

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
June 7, 2016**

A meeting of the Fayetteville City Council was held on June 7, 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, Mark Kinion, Justin Tennant, Martin Schoppmeyer, John La Tour, Alan Long, Mayor Lioneld Jordan, Assistant City Attorney Blake Pennington, City Clerk Sondra Smith, Staff, Press, and Audience.

Alderman Sarah Marsh and Alderman Matthew Petty were absent.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan: We had the loss of city staff member, Tyrone Rogers while he was filming the Quorum Court. It is a loss for this city. He was with the Government Channel for about six years. Our condolences go out to his family.

City Council Meeting Presentations, Reports, and Discussion Items:

First Quarter Financial Report to City Council

Paul Becker, Chief Financial Officer gave a brief summary of the First Quarter Financial Report for 2016.

Agenda Additions:

Nominating Committee Report:

Alderman Kinion moved to suspend the rules and add the Nominating Committee Report to the agenda. Alderman Long seconded the motion. Upon roll call the motion passed 6-1. Alderman Long, Gray, Kinion, Tennant, Schoppmeyer, and Mayor Jordan voting yes. Alderman La Tour voting no. Alderman Marsh and Alderman Petty were absent.

Alderman Kinion presented the Nominating Committee report and recommended the appointments as submitted.

A copy of the report is attached.

Alderman Gray moved to approve the Nominating Committee Report as read. Alderman Tennant seconded the motion. Upon roll call the motion passed 5-1. Alderman Long, Gray, Kinion, Tennant, and Schoppmeyer voting yes. Alderman La Tour voting no. Alderman Marsh and Alderman Petty were absent.

Consent:

Approval of the May 17, 2016 City Council Meeting Minutes.

Approved

Bid #16-23 JBZ, Inc. d/b/a Ellingson Contracting: A resolution to award Bid # 16-23 and approve a contract with JBZ, Inc. d/b/a Ellingson Contracting in the amount of \$287,300.00 for the construction of kitchen renovations at the Fayetteville Senior Center; to approve a project contingency in the amount of \$30,153.00; to approve Change Order No. 1 to reflect value engineering items and reduce the contract amount by \$53,560.00; and to approve a budget adjustment.

Resolution 109-16 as recorded in the office of the City Clerk

Bid #16-31 Hilbilt Sales Corporation: A resolution to award Bid #16-31 and authorize the purchase of a 2016 Clement Starlight 3829 tandem axle dump trailer from Hilbilt Sales Corporation of Benton, Arkansas in the amount of \$39,590.00 plus applicable taxes for use at the City Wastewater Treatment Facilities.

Resolution 110-16 as recorded in the office of the City Clerk

Bid #16-33 Superior Automotive Group: A resolution to award Bid #16-33 and authorize the purchase of two (2) 2016 Ford F-350 flatbed trucks from Superior Automotive Group of Siloam Springs, Arkansas in the total amount of \$66,558.00 for use at the City Wastewater Treatment Facilities.

Resolution 111-16 as recorded in the office of the City Clerk

Riggs Cat 2016 Caterpillar 420F2 Backhoe: A resolution to authorize the purchase of a 2016 Caterpillar 420F2 backhoe from Riggs Cat of Springdale, Arkansas in the amount of \$95,620.00, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Transportation Department.

Resolution 112-16 as recorded in the office of the City Clerk

Riggs Cat 2016 Caterpillar 259D Skid Steer: A resolution to authorize the purchase of a 2016 Caterpillar 259D skid steer from Riggs Cat of Springdale, Arkansas in the amount of \$55,000.00, pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Water and Sewer Operations Division.

Resolution 113-16 as recorded in the office of the City Clerk

Lewis Automotive Group: A resolution to approve the purchase of a 2013 Dodge Caravan from Lewis Automotive group of Fayetteville, Arkansas in the amount of \$17,771.00 for use by the Airport Services Division, and to approve a budget adjustment.

Resolution 114-16 as recorded in the office of the City Clerk

Special Needs Assistance Program Grant Agreement: A resolution to approve a special needs assistance program grant agreement with the U.S. Department of Housing and Urban Development in the amount of \$188,525.00 for the city to administer programs to provide rental assistance and supportive services to homeless Fayetteville residents.

Resolution 115-16 as recorded in the office of the City Clerk

McGoodwin, Williams and Yates, Inc.: A resolution to approve a professional engineering services agreement with McGoodwin, Williams and Yates, Inc. in an amount not to exceed \$182,077.00 for a Water Master Plan update and for design, bidding and construction phase services for the replacement of approximately 3,000 feet of water line on Dinsmore Trail.

Resolution 116-16 as recorded in the office of the City Clerk

Taxiway Lighting Rehabilitation Construction Grant Application: A resolution to authorize application for and acceptance of a 90/10 matching grant from the Federal Aviation Administration to provide funding for the Taxiway Lighting Rehabilitation project at Drake Field, to approve a contract with H&H Electric, Inc. in the amount of \$222,755.00 for the project contingent upon a grant award, and to approve a budget adjustment authorizing the airport fund matching expense and recognizing grant revenue contingent upon approval of the grant application and receipt of grant funds.

Resolution 117-16 as recorded in the office of the City Clerk

University of Arkansas Osher Lifelong Learning Institute Lease Agreement: A resolution to approve a lease agreement with the Board of Trustees of the University of Arkansas for the unoccupied banquet area in the Airport Terminal building to be used by the Osher Lifelong Learning Institute to conduct classes during the Fall 2016 and Spring 2017 semesters in the amount of \$25.00 for each day the space is used.

Resolution 118-16 as recorded in the office of the City Clerk

Rogers, Inc.: A resolution to approve a one year lease agreement with Rogers, Inc. for office space in the Airport Terminal building in the amount of \$330.00 per month to provide in-flight catering services.

Resolution 119-16 as recorded in the office of the City Clerk

Alderman Tennant moved to accept the Consent Agenda as read. Alderman Long seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Petty were absent.

Public Hearing:

550 West Skelton Street: A resolution certifying to the Tax Collector of Washington County, Arkansas the costs of abating unsightly and unsanitary conditions and the razing and removal of a dilapidated and unsafe structure upon the property owned by U.S. Bank National Association at 550 West Skelton Street in the City of Fayetteville, Arkansas.

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Administrator gave a brief description of the resolution.

Alderman La Tour: What is the process of notifying the owner?

David Carver: Our notices of violation are sent via certified mail. They contain all the information pertinent to the violations and the means of correcting the violations. Depending on the violation, there are various time frames for the property owner to bring the property into compliance.

Alderman La Tour: Did this owner respond?

David Carver: No, sir. They signed for the mail, but we had no correspondence with the owner.

Alderman La Tour: Can we prove they received it? Someone signed it, but who was that someone?

David Carver: The fact is that the mail was picked up.

Alderman La Tour: The owner may not know.

David Carver: It is a large U.S. National Bank. I imagine they have a wide variety of staff.

Alderman La Tour: I googled search for that owner. I didn't come up with anything.

Assistant City Attorney Blake Pennington: John, we communicated with the attorneys who did the foreclosure on the property. They attempted to contact the owner and nothing worked.

Alderman La Tour: As far as we know, the owner may have not been contacted or they didn't respond.

Assistant City Attorney Blake Pennington: They didn't respond.

Alderman La Tour: I just want to be sure everybody knows what is going on with their property.

David Carver: They are based out of Texas. It could be that they have no interest in the property.

Mayor Jordan closed the Public Hearing.

Alderman Long moved to approve the resolution. Alderman Schoppmeyer seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Petty were absent.

Resolution 120-16 as recorded in the office of the City Clerk

Unfinished Business:

Falling Waters Appeal: An ordinance to rezone that property described in Rezoning Petition RZN 16-5385 for approximately 35.31 acres on Dead Horse Mountain Road from R-A, Residential Agriculture to RSF-2, Residential Single Family, 2 units per acre subject to a Bill of Assurance limiting development to 51 homes. *This item was left on the first reading at the May 17, 2016 City Council meeting.*

Jeremy Pate, Director of Development Services: A little over a week ago we received a notification from the applicant that they would not be able to be present tonight. We informed Council last Tuesday at Agenda Session that we might not be hearing this item tonight. They have requested the item to be left on the second reading or tabled to the next meeting. I spoke to two neighbors in the neighborhood that spoke at the last meeting. We discussed at that time we likely would not be considering this for a vote tonight. For those of you who did not attend Agenda Session, I wanted to make sure you were aware of that.

This ordinance was left on the First Reading

New Business:

RZN 16-5400 (Southeast Corner of Persimmon & Broyles Ave./Cross Keys South SD): An ordinance to rezone that property described in Rezoning Petition RZN 16-5400 for approximately 1.43 acres located at the southeast corner of Persimmon and Broyles Avenue from R-A, Residential Agricultural and NC, Neighborhood Conservation to NC, Neighborhood Conservation and R-A, Residential Agricultural.

Assistant City Attorney Blake Pennington read the ordinance.

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

Alderman Long: I haven't heard anything from anyone in Ward 4 about this.

Alderman Tennant moved to suspend the rules and go to the second reading. **Alderman Long** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Marsh** and **Alderman Petty** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. **Alderman Gray** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Marsh** and **Alderman Petty** were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. **Alderman Marsh** and **Alderman Petty** were absent.

Ordinance 5877 as recorded in the office of the City Clerk

VAC 16-5404 (1649 W. Farmington St./Stevens): An ordinance to approve VAC 16-5404 submitted by Angela Stephens for property located at 1649 West Farmington Street to vacate portions of an access easement.

Assistant City Attorney Blake Pennington read the ordinance.

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

Angela Stephens, Applicant: This has become a safety issue for us with the cut through traffic. In order to protect my employees and the general public we would like to get the access easement vacated.

Alderman Long: Thank you for reaching out to us before the meeting with all of your information.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Petty were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh and Alderman Petty were absent.

Ordinance 5878 as recorded in the office of the City Clerk

Theatre Squared, Inc.: A resolution to approve a long term lease of the spring and west parking lot with Theatre Squared, Inc. to construct a performance theater with educational and community event space.

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

Bob Ford, Artistic Director of Theatre Squared: The City Councils' support for Theatre Squared's use of a site in a resolution last fall was a major shot in the arm for this project. Our first ten years in residence at the Walton Arts Center at the Nadine Baum Studios have been exciting. We have grown from an idea into a nationally recognized organization with a \$2 million annual budget. This season we have passed 40,000 in yearly attendance. The vision for the site is a 50,000 square foot professional theater building. It will house performance and rehearsal spaces, design workshops, staff offices, education space, artist residences, and public spaces that are open all day to audience members and the community. Working with Marvel Architects and Charcoalblue with the support of the Walton Family Foundation's Design Excellence Program, this building will be architecturally significant. We are in the quiet phase of a fundraising campaign.

Martin Miller, Executive Director of Theatre Squared spoke about the economic development benefits for the City of Fayetteville. He stated that the new facility can expand partnerships with local organizations such as Seven Hills and Fayetteville Public Schools to provide low cost and free tickets throughout the community.

Alderman Tennant: I am in full support. This will be a local, regional, and national building block of something very special. Will there be some sort of idea of community involvement into the facility, whether it is indoor or outdoor shows?

Martin Miller: Absolutely. We would like to have public spaces that are accessible all day, both indoor and outdoor. Currently, there is not in the plan an outdoor performance venue, but there is an opportunity to have events outside and performances that spill outside.

Alderman Tennant stated his appreciation.

Paul Becker, Chief Financial Officer: I brought this to the attention of the Council at Agenda Session. With all projects, there are risk. In Section 39 of the contract, Theatre Squared doesn't have the money to fund this right now. They are going to have to borrow the money. If we approve this lease, this gives the lending institution to stand in the same place as Theatre Squared in case Theatre Squared defaults. We aren't transferring title to the property to Theatre Squared. We will not be responsible for any mortgage payments. However, it would give them the right to stand in the same specific place as Theatre Squared. The lending institution would have the right to find a replacement for Theatre Squared with the approval of the Council to run the facility and we would still reap the same benefits. The risk of that is during a point of time it may not be in operation. It may stand not being utilized until a mortgagee can find an acceptable group to run the programs and meet the terms and conditions of the contract to fulfill a contractual obligation. Theatre Squared has raised money or gotten pledges so far. The Walton Foundation has been very generous to them with grants for the architectural phase and the initial phases. As your Chief Financial Officer I want to make sure that we all understand there is a risk.

Jeremy Pate: If this lease is approved tonight, there isn't going to be fence put around the parking lot tomorrow, and the lease takes effect. The terms of the lease indicate that the parking lot is maintained by the public until such time as financing is in place and permits are ready.

Mayor Jordan: We have been in negotiations for over a year. This is some of the things that a lot of cities are doing all across the country. Studies show that the arts are the third best driver of an economic engine in a city or region. This will create an arts campus and will be a win for the community. It will be a great economic driver for this city.

Alderman Long moved to approve the resolution. Alderman Tennant seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Petty were absent.

Resolution 121-16 as recorded in the office of the City Clerk

Mark Zweig, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Mark Zweig, Inc. for a water main upgrade along College Avenue between East Davidson Street and East Maple Street with the amount to be paid by the City of Fayetteville not to exceed \$73,100.40.

Assistant City Attorney Blake Pennington read the ordinance.

Mark Rogers, Water & Sewer Operations Manager gave a brief description of the ordinance. Staff recommends approval.

Alderman Long: Would utilizing Water & Sewer city staff to install the line be any cheaper for our portion?

Mark Rogers: We haven't looked at that. We have a considerable workload, currently. It would be to our advantage to have the contractor that is already going to be in the area to do the work.

Alderman Long: Is there any way we can find out what that would cost?

Don Marr, Chief of Staff: We can get that cost estimate, but it not the matter of the cost. It is the matter of the time to do the project. Our current staff is programmed for the year for all of our CIP and our Water & Sewer line work projects. It is a timing issue.

Alderman Kinion: In the Water & Sewer budget, we already have the funds to do this. We are looking at the rehabilitation of the aging infrastructure Downtown. We also are looking at having loop activity. The timing could not be better with having someone come in with this kind of money that is going to contribute to something that we already are looking at doing. We see this as a very generous contribution from Zweig.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Tennant moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Petty were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Gray: I agree with Alderman Kinion. I'm interested in seeing us repair or replace our infrastructure in the older parts of town. I'm very pleased with this.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh and Alderman Petty were absent.

Ordinance 5879 as recorded in the office of the City Clerk

Ozarks Electric Cooperative Corporation, Inc.: An ordinance to waive the requirements of formal competitive bidding and authorize a 25 year license agreement with Ozarks Electric Cooperative Corporation, Inc. for the purchase of 100 shares at the Ozarks Natural Energy Solar Facility in the amount of \$34,000.00.

Assistant City Attorney Blake Pennington read the ordinance.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the ordinance. The Environmental Action Committee and staff recommend approval.

Alderman La Tour: I hear that Solar panels don't pay for themselves and they cost more than they generate. Can you definitively say this is false?

Chris Williams, Ozarks Natural Electric Representative explained that the cost of solar panels have significantly dropped over the last few years. He stated that the idea of solar systems not paying for themselves has become antiquated and false. He stated there have been a lot of studies done and believes this is the best way to go.

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

Assistant City Attorney Blake Pennington read the ordinance.

Alderman Long moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed 6-0. Alderman Marsh and Alderman Petty were absent.

Assistant City Attorney Blake Pennington read the ordinance.

Alderman La Tour: I am supporting this. If the solar panels don't pay for themselves, that is your problem Mr. Williams, not ours. We still get our discount, is that right?

Chris Williams: Correct.

Don Marr, Chief of Staff: I would like to applaud the Council. Two weeks ago you sent me to an economic development convention. There was a speaker named, Parag Khanna, who is a leading global strategist. He made a powerful statement, "The winners and losers in the economy in the future will not be who is richest or poorest today, but those communities that are making investments in three areas. Either in the area of transportation infrastructure, communications infrastructure, specifically broadband, and energy infrastructure." Under Mayor Jordan's leadership with the staff and Councils support, we have been working in all three of those areas. Thank you for supporting these initiatives.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Marsh and Alderman Petty were absent.

Ordinance 5880 as recorded in the office of the City Clerk

Tree Preservation Area Modification: A resolution to approve a modification to an existing tree preservation area at the Walton Arts Center for the purpose of installing public art.

John Scott, Urban Forester gave a brief description of the resolution. Staff recommends approval.

Alderman Gray moved to approve the resolution. Alderman La Tour seconded the motion. Upon roll call the resolution passed 6-0. Alderman Marsh and Alderman Petty were absent.

Resolution 122-16 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: As Mayor Jordan mentioned earlier this evening, Tyrone Rogers of the Media Services Division passed away last night. Tyrone leaves behind two children. There has been a Tyrone Rogers Memorial Fund set up at the Bank of Fayetteville to accept donations to help the family with funeral cost. The City of Fayetteville extends its condolences to the family for their loss. He was a valuable member of our Media Services team.

We will be celebrating the completion of our Town Branch Trail on June 9, 2016 at 2:00 p.m. in Greathouse Park. There will be a ribbon cutting. We would love if members of the Council could attend the opening.

June 9, 2016 our Gulley Park concert series continues. The music starts at 7:00 p.m.

June 10, 2016 is our first Dive-In movie sponsored by the Fayetteville Firefighters Association. It is at Wilson Park. Gates open at 7:15 p.m. and the movie begins at sunset.

June celebrates "National Adopt a Shelter Cat" month. Adoption fees are waived for adult cats. There is a discounted fee of \$10 for the adoption of a kitten.

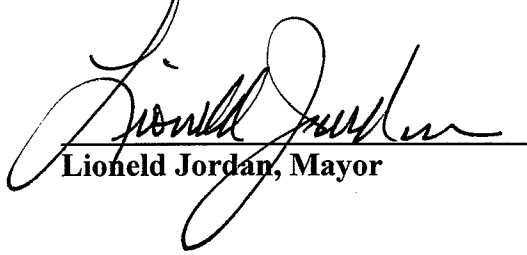
City Council Agenda Session Presentations:

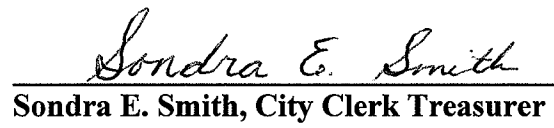
Agenda Session Presentation - CH2M Annual Report, Billy Ammons.

Agenda Session Presentation - Trail Construction Status Update - Matt Mihalevich.

City Council Tour: None

Adjournment: 6:44 p.m.


Lioneld Jordan, Mayor


Sondra E. Smith, City Clerk Treasurer



Nominating Committee Report

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

The Mayor recommends the following candidates for appointment:

HISTORIC DISTRICT COMMISSION

Kathryn Cook – One term ending 06/30/19

David Stewart – One term ending 06/30/19

The Nominating Committee recommends the following candidates for appointment:

ANIMAL SERVICES ADVISORY BOARD

Did not receive application for Veterinarian position – One Licensed Veterinarian term ending 06/30/19

Meghan Foehl – One Business Representative term ending 06/30/19

Brittaney Wooldridge – One Citizen-at-Large term ending 06/30/19

CONSTRUCTION BOARD OF ADJUSTMENT AND APPEALS

Brad Beach – One unexpired Alternate Member term ending 03/31/21

ENVIRONMENTAL ACTION COMMITTEE

Connie Crisp – One term ending 06/30/19

FAYETTEVILLE ARTS COUNCIL

David Kersey – One Working Artist term ending 06/30/19

Casey Mayer – One Working Artist term ending 06/30/19

Samantha Sigmon – One unexpired Arts and Cultural/Citizen-at-Large ending 06/30/17

Kody Ford – One Arts and Cultural/Citizen-at-Large ending 06/30/19

WALTON ARTS CENTER COUNCIL, INC.

Steve Clark – One term ending 06/30/19

Barbara Taylor – One term ending 06/30/19