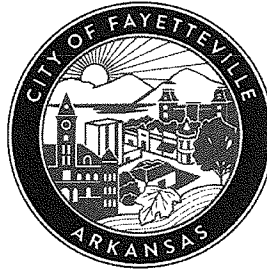


Council Member Adella Gray
Ward 1 Position 1

Council Member Sarah Marsh
Ward 1 Position 2

Council Member Mark Kinion
Ward 2 Position 1

Council Member Matthew Petty
Ward 2 Position 2



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

Council Member Justin Tennant
Ward 3 Position 1

Council Member Sarah Bunch
Ward 3 Position 2

Council Member John La Tour
Ward 4 Position 1

Council Member Alan T. Long
Ward 4 Position 2

**City of Fayetteville Arkansas
City Council Meeting
September 5, 2017**

A meeting of the Fayetteville City Council was held on September 5, 2017 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: Council Member Adella Gray, Sarah Marsh, Mark Kinion, Matthew Petty, Justin Tennant, Sarah Bunch, John La Tour, Mayor Lioneld Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Absent: Council Member Alan Long.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

City Council Meeting Presentations, Reports, and Discussion Items:

2017 2nd Quarter Financial Update - Paul Becker

Paul Becker, Chief Financial Officer gave a brief summary of the 2nd Quarter Financial Report for 2017. He stated the city is having a good financial year.

Agenda Additions: None

Consent:

Approval of the August 15, 2017 City Council Meeting Minutes.

Approved

Bid #17-45 UCO Equipment, LLC d/b/a Utility 1 Source: A resolution to award Bid #17-45 and approve the purchase of a trailer mounted Ring-O-Matic Hydro Excavation Unit from UCO Equipment, LLC d/b/a Utility 1 Source of Cabot, Arkansas in the amount of \$64,575.00 plus applicable taxes for use by the Water and Sewer Operations Division.

Resolution 177-17 as recorded in the office of the City Clerk

Kubota of NWA, Inc. d/b/a Springdale Tractor Company: A resolution to authorize the purchase of a Kubota backhoe from Kubota of NWA, Inc. d/b/a Springdale Tractor Company in the amount of \$48,090.34 pursuant to a National Joint Powers Alliance cooperative purchasing agreement, for use by the Parks and Recreation Department.

Resolution 178-17 as recorded in the office of the City Clerk

2017-2018 Arkansas State Drug Crime Enforcement and Prosecution (DF) Grant: A resolution to authorize acceptance of the 2017-2018 State Drug Crime Enforcement and Prosecution Grant for state funding of the Fourth Judicial District Drug Task Force in the amount of \$122,436.75, and to authorize Mayor Jordan to sign all necessary documents to receive the grant funds.

Resolution 179-17 as recorded in the office of the City Clerk

Internet Crimes Against Children Task Force Program Grant: A resolution to authorize acceptance of a non-matching supplemental grant from the Internet Crimes Against Children Task Force Program in the amount of \$1,724.00, and to approve a budget adjustment.

Resolution 180-17 as recorded in the office of the City Clerk

Axon Enterprise, Inc.: A resolution to authorize the purchase of body worn cameras, an Officer Safety Plan, and software licenses from Axon Enterprise, Inc. for a five-year program cost in the total amount of \$762,679.59, pursuant to a National Intergovernmental Purchasing Alliance cooperative purchasing agreement, for the Police Department, and to approve a budget adjustment.

Resolution 181-17 as recorded in the office of the City Clerk

RFP #17-05 Cox Communications: A resolution to award RFP #17-05 and authorize a five-year contract with Cox Communications for telecommunications services, with automatic renewals for up to five additional one-year terms, at an estimated cost of \$295,546.00 including taxes and fees for the first year.

Resolution 182-17 as recorded in the office of the City Clerk

Public Access Television Fee Revenue: A resolution to approve a budget adjustment in the amount of \$10,000.00 recognizing public access television fee revenue to be used for promotional activities.

Resolution 183-17 as recorded in the office of the City Clerk

Garver, LLC Professional Engineering Services Agreement: A resolution to approve a professional engineering services agreement with Garver, LLC in the amount of \$39,950.00 for design, bidding and construction phase services related to the Meadow Street Parking Deck Rehabilitation Project, and to approve a project contingency in the amount of \$38,150.00.

Resolution 184-17 as recorded in the office of the City Clerk

University of Arkansas Easement: A resolution to approve the conveyance of a permanent access easement and temporary construction easement to the University of Arkansas across the south portion of the Fire Station No. 6 property located at 900 South Hollywood Avenue.

Resolution 185-17 as recorded in the office of the City Clerk

AEP/SWEPCO Utility Relocations/North College Avenue and AEP/SWEPCO Utility Relocations/North Old Wire Road were pulled from consent for discussion by the request of City Engineer, Chris Brown.

AEP/SWEPCO Utility Relocations/North College Avenue: A resolution to approve a contract with AEP/SWEPCO for utility relocations on North College Avenue between Davidson Street and Rebecca Street, with the total amount to be paid by the City of Fayetteville not to exceed \$33,430.07.

AEP/SWEPCO Utility Relocations/North Old Wire Road: A resolution to approve a contract with AEP/SWEPCO for utility relocations on North Old Wire Road between North Mission Boulevard and East Ash Street, with the total amount to be paid by the City of Fayetteville not to exceed \$72,075.02.

Community Development Block Grant: A resolution to approve a budget adjustment in the amount of \$948.00 to reconcile the amount of funding received from the U.S. Department of Housing and Urban Development for the Community Development Block Grant program.

Resolution 188-17 as recorded in the office of the City Clerk

The Links at Fayetteville, Limited Partnership Land Exchange: A resolution to sell about 0.77 acres of land along North Frontage Road to The links at Fayetteville, a Limited Partnership, in exchange for right of way and easements necessary for the construction of North Ruppel Road between West Starry Night View and West Mount Comfort Road.

Resolution 189-17 as recorded in the office of the City Clerk

James L. and Judith A. Hazen Settlement Agreement: A resolution to authorize a settlement agreement with James L. and Judith A. Hazen concerning the acquisition of right of way and easements necessary for the construction of North Ruppel Road between West Starry Night View and West Mount Comfort Road.

Resolution 190-17 as recorded in the office of the City Clerk

Council Member Marsh moved to accept the Consent Agenda as read. **Council Member La Tour** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Long** was absent.

AEP/SWEPCO Utility Relocations/North College Avenue and AEP/SWEPCO Utility Relocations/North Old Wire Road were pulled from consent for discussion by the request of **City Engineer, Chris Brown**.

AEP/SWEPCO Utility Relocations/North College Avenue: A resolution to approve a contract with AEP/SWEPCO for utility relocations on North College Avenue between Davidson Street and Rebecca Street, with the total amount to be paid by the City of Fayetteville not to exceed \$33,430.07.

Chris Brown, City Engineer: I requested these to be pulled from the consent agenda because I was contacted by SWEPCO today. They let us know there was an opportunity to get an exemption from taxes for both of these projects. In the case of this item, it is about a \$3,800 savings. They requested some specific language in the resolution that specifically mentions aesthetics and safety. You have the revised resolution in front of you.

City Attorney Kit Williams: The resolutions for both items have been revised according to what SWEPCO wanted and recommended by our City Engineer. I request that the first one be amended to what has been handed out to you tonight.

Council Member Marsh moved to amend the resolution to the proposed language that was handed out by the City Attorney. **Council Member Kinion** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Long** was absent.

Mayor Jordan read the amended resolution.

Council Member Marsh moved to approve the resolution. **Council Member Kinion** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Long** was absent.

Resolution 186-17 as recorded in the office of the City Clerk

AEP/SWEPCO Utility Relocations/North Old Wire Road: A resolution to approve a contract with AEP/SWEPCO for utility relocations on North Old Wire Road between North Mission Boulevard and East Ash Street, with the total amount to be paid by the City of Fayetteville not to exceed \$72,075.02.

Mayor Jordan: The amendment would be to pass what has been handed out.

Chris Brown, City Engineer: The approximate savings on this item is \$8,200. Thank you to AEP/SWEPCO for saving our citizens \$12,000.

Council Member Marsh moved to amend the resolution to the proposed language that was handed out by the City Attorney. Council Member Kinion seconded the motion. Upon roll call the motion passed 7-0. Council Member Long was absent.

Mayor Jordan read the amended resolution.

Council Member Marsh moved to approve the resolution. Council Member Kinion seconded the motion. Upon roll call the motion passed 7-0. Council Member Long was absent.

Resolution 187-17 as recorded in the office of the City Clerk

Unfinished Business: None

New Business:

RZN 17-5862 (41 E. North St./Andona Properties): An ordinance to rezone that property described in rezoning petition RZN 17-5862 for approximately 0.84 acres located at 41 East North Street from RSF-4, Residential Single-Family, 4 units per acre, and R-O, Residential Office to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. He stated staff is in favor of the request and Planning Commission forwarded the item with a recommendation for approval with a vote of 9-0.

Andrea Fournet, Applicant stated it is a great project.

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

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member Kinion seconded the motion. Upon roll call the motion passed 7-0. Council Member Long was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Member Long was absent.

Ordinance 5993 as Recorded in the office of the City Clerk

The Vault Fayetteville, Inc.: An ordinance to approve the application of Michael David Jordan, on behalf of The Vault Fayetteville, Inc., for a permit to operate as a private club in the City of Fayetteville at 112 West Center Street, Suite B100.

City Attorney Kit Williams: The definition of private club was changed back in 2003. The application we have for private club does not have dues paying members. We need to change our definition in our city code to remove the dues paying members requirement which is no longer required under state law. We have added that to the particular ordinance that was already handed out to approve this petition. It is now in front of you. I request the ordinance be amended to this.

Council Member Petty moved to amend the ordinance to change the definition of private club in the city code to match the state law. Council Member Marsh seconded the motion. Upon roll call the motion passed 7-0. Council Member Long was absent.

City Attorney Kit Williams read the ordinance.

Council Member Petty gave a brief description of the ordinance. He stated it is a new requirement of state law.

Chris Baribeau, Applicant stated he was available for questions.

Council Member La Tour: I occupied that very building for 37 years. I'm glad to see it being developed and utilized in a useful manner. I am concerned with its use. Will you be serving alcoholic beverages?

Chris Baribeau: Yes.

Council Member La Tour: I don't see anything wrong with that, morally or socially. I do find very objectionable, drunken driving. I would like your assurance that you'll do everything in your power to prohibit patrons from leaving your establishment in an automobile where they can injure someone in a drunken state. Would you do that for me?

Chris Baribeau: Everything within our means. Absolutely.

Council Member Marsh moved to suspend the rules and go to the second reading. **Council Member Bunch** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Long** was absent.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. **Council Member Bunch** seconded the motion. Upon roll call the motion passed 7-0. **Council Member Long** was absent.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. **Council Member Long** was absent.

Ordinance 5994 as Recorded in the office of the City Clerk

RZN 17-5872 (South of Goff Farm & Spyglass Hill/Stonebridge Cottages): An ordinance to rezone that property described in rezoning petition RZN 17-5872 for approximately 1.17 acres located south of Goff Farm Road & Spyglass Hill from R-A, Residential Agricultural to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Andrew Garner, City Planning Director gave a brief description of the ordinance. He stated staff is in favor of the request and Planning Commission forwarded the item with a recommendation for approval with a vote of 7-2.

Blake Jorgensen, Jorgensen & Associates stated he was available for questions.

Council Member Marsh: Andrew, could you tell us what the objections of the two Planning Commissioners that voted against this proposal and what their rational was?

Andrew Garner: I believe the commissioners that voted against the request probably agreed with the neighbors that maybe having smaller parcels of land for single family homes would not be compatible. They felt the resulting development pattern would be different than what is there.

Council Member La Tour: When we say we are going to allow smaller lot sizes, how much smaller? Can you give me the minimum lot size of the current zoning compared to minimum lot size of the proposed zoning?

Andrew Garner: The surrounding zoning of the surrounding homes in the neighborhood is RSF-4. That has a minimum lot width of 70 feet and 8,000 square foot minimum size. The proposed zoning would allow lots of 40-foot width with 4,000 square foot lot minimum.

Council Member La Tour: Are we doing this anywhere else in the city?

Andrew Garner: We have. The city policy for the last five to ten years has been to integrate a more variety of housing types and not just the same lot size over and over again. We have done that in many places on the west side of Fayetteville. It is becoming more common.

Council Member La Tour: In our experience as a city in mixing the lot sizes, if you were to grade the results, how would you grade it?

Andrew Garner: Overall, it is probably a B grade. The primary benefit is you can have a variety. There are more choices for the consumer.

Council Member La Tour: I agree and thank you.

Council Member Bunch: Some of the comments I've heard have dealt with the flooding and drainage issues in Stonebridge Meadows. Do you think this will exasperate the problem or improve it? Do you have any suggestions?

Andrew Garner: There has been documented flooding and drainage issues. It is further upstream than this. If this project happens and develops, it won't exasperate some of the existing issues. We are aware of the issues that have been ongoing out there. I don't think adding this one acre of Neighborhood Conservation zoning will make it worse.

Gerry Daly, 1721 River Meadows Drive spoke in opposition of the rezoning. He spoke about flooding and drainage concerns. He believes it would harm the surrounding property owners with little benefit to the community or city.

Brooke Cluck, 3982 Spyglass Hill spoke in opposition of the rezoning. She spoke about vegetation, green space, trails, and traffic concerns.

Council Member Kinion: When I look at the topography it is a gentle slope, but it is the high end of the slope. My concern is the velocity of the runoff into the street and properties on the lower edge of this. I know it holds water, but that is not necessarily a bad thing. It is at the bottom of a much steeper ridge that's coming down to rest in that area before it goes into a pond. One acre doesn't seem like a lot, but one acre of vegetation could help in alleviating the velocity and volume of water going into the neighborhood. Philosophically, I like mixed housing in a neighborhood for a diverse type of development. I'm not going to support this based on the observation of the value of that acreage in controlling the runoff.

Council Member Marsh: I can't support the proposal. In looking at our 2030 City Plan goals, this development does not forward us towards any of them. In terms of appropriate infill this falls well outside the Mayor's box, which we have designated as our urban growth boundary. We have significant traffic issues out that way. It is not in traditional town form. It would be difficult for us to serve additional development with transit. This development is a nightmare from a drainage perspective. There is an estimated fire response time of six minutes and our target fire response time is five minutes.

Council Member La Tour: The development is downstream from where we have documented drainage problems. In Andrew's opinion, there was no way this development could exasperate those problems. Now we are hearing conflicting issues and those arguments seem inconsistent to me. We are underpaying our city staff. We are doing our best to pay them what the consultant says they are worth, but we don't have the money. When we say no to development, we are saying no to growing our economy and telling our city staff you are going to be under paid. I would like to see us grow and for us to do it smartly. I don't think we are going to have complete concreting of this area. There will still be green space which allows for some absorption. It rubs me wrong when we tell a private landowner that we like the way your land looks as raw land. We should all be concerned about that because one day it might be your land. I believe in broad zoning regulations instead of very restrictive regulations. I'm going to vote for it.

Council Member Gray: I'm usually very supportive of development. Council Member Marsh and I spent time out in the area talking with residents about their drainage problems. Until we can do something to help the drainage problems, I will not agree to have any further development in that area. I have faith we are going to do something about it within the year of 2018. I don't think approving this project at this time is the thing to do. I like diverse lots and sizes within a subdivision, but I don't think this is the appropriate place. I have concerns about the historic bridge. I like to preserve our items of historic value. We need to think about Houston and we have heard it mentioned that part of their problem is too much concrete. We aren't going to be a Houston, but we want to grow very carefully and correctly. We have to be cognizant of our topography and drainage problems.

Council Member Tennant: I agree with several of the comments that have been made from everybody, including Council Member La Tour. I respect Jorgensen & Associates and what they do. If we were looking at a development, which I know we are not, I'd be looking at whether this was a shove in type situation that may not fit or match. Sometimes that might make sense in an urban area, but out there it is a totally different situation. When I heard there was going to be a possible development out there I thought the rezoning might be for some of the land out further away from the golf course. When I drove by this spot, I have to value not the development, but I have to take the value of what any development might be there if we rezone it compare to what you may lose. We may lose more in this situation than what we gain by gaining some sort of development in the future. There is some potential for growth out there, but in this particular case there is more harm than good.

Council Member Petty: I read through all the comments and I was surprised by some of them. I don't think there is all that much difference between what's proposed and what is out there now. Maybe some of the houses will be smaller. If this was 1.25 acres zoned RSF-4 we would be talking about five houses, instead we are talking about six houses. That is not a big difference. The biggest concern for me is the fact this is so far out there. The infrastructure that's out there is already a liability for the city. Adding additional burden to the infrastructure increases the liability for us. We aren't getting enough tax revenue out there to support the long-term maintenance needs of that infrastructure.

Blake Jorgensen, Jorgensen & Associates: I understand everyone's comments, but I want to point out that by right they can put in some RA lots that have no detention. It could be a 6,000-square

foot home. We could do RSF-4 with four lots and no detention or storm water quality. Yet, out of 30 acres we have carved out one acre. This is an overall massive land. By going this route, we are creating one shared drive off Goff Farm Road, not four or five RSF-4 driveways that have no detention. We went to pursue a development that will achieve water quality and detention requirements. I understand voting no, but the other option is either estate lots or four RSF-4 lots with no detention requirements. I want everyone to understand that we thought this through. We aren't trying to skirt any issues and we are trying to make the best case for creating a diverse option. I want the public to know that a no vote doesn't mean something won't go in there. We aren't talking about development, we are talking about zoning. I can't give you a presentation on zoning that references a plan that may not go through.

Council Member Petty: It is zoned RA and you have 30 acres. Even after this rezoning, you develop that at a house per half acre, by right. Whenever you talk about that you did this for a certain reason and you compare that with the rest of the RA and the development potential, are you offering some kind of bargain?

Blake Jorgensen: We had a strategic plan to offer up an alternate product. It felt right given the location. If you go to any golf course around the area you have alternate products. The thing we get in our office constantly are people wanting a retirement home. They want less yard and maintenance. This is a POA maintained structure for this particular deal. It is not intended to be an estate home. They want a single level structure. Whether this location or elsewhere, that is something that's not available in this town readily.

Council Member Petty: You have a right to build 60 homes today on 30 acres.

City Attorney Kit Williams: Andrew, what is the zoning requirement for RA?

Andrew Garner: It is one house for every two acres.

Council Member Petty: It's 15 then.

City Attorney Kit Williams: You have to have 200 feet of road frontage?

Andrew Garner: Yes.

Council Member Petty: Whatever the number is, you have the right to build more homes than you are proposing today.

Blake Jorgensen: Correct.

Council Member Petty: If you brought back a proposal for the whole thing that clustered what you were allowed to build in one spot, I would be more inclined to support it. Unless they are linked together, I can't consider the rest of it. If you brought it back linked together, I would think about it a lot differently.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance failed 1-6. Council Member La Tour voting yes. Council Member Bunch, Gray, Marsh, Kinion, Petty, and Tennant voting no. Council Member Long was absent.

This ordinance failed.

Garden District Townhomes, LLC: An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Garden District Townhomes, LLC for the installation of water main along a portion of 9th Street between South College Avenue and South Washington Avenue, with the estimated amount to be paid by the City of Fayetteville not to exceed \$16,327.50, and to approve a project contingency in the amount of \$1,632.75.

City Attorney Kit Williams read the ordinance.

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

Council Member Kinion: This project has not been through the Water, Sewer & Solid Waste Committee. The plan for the loop has been discussed a lot. This fits in with what our goals are.

Council Member Marsh: I met with the applicant and walked the site. This is a great infill project that is replacing two empty lots and a derelict home with some diversity of housing type. It is definitely an area we need to fix.

Council Member Marsh moved to suspend the rules and go to the second reading. Council Member La Tour seconded the motion. Upon roll call the motion passed 7-0. Council Member Long was absent.

City Attorney Kit Williams read the ordinance.

Council Member Marsh moved to suspend the rules and go to the third and final reading. Council Member Kinion seconded the motion. Upon roll call the motion passed 7-0. Council Member Long was absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: In the first whereas clause it talks about the cost of constructing a six-inch sewer main. I believe that is supposed to be water main. It will be corrected on the final ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Member Long was absent.

Ordinance 5995 as Recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff gave a brief description of the Fall Bulky Waste Cleanup schedule.

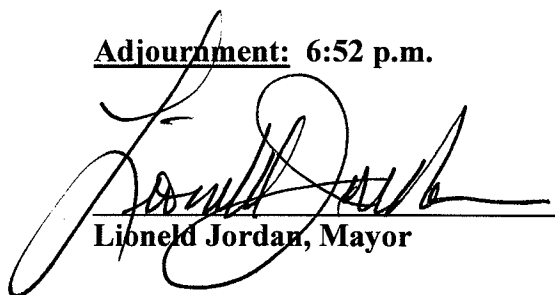
City Attorney Kit Williams: Are electronics accepted at the Recycling Center?

Don Marr stated they are accepted at the Recycling & Trash Collection Facility. He stated one item is free of charge and additional items will have a fee. He stated that the City of Fayetteville is asking for strategies for the Fayetteville Welcoming Plan and citizens can view a survey on the city's website. He spoke about the Fayetteville Arts Council seeking qualified artists, designers, and craft persons to create a public art mural for College Avenue.

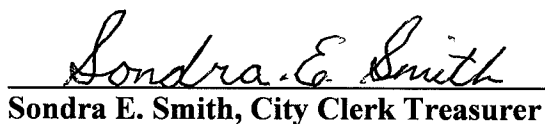
City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 6:52 p.m.



Lioneld Jordan, Mayor



Sondra E. Smith, City Clerk Treasurer