

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**City of Fayetteville Arkansas
City Council Meeting Minutes
July 16, 2013**

A meeting of the Fayetteville City Council was held on July 16, 2013 at 6:00 PM 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, Alan Long, &, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Rhonda Adams

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

2012 Audit Report:

Paul Becker, Finance and Internal Services Director introduced Dan Barron, a partner with Grant Thornton as a new auditor for the city and stated BKD was the previous auditor for eight years. Mr. Becker stated that the city received a clean opinion of the financial statements for the city. The document was given on disc to City Council and posted online for public inspection. It was a positive year for the city. Alderman Gray is on the Audit Committee as the council representative. The auditor did make a full report to the Audit Committee.

Agenda Additions:

Alderman Long moved to add the **Arkansas Highway Commission-Highway 265 Improvement Project** resolution to the agenda. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Adams** was absent.

Arkansas Highway Commission-Highway 265 Improvement Project: A resolution to thank the Arkansas Highway Commission for the Highway 265 improvement project and to request that full precautions for watershed protection are taken adjoining Lake Fayetteville Park.

Alderman Long: We discussed this at the Water and Sewer Committee. We had been receiving quite a few emails from various constituents concerned about the construction taking place around the area of Lake Fayetteville. This is the secondary water source for the City of Fayetteville and we want to protect that watershed. We want to let the Highway Commission know that the City of Fayetteville would like them to follow our standards for our watershed and even though we can't force them to do that, we can at least ask that they follow our standards.

Chris Brown, City Engineer: You received an email from me and I would like to reiterate a couple of points I made in the email. I contacted the resident engineer, the local highway representative, and he worked with the contractor to get the burning stopped. A representative from ADEQ also came out and took a look at what was going on. They upgraded some of their systems they had in place. On a previous project south of this project there was some extensive work that had to be done, but we worked with the Highway Department to repair it. They are refraining from mowing that area and they are protecting that area for us. The local office has been very responsive any time we contact them with a concern.

The Highway Department has standard specifications and a section that refers to water quality. The laws are in place to protect the water quality at Lake Fayetteville. I feel this resolution could damage the relationship that we now enjoy with the Highway Department. I do not believe we need this resolution to get the results we are looking for there.

Alderman Kinion: This was brought forward unanimously by the Water and Sewer Committee. It was in response to a public request. We respect our relationship with the Highway Department and this is in no way a disrespectful note. It says that in the City of Fayetteville we have a commitment to our watershed. We have shown this through our Streamside Protection and Hillside ordinance. We would like to thank the Highway Commission for the work they do and out of mutual respect ask them to realize that Fayetteville is very forward thinking and we want to protect the watershed, streams and lakes.

Alderman Tennant: If I was on the Water and Sewer Committee, I don't think I would have voted for this, not because I want Lake Fayetteville to be destroyed, but I am worried what message this sends. I agree with Chris that this could send the wrong message. The system that we have in place works and I do not like tampering with a system that is in place. ADEQ is there for a reason, they aren't perfect, but for us to essentially tell them that we want to remind them that things are important to us, I have a real problem with that. It sends a wrong message and I don't think it is necessary.

Alderman Long moved to approve the resolution. Alderman Marsh seconded the motion. Upon roll call the resolution passed 5-3. Alderman Long, Marsh, Kinion, and Petty voted yes. Alderman Gray, Tennant and Schoppmeyer voted no. Mayor Jordan voted yes to pass the resolution. Alderman Adams was absent.

Resolution 155-13 as recorded in the office of the City Clerk.

Consent:

Approval of the July 02, 2013 City Council meeting minutes.

Approved

H & H Directional Boring, Inc.: A resolution to approve a construction contract with H & H Directional Boring, Inc. in the amount of \$217,000.00 for bores across the White River to repair water main damage, plus a \$20,000.00 contingency and the attached budget adjustment.

Resolution 156-13 as recorded in the office of the City Clerk

Bid #13-29 Donelson Construction, Co.: A resolution to award Bid #13-29 and approve the contract with Donelson Construction Company, LLC in the amount of \$195,050.00 plus a contingency of \$19,505.00 for Asphalt Micro-surfacing of city streets.

Resolution 157-13 as recorded in the office of the City Clerk

Garver, LLC Amendment Number 2: A resolution to approve Amendment Number 2 to the contract with Garver, LLC for construction phase services for the Frisco Trail extension project in the additional amount of \$109,100.00.

Resolution 158-13 as recorded in the office of the City Clerk

Internet Crimes Against Children Task Force Grant: A resolution authorizing acceptance of the second continuation subgrant of the non-matching 2010 Internet Crimes Against Children Task Force Grant in the amount of \$11,824.19, and approving a budget adjustment.

Resolution 159-13 as recorded in the office of the City Clerk

2012-2013 Edward Byrne Memorial Justice Assistance Grant: A resolution authorizing acceptance of a continuation of the 2012-2013 Edward Byrne Memorial Justice Assistance Grant for funding of the Fourth Judicial District Drug Task Force for the 2013-2014 grant period in the total amount of \$197,333.59.

Resolution 160-13 as recorded in the office of the City Clerk

George Nunnally Chevrolet of Bentonville: A resolution approving the purchase of seven (7) Chevrolet Tahoes from George Nunnally Chevrolet of Bentonville, pursuant to a state procurement contract, in the total amount of \$175,651.00.

Resolution 161-13 as recorded in the office of the City Clerk

Center Point Contractors, Inc. Change Order No. 1: A resolution approving Change Order No. 1 to the contract with Center Point Contractors, Inc. to remove construction of a fire suppression system resulting in a \$33,000.00 cost reduction to the City for the project and approving cancellation of a \$33,000.00 promissory note from NFlight Technology, Inc. issued to secure its payment obligation for construction of the system, and approving a budget adjustment.

Resolution 162-13 as recorded in the office of the City Clerk

Alderman Tennant moved to approve the Consent Agenda as read. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Adams was absent.

Unfinished Business: None

New Business:

Bid #13-34 Boulder Construction, Inc.: A resolution to award Bid #13-34 and approve a construction contract with Boulder Construction, Inc. in the amount of \$1,415,423.95 plus a project contingency of \$70,771.20 for the construction of the Frisco Trail extension and to approve a budget adjustment in the amount of \$1,248,000.00.

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

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

Resolution 163-13 as recorded in the office of the City Clerk.

VAC 13-4402 (2111 Martin Luther King Boulevard/Panda Express): An ordinance approving VAC 13-4402 submitted by Lorel Hoffman for property located at 2111 Martin Luther King Boulevard to vacate a portion of a water and sewer easement, a total of 0.01 acres.

City Attorney Kit Williams read the ordinance.

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

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 Adams was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Adams was absent.

Ordinance 5599 as recorded in the office of the City Clerk.

VAC 13-4421 (100 W. Dickson Street/Collier's Drug Store): An ordinance approving VAC 13-4421 submitted by Karen King for property located at 100 West Dickson Street to vacate a 15-foot wide alley located on the northern portion of the Collier's Drug Store site.

City Attorney Kit Williams read the ordinance.

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

Alderman Kinion: I want to refer to some of our older neighborhoods where we vacated alleys at one time because we saw no reason to have the alleys, then there were parking situations and we wish we had the alleys. It is an unintended consequence of growth. Once you vacate an alley it is gone, but this is a different situation because it is not in a residential area.

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 Adams was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Adams was absent.

Ordinance 5600 as recorded in the office of the City Clerk.

ADM 13-4420 (Oakbrooke PZD Phase 1): An ordinance amending a Residential Planned Zoning District entitled R-PZD 05-1463 Oakbrooke Phase 1, to revise the concept plan and allow the construction of an alley to serve Lots 1-17.

City Attorney Kit Williams read the ordinance.

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

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 Adams was absent.

City Attorney Kit Williams read the ordinance.

Alderman Schoppmeyer: I would like to say in full disclosure that the land owner/developer is my current landlord for Haas Hall Academy and is in the fifth year of a five year lease with Tracy Hoskins. It's not going to affect the way I vote. I wanted it known that we have a relationship.

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 Adams was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Adams was absent.

Ordinance 5601 as recorded in the office of the City Clerk.

ADM 13-4397 (Oakbrooke PZD Phase III): An ordinance amending a Residential Planned Zoning District entitled R-PZD 09-4397 Oakbrooke Phase III, to revise the concept plan and zoning criteria, reducing the number of dwelling units in Planning Area I from 28 to 24 and in Planning Area III from 76 to 58, and adjusting alley ways.

City Attorney Kit Williams read the ordinance.

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

Tracy Hoskins, developer of project stated that he was available to address any questions.

Alderman Petty: Are these changes a reflection of what you think the market wants today compared to the last round of changes or is it deeper than that?

Tracy Hoskins: A lot of the 2010 changes were to increase the density and the market has changed. We have run into site challenges such as trees and so by widening the lots we have more room to build. As far as the density, we are decreasing the density in the heart of the development and increasing the density out closer to Ruppel Road. The design of those lots was actually approved in Oakbrook III PZD in 2010. Basically, this is housekeeping to set those lot lines in stone. We also did a modification in 2012 where we lost the opportunity to do some cottage style housing and so we are regaining that across the street on the south side of Starry Night to be able to put more affordable houses.

Jeremy Pate: For the record, Tracy is a Planning Commissioner and he recused himself at the Planning Commission meeting about these items.

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 Adams was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Adams was absent.

Ordinance 5602 as recorded in the office of the City Clerk.

National Revenue-Neutral Carbon Fee and Dividend Support: A resolution to support a National Revenue-Neutral Carbon Fee and Dividend in order to help slow climate change.

Alderman Marsh: The statistics and information about global climate change that I will be presenting came from peer reviewed science that you can find at climate.nasa.gov which is NASA's website. Alderman Marsh stated research findings, definitions and descriptions regarding climate change.

This legislation is designed to put us on the path to a sustainable climate by reducing our greenhouse emissions and transitioning us to a clean energy economy. It starts by a setting a goal of reducing emissions to 80% below 2005 levels by 2050 and an incentive to transition through the implementation of carbon fee while mitigating the impacts on citizens through a payment of a dividend. This resolution has been endorsed by the Fayetteville Forward Green Economy

Group, Omni 350, Citizens Climate Lobby and the Environmental Action Committee. By passing this resolution it is my hope that we send a strong message to national leaders that we demand action to address the root causes of global climate change and to see a shift towards building a more resilient nation.

Alderman Gray: I think this is an excellent thing. I know that some people feel that we should not be involved in this kind of action, but personally I agree with everything Alderman Marsh has said. I certainly support the Omni group and their research. I think this is a good action for the City of Fayetteville.

Alderman Tennant: I don't doubt at all Alderwoman Marsh's sincerity in her efforts. I believe that she believes that this council should use our positions to push items like this and obviously Alderwoman Gray does as well. I disagree with it. This is a statement. It does not mean anything to anybody except we are making a statement that we think this might be a good idea.

This item is too much of a stretch for me to justify, not because I want carbon emissions all over the place and the world to be destroyed. We are doing a lot of things right in this country and I am glad we are. For me to vote on this I would want more experts to speak to me and give me reasons to support it. This is not a statement that the Fayetteville City Council should be making. This is a good idea for elected officials at a national level and even the state level, but not us. I won't vote for it. I will abstain from the vote.

Alderman Long: I think this statement means something. It means we want our representatives at the national level to work on a solution. I think it shows that Fayetteville cares about this issue.

Alderman Petty: I think words matter and the lack of words matter just as much. I think it is important to take a stand when we are asked, even if action is symbolic, because words matter. As fossil fuel prices go up we can use the funds to generate alternatives. The beauty of this is that it only hurts the producers, because the dividend comes back and all the cost that is passed on to the consumers comes back to them in the form of dividends. No one should be able to pollute for free.

Joanna Pollock: It seems that we are turning some tide in terms of public understanding on climate change. We are finally getting to the point where we don't have to argue about whether or not the climate science is real. This is one of the most pressing issues of our time and it is important that the City Council addresses the issue through a symbolic resolution, because it is time to take a stand. This type of a policy is a fee at the source of the green house emissions. It does gradually increase over time, but the way it is set up with the fee and dividends system, it would be a progressive tax. It gives money back to the citizens. A tax of \$20.00 per ton of carbon dioxide would increase gas prices by about twenty cents per gallon.

Kelly Mulhollan: Although it is symbolic, it is not trivial. It is the greatest challenge of our society and this is exactly the right message we need to hear. This country is strewn with environmental organizations trying to get this accomplished. We desperately need our leaders to stick their neck out and do the right thing. This is a stable idea.

David Orr: I am speaking in support of the resolution. It is important to me as a citizen that my elected officials reflect and represent my views of what constitutes good public policy. It is important to see where our elected officials stand in the broader political life of our country and collectively it is you who will represent the citizens of Fayetteville to congress. I would like to request you to consider creating a framework for developing Fayetteville as a leading city in the planning for creating resilient water/air management and land use management.

Donna Stjerna: I am very concerned about climate change and hope you are the voice of other citizens and moms like me.

Larry Ashton: I am against the resolution. Would the average person in Fayetteville want you representing them promoting a law that would increase the price of energy? How much good would it really do.

Mayor Jordan: I went to the US Conference of Mayors in 2009 and they told us that thirty five states in three years would see water shortages, because of climate change. I began to study the CO2 emissions in the parts per million and we need to be at about 350 and we are at 400. We know that we are at a time that it is critical to begin to cut the CO2 emissions. That is why I fought so hard for the transit tax. It eliminates cars from being on the road. I fought to bring water transportation up the Arkansas River, because we know that for every barge that we float, it is like taking eighty trucks off the road. I signed in 2012 the US Conference of Mayors Climate Protection Agreement and stand behind it. I agree we need to make a stand and a statement.

Alderman Long moved to approve the resolution. Alderman Petty seconded the motion. Upon roll call the resolution passed 5-1. Alderman Long, Gray, Marsh, Kinion and Petty voted yes. Alderman Schoppmeyer voted no. Alderman Tennant abstained. Alderman Adams was absent.

Resolution 164-13 as recorded in the office of the City Clerk.

City Council Agenda Session Presentations:

City Council Tour: Tri Cycle Farms – July 22, 2013 – 5:30 p.m.
The Council will meet at Tri Cycle Farms to begin the tour.

Announcements:

Don Marr, Chief of Staff: Beginning tomorrow, construction of the half mile Frisco Trail extension will require reducing the number of lanes on Martin Luther King Boulevard between Government and South School Avenue for approximately six weeks.

The Gulley Park concert series is this Thursday at 7 p.m. It is the Wheeler Brothers from Austin, Texas.

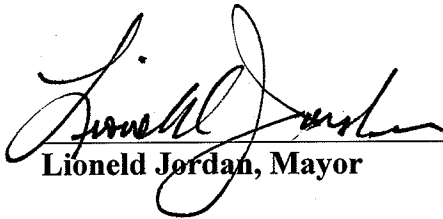
I would like to remind the City Council that the tour of Tri Cycle Farms is scheduled for July 22nd at 5:30 p.m. and we will meet at the farms.

There will not be a City Council Agenda Session this Tuesday, and after the Agenda Session on July 30th, the council will have a fund balance budget discussion.

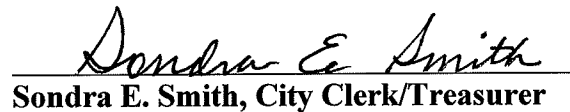
Alderman Gray: On July 25, 2013 there will be a Ward 1 meeting at the Yvonne Richardson Center at 6:00 p.m.

Alderman Long: On July 29, 2013 there will be a Ward 4 meeting in room 111 at 6:00 p.m.

Adjournment: 7:15 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer