employee Compensation: A resolution to approve a budget adjustment in the amount of \$1,220,000.00 to fund the city-wide 2016 Employee Compensation adjustment, and to approve a certification pay plan for sworn police personnel.

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

Alderman Marsh: Where does this put our lowest paid employees? Are we getting them up to a reasonable salary?

Paul Becker: It depends what a reasonable salary is. Our lowest paid employees currently make \$11.80 per hour. This would increase those salaries by 4%.

Alderman Marsh: What about our \$9 an hour parking attendants?

Don Marr, Chief of Staff: They start at \$10 an hour.

Alderman Marsh: Good, we raised that.

A discussion followed about employees' hourly rate being brought up to \$13 an hour and the cost associated.

Alderman Marsh: I have a problem with working people living in poverty, especially our city employees. I know they do a really good job for us. A lot of times it is the lowest wage workers that are subjected to dangerous working conditions. What are the Council's thoughts on spending a little bit more?

Don Marr, Chief of Staff: The city does a comprehensive compensation and benefits salary survey, which we do every four years. We will be going to market to evaluate all of our jobs and benchmarking those positions in pay against comparable cities in Northwest Arkansas. I encourage the Council to make sure and look at the data on where we come in at before making a decision.

Alderman Long: What percentage of our total budget is dedicated to HR cost?

Paul Becker: In the General Fund it is 82% to 84%.

Alderman Long: While I am sympathetic, we have to look at what we have and do the best that we can to provide for our employees that work hard. The Mayor has brought forward a very reasonable proposal for now.

Alderman La Tour agreed with Don Marr's comments about relying on surveys. He stated that geographical market information has to be used and not an emotional decision. He supports the current increase for employees.

Mayor Jordan: We are going into the salary survey this year and we will have a much better idea in the fall.

Paul Becker: The last time we had a salary survey we concentrated on the lower end of the salary positions.

Alderman Marsh: In this region we have a lot of low wages. Our housing cost are rising, we have record high occupancy of apartments, and our transportation cost are exceeding the cost of housing. I want us to be sensitive to taking care of our workforce and making sure we aren't part of the problem.

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

Resolution 56-16 as recorded in the office of the City Clerk

Announcements:

City Attorney Kit Williams stated the Uniform Civil Rights Protection ordinance was upheld in court and complied with Act 137.

Don Marr, Chief of Staff thanked the Fayetteville Public Schools for allowing the City of Fayetteville to use their space while City Council Chambers are being remodeled.

The next City Council meeting will be at the Washington County Quorum Court.

The Bulky Waste Cleanups begin the month of March.

Mayor Jordan thanked Kit Williams for his defense of the Uniform Civil Rights Ordinance. He was also recognized for his 15 years of service to the City of Fayetteville.

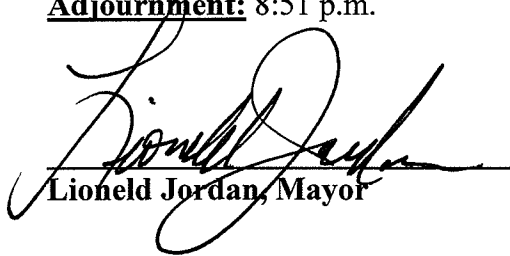
City Attorney Kit Williams stated his appreciation for being able to serve the citizens of Fayetteville.

City Council Agenda Session Presentations:

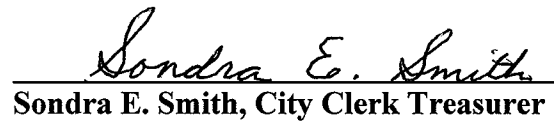
Agenda Session Presentation Recycling and Trash Update for Recycling Pilot Projects - Brian Pugh

City Council Tour: None

Adjournment: 8:51 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer