

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
August 20, 2013**

A meeting of the Fayetteville City Council was held on August 20, 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 Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Martin Schoppmeyer, Rhonda Adams, Alan Long, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Adella Gray

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

2nd Quarter Financial Report

Paul Becker, Finance Director gave a brief financial report.

Agenda Additions:

Alderman Adams moved to add the National Endowment of the Arts Grant to the agenda. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

National Endowment of the Arts Grant: An ordinance to accept a grant from the National Endowment of the Arts in the amount of \$100,000.00 for a streetscape design project on School Avenue, to approve a technical assistance agreement with the University of Arkansas to design this project, to approve an agreement with the Walton Arts Center for its contribution of \$40,000.00 in matching revenue, plus personnel services to assist in the project and to approve the attached budget adjustment.

City Attorney Kit Williams read the ordinance.

Don Marr, Chief of Staff gave a brief description of the ordinance.

Alderman Petty: You received a letter in your packet detailing my relationship with the project. For full disclosure, I work about ten hours for the University of Arkansas Community Design Center. I was involved in developing and writing this grant application. I will not be paid out of this fund and I am not involved in this project anymore. My role is to write grants and conduct research, it's not to design or manage projects. I will not be paid out of these funds at the Design Center and I don't have to recuse, but I'm choosing to abstain.

Alderman Adams: I would like to thank Alderman Petty and I appreciate you.

Alderman Adams moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 6-0. Alderman Petty abstained. Alderman Gray was absent.

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 6-0. Alderman Petty abstained. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance 6-0. Alderman Petty abstained. Alderman Gray was absent.

Ordinance 5606 as recorded in the office of the City Clerk

Consent:

Approval of the August 6, 2013 City Council meeting minutes.

Approved

Mitchell, Williams, Selig, Gates & Woodyard, PLLC Amendment No. 1: A resolution approving Amendment No. 1 to the contract with Mitchell, Williams, Selig, Gates & Woodyard, PLLC in the amount of \$15,000.00 for additional legal services related to the White River Water quality standards petition to the Arkansas Pollution Control and Ecology Commission.

Resolution 176-13 as recorded in the office of the City Clerk

Bid #13-41 Jack Tyler Engineering of Arkansas: A resolution awarding Bid #13-41 and authorizing a contract with Jack Tyler Engineering of Arkansas in the total amount of \$58,760.15 for the purchase of four (4) return activated sludge pumps for the Noland Wastewater Treatment Plant.

Resolution 177-13 as recorded in the office of the City Clerk

Bid #13-44 Fiser Kubota: A resolution awarding Bid #13-44 and authorizing a contract with Fiser Kubota in the total amount of \$165,173.75 for the purchase of four (4) irrigation reels for the City biosolids management site.

Resolution 178-13 as recorded in the office of the City Clerk

Bill and Doris Kisor Settlement Agreement: A resolution approving a settlement agreement with Bill and Doris Kisor concerning condemnation litigation filed as part of the N. Crossover Road Utilities Improvement Project in a total amount of \$13,950.00.

Resolution 179-13 as recorded in the office of the City Clerk

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

Unfinished Business:

RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates): An ordinance rezoning that property described in rezoning petition RZN 13-4410, for approximately 4.66 acres located at 2468 North Crossover Road from RSF-2, Residential Single-Family, 2 units per acre, to R-O, Residential Office, subject to a Bill of Assurance. ***This ordinance was left on the First Reading at the August 6, 2013 City Council meeting.***

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

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner: There was a revised rezoning request submitted. The applicant is proposing to rezone the property to Neighborhood Services which is a little less intense than Residential Office. It is a smaller scale form base zoning code.

Alderman Tennant: Do we have an example of that zoning existing in Fayetteville?

Andrew Garner: We do not have any on the zoning map at all.

Alderman Adams: Do we have a recommendation from the staff on the requested change?

Andrew Garner: We have similar concerns on this application as we did with the Residential Office. The concern we have is not being consistent with the future land use plan map. We are not in favor of this.

Alderman Petty: When did we pass the form base code?

Andrew Garner: About five years ago.

Alderman Petty: Was Neighborhood Services five years ago too?

Andrew Garner: Neighborhood Services was adopted about two years ago.

Alderman Petty stated his opinion why he thought this ordinance should be rezoned to Neighborhood Services.

Alderman Tennant: This particular zoning seems to fit in better in a downtown type area.

Alderman Petty: We want to see these form based codes go in most places. It is not about a downtown style of development. It is about an appropriately scaled style of development and so I think it does work in other neighborhoods. I believe this is the first of many requests that will come through for Crossover Road now that the road has been widened. Planning isn't about today; it is about the future and what we want to see at the Township intersection. We can't segregate land uses and we have to figure out how to mix them in a way that makes sense.

Alderman Tennant: The question is whether it needs to be rezoned or not. Do we have an idea from the Highway Department of when they are going to open the south side lane of traffic on Highway 265?

Chris Brown, City Engineer: The project will not be fully complete until about November, but actually splitting the traffic so it will be flowing on either side of the median is imminent. In order for citizens to access the other side of the road they will have to make u-turns at the median breaks.

Alderman Marsh: Could you tell us what type of services are allowed in Neighborhood Services?

Andrew Garner gave a brief description of Neighborhood Services.

Alderman Petty: It is my understanding that the applicant was keeping their Bill of Assurances in place?

Andrew Garner: I have not discussed that with the applicant.

Ben Israel, Developer: We agreed that with the request for rezoning that we would include the Bill of Assurance.

A discussion followed about amending the ordinance to the zoning of Neighborhood Services.

Fanny Long, Eden Brooke Subdivision spoke in opposition of the ordinance.

City Attorney Kit Williams gave a brief statement on the status of the law about conditional uses.

Ben Israel stated his opinion about the development and the rezoning to Neighborhood Services.

Brian Runnels spoke in opposition of the ordinance.

Jerry Jones, Property Owner stated his opinion and spoke in favor about the proposed change to the rezoning of Neighborhood Services.

Lynn Lorimer spoke in opposition of the ordinance.

City Attorney Kit Williams: I did not see anything in the packet with the request for the applicant to change the zoning. Can we get a formal request in writing with a statement saying the previous Bill of Assurance applies to the current zoning request?

Ben Israel: I sent an email to Mr. Garner.

City Attorney Kit Williams: Can I get a letter from your owner too and give it to Mr. Garner saying this is his request now and that the Bill of Assurance applies to this request.

Ben Israel: Ok.

Alderman Petty moved to amend the ordinance to a Neighborhood Services zoning. **Alderman Marsh** seconded the motion. Upon roll call the motion passed 6-1. **Alderman Schoppmeyer** voting no. **Alderman Gray** was absent.

This ordinance was left on the Second Reading

New Business:

John Bess Claim Settlement: A resolution pursuant to Fayetteville Code of Ordinances subsection 39.10 (C)(4) authorizing the Mayor to pay \$11,000.00 to John Bess in settlement of a damage claim arising at 830 E. Trust Street, and approving a budget adjustment.

Tim Nyander, Water & Sewer Operations Manager gave a brief description of the resolution.

Alderman Kinion: This came before the Water & Sewer Committee and we reviewed the options that were presented on both sides of the argument as well as the compromise. We unanimously agreed that this was a fair settlement.

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

Resolution 180-13 as recorded in the office of the City Clerk.

VAC 13-4428 (4291 Black Canyon St./Hamptons Lot 18): An ordinance approving VAC 13-4428 submitted by Engineering Services, Inc. for property located at 4291 Black Canyon Street, to vacate a portion of a pedestrian access easement, a total of 0.03 acres.

City Attorney Kit Williams read the ordinance.

Andrew Garner, Senior Planner gave a brief description of the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5607 as recorded in the office of the City Clerk

MarshallGIS: An ordinance waiving the requirements of formal competitive bidding and approving a contract with MarshallGIS in the total amount of \$26,975.00 to purchase five (5) software seats of GeoKNX mobile implementation software for usage by the Water and Sewer Division, and approving a project contingency of \$4,000.00.

City Attorney Kit Williams read the ordinance.

Tim Nyander gave a brief description of the ordinance.

Alderman Kinion: This went before the Water & Sewer Committee and there was a concern because there wasn't a competitive bid. Realizing the unique situation we had in front of us for this system to interact with our GIS system, we approved it unanimously to be brought to City Council.

Alderman Kinion moved to suspend the rules and go to the second reading. Alderman Marsh seconded the motion. Upon roll call the motion passed 7-0. Alderman Gray was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: I would like to thank staff for doing extensive research to make sure that this was truly the only provider. This is another example of how technology can help with productivity with management of our city and we need to do this as much as we can.

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

Ordinance 5608 as recorded in the office of the City Clerk

2014 Employee Benefits Package: A resolution approving a 2014 Employee Benefits package.

Missy Leflar, Human Resources Director gave a brief description of the resolution. The estimate is about \$500,000 additional dollars.

Alderman Long: Will this affect the city employee prescription drug benefits?

Missy Leflar: No, the coverage should be the same as far as medical items that are covered. When an employer changes insurance companies sometimes there will be an item, that there is a change in the amount that is covered, that was not anticipated. The city asked for the same comparable coverage on medical.

On pharmacy items we did not ask for anything to be different and it will be the same co pay on the PPO. On the high deductible plan the employee pays for all of it until they hit their deductible and then the plan will pick up 100% in the coverage next year. There is a video available for employees to view on the city website to answer questions.

Alderman Long: Are we making sure our local pharmacies are included in the insurance plan so that it isn't all national chain accounts so that we are investing in our own economy?

Missy Leflar: We have had Blue Cross at the city for 50 years with an exception of 2006 when the city went with Cigna and the last two years with United Healthcare. Blue Cross has a very extensive network with medical providers and pharmacies in Northwest Arkansas.

Jacob Salinas, Gallagher Benefit Services: Our view with the proposals provided to us by United Healthcare and Blue Cross Blue Shield is that we do not see any significant changes in network. There are some providers, such as the VA that is not contracted with Blue Cross Blue Shield. There are many pharmacies in the network and it would be hard to do a review of each one.

Alderman Long: Are we just covering national chain pharmacies like Walgreens or including local pharmacies?

Jacob Salinas: There are independent and national pharmacies in the network.

Alderman Marsh: Will this require anyone to change doctors?

Missy Leflar: We encourage our employees to make sure and ask their doctors if they are in network. We will call the major hospital and clinics to make sure they are still with Blue Cross. Blue Cross has a very robust network in Northwest Arkansas.

Don Marr, Chief of Staff discussed briefly the differences between United Healthcare and Blue Cross Blue Shield.

Missy Leflar: Both insurance companies have a website where people can type in their doctor and clinic names and see if they are in network.

Don Marr: The medical expense to an employee typically falls around maintenance related drugs where prescriptions have to be rewritten from one company to the other. That is usually the only significant change that we see that is not provider related.

Mayor Jordan: I would like to thank Missy, Pachee, Don and Paul for their work on this. It took several weeks to get us to this point.

Alderman Long: I want to thank the Mayor and staff also. At Agenda Session when I asked about the open enrollment period, it wasn't just for my information. It was for the city employees to make sure they could afford this change. The city went above and beyond the normal 15 days and extended it to 60 days. I think it is extraordinary to work for a place that will do that.

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

Resolution 181-13 as recorded in the office of the City Clerk.

Get Lit LLC – Lights of the Ozarks: An ordinance waiving the requirements of formal competitive bidding and approving an agreement with Get Lit LLC in the amount of \$51,462.00 for the purchase of lights for the expansion of Lights of the Ozarks to Block Street and Dickson Street, and approving a budget adjustment in the amount of \$46,500.00.

The above ordinance description had a scrivener's error in the dollar amount. The actual dollar amount is \$56,500.00, per City Attorney office.

City Attorney Kit Williams read the ordinance.

Don Marr gave a brief description of the ordinance.

Alderman Long: I would like to hear some discussion about the Razorback themed lighting and the idea behind that.

Don Marr: It is red and could be extended beyond Christmas. The thought process was that they could be maintained at key intersections. There are 72 light poles and last year we received calls asking why the flags on the poles were not taken down immediately and why did we have Christmas themes in January and February.

We tried to select items that might give staff a little more flexibility in terms of getting those items down. We didn't want to go with certain symbols because we wanted to be sensitive to the diversity of our community. We tried to select something that would be more neutral and acceptable to the community.

Alderman Marsh: I have concerns about the Razorback theme. I feel that we have enough Razorback stuff going on in this town and that is the mascot for the University and the city is a separate entity. Maybe if we went with purple like our school or green because we try to be a green community. I would feel better about supporting this if we amended it to remove the Razorback theme from the ordinance.

Alderman Kinion: I believe the Razorback is relevant because this is the gateway into the University from College Avenue. One thing that is unique about the City of Fayetteville is the heritage of the University. I recognize this as a partnership and also allowing this to be utilized not just for a holiday theme.

Alderman Tennant: I agree with Alderman Kinion. The bigger picture of the Razorback theme is the other things it can be used for. I think this will grow tremendously over the years. Let's start with this and see where it takes us.

Alderman Petty: The Block Street bazaar and Dickson Street could benefit from this. The school district is technically a separate entity, but separateness is abstract. We all grew up with this in the community.

Katherine Owen, Fayetteville: Is Get Lit a local company?

Don Marr: I believe they are located in Springdale.

Katherine Owen: So they are sort of local, not a Fayetteville based company.

Don Marr: The city can not discriminate on the location.

Katherine Owen: How much is the University of Arkansas putting into this project?

Mayor Jordan: They are not putting anything in.

Katherine Owen: I think this money should be used for something else or at least part of it. It is too much money when there are so many other projects needing to be done around town.

Mayor Jordan: We view this as an economic driver for the city. Lights of the Ozarks brings in thousands of people every year and people spend their money here in Fayetteville.

Don Marr: The city has a citizen request process for anything needing to be done around the city and that request can be submitted.

Joe Fennel, Dickson Street Merchants Association spoke in favor of the lights and the ordinance and would like to work with the city and the lighting people to stay with the same theme.

Carl Collier, Collier Drug and Dickson Street Merchants Association: The Dickson Street Improvement District has some funds available that we can help the city in off setting some expenses. We are supportive of this and like the idea of the Razorback theme and the fact that it allows the city to be more efficient in taking down and putting up the lighting. The association is forming a nonprofit corporation that would allow for Block Street to join in with us to form a bigger downtown district. This will be very beneficial to our city.

Jeff Erf, Ward 1: Did the city consider asking the A&P Commission for the entire amount? Looking at their latest balance sheet, they have \$2.5 million in assets and \$670,000 in cash.

A discussion followed about the amount of money requested from the A&P Commission for the lights and how it will be dispersed.

Alderman Marsh: What is the reason why we are in a rush to get this approved? Is it because of the specific Razorback theme lighting and that is why we are not able to do the competitive bidding?

Don Marr: I believe Friday was the deadline and it was because of the quantity that we were ordering.

Terry Gulley, Transportation Services Director: It was not because of the Razorback, it was to order any type of fixture we wanted. The company is getting ready for the Christmas season and that is the time frame they gave us. If we ordered by now, we would get them by November 11, 2013. These will go up much quicker than the normal Christmas lights on the Square.

Alderman Marsh moved to amend the ordinance to remove the Razorback lights. Alderman Long seconded the motion. Alderman Long withdrew his second. The motion failed for lack of a second.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Tennant: There is a lot of activity on Dickson Street in the summer and in the winter it seems things slow down a little bit. I would think the use of this money will bring more people to the Dickson Street area.

Mayor Jordan: I visited with businesses on Dickson Street about putting lights on Dickson and Block Street and we saw this as an economic driver for the city. The City of Fayetteville is unique and one of the reasons is because of the Lights of the Ozarks. I believe expanding the lights will help our city economically and create a sense of community.

Alderman Marsh: I support this program and the idea. I would like to see us diversify the appeal of our downtown. We have Razorback themed banners on our light post, we have a hog carved into an intersection and every other person is wearing a red Razorback shirt. For those of us who are not sports fans, it can be alienating and Fayetteville has more to offer than a sports team.

Mayor Jordan: That is a good point. I would like to thank Alderman Tennant and Petty for getting the funding from the A&P Commission.

Don Marr: We will pursue the A&P funding if we do not receive funding through the general improvement fund request. It is not our intention to use reserves of the city for this project.

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

Ordinance 5609 as recorded in the office of the City Clerk

City Council Agenda Session Presentations:

Quarterly Contract Update of Economic Development Services provided by the Fayetteville Chamber of Commerce – Presenters Chung Tan and Steve Clark

"Entertainment District/Spring Street Parking Deck Update" – David Jurgens, Utilities Director

City Council Tour:

August 12, 2013 at 5:00 pm - RZN 13-4410 (2468 N. Crossover Rd./Lynnwood Estates

Announcements:

Alderman Adams: Ward 4 will meet on Monday night and Dave Johnson from the Fayetteville Public Library will be there to talk about the expansion. We invite friends of Ward 4 too, at 6:00 p.m. Room 111 at City Hall.

Don Marr: The Historic District Commission meeting that was scheduled for this Thursday, August 22, 2013 has been canceled.

The Fayetteville Roots festival which is August 22 through August 25, 2013 is four days of music and food.

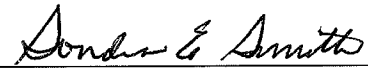
The Fayetteville Fall festival is a new festival scheduled to be August 30, 2013 from 5:00 to 9:00 p.m. on the Square.

We want to remind citizens that city offices will be closed Monday, September 2, 2013 for the Labor Day holiday. Our Solid Waste services will run as regularly scheduled.

Adjournment: 8:05 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk/Treasurer

