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

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 Kyle Smith
Ward 4 Position 2

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

City of Fayetteville Arkansas
City Council Meeting
December 5, 2017

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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan recognized Boys Scout Troop 854.

City Council Meeting Presentations, Reports, and Discussion Items:

Monthly Financial Report - Paul Becker

Paul Becker, Chief Financial Officer gave a summary of the Monthly Financial Report for 2017. He stated he is very happy with how things are going.

Election of Vice Mayor

Mayor Jordan spoke about the responsibilities of a Vice Mayor.

There was a brief discussion among Council Members about who they would like to nominate as Vice Mayor.

Council Member Marsh moved to nominate Council Member Kinion as Vice Mayor. Council Member La Tour moved to nominate Council Member Petty as Vice Mayor. Upon roll call Council Member Kinion was elected as Vice Mayor with a vote of 5-3. Council Members Bunch, Smith, Gray, Marsh, and Kinion voting for Council Member Kinion. Council Members Petty, Tennant, and La Tour voting for Council Member Petty.

Council Member Kinion was elected as Vice Mayor

Agenda Additions: None

Consent:

Approval of the November 21, 2017 City Council Meeting Minutes.

Approved

Arkansas Forestry Commission Firewise Grant: A resolution to authorize acceptance of an Arkansas Firewise Grant from the Arkansas forestry Commission in the amount of $500.00 for use by the Fire Department, and to approve a budget adjustment.

Resolution 247-17 as recorded in the office of the City Clerk

RFP #17-13 Gallagher Benefits Services: A resolution to award RFP #17-13 and authorize a one (1) year contract with Gallagher Benefits services in the amount of $80,000.00, with automatic renewals for up to four (4) additional one (1) year terms, for the provision of city employee benefits broker services.

Resolution 248-17 as recorded in the office of the City Clerk

Bid #17-57 Truck Centers: A resolution to award Bid #17-57 and authorize the purchase of a Freightliner M2-112 Roll Off Truck from Truck Centers of Springdale, Arkansas in the amount of $148,663.00 for use by the Recycling and Trash Collection Division.

Resolution 249-17 as recorded in the office of the City Clerk

Bid #17-58 Truck Service Center, Inc.: A resolution to award Bid #17-58 and authorize the purchase of a Unicarriers PF50LP Forklift from Lift Truck Service Center, Inc. of Springdale, Arkansas in the amount of $23,911.95 for use by the Wastewater Treatment Division.

Resolution 250-17 as recorded in the office of the City Clerk

Bid #17-62 Williams tractor: A resolution to award Bid #17-62 and authorize the purchase of two Bobcat E45 T4 Compact Track Excavators from Williams Tractor of Fayetteville, Arkansas in the total amount of $83,988.00 for use by the Water and Sewer Operations Division.

Resolution 251-17 as recorded in the office of the City Clerk

Bid #17-63 Henard Utility, Inc.: A resolution to award Bid #17-63 and authorize the purchase of a Seca Sewer Jetter Truck from Henard Utility, Inc. of Searcy, Arkansas in the amount of $217,575.00 for use by the Water and Sewer Operations Division.

Resolution 252-17 as recorded in the office of the City Clerk

Spring Street Parking Deck Fund: A resolution to close the Spring Street Parking Deck Fund, transfer about $243,431.00 remaining in that fund to the Parking Fund and to approve the attached budget adjustment.

Resolution 253-17 as recorded in the office of the City Clerk

BKD, LLP: A resolution to approve a one-year contract with BKD, LLP for auditing services for the 2017 audit, with an option to renew for up to four additional one-year terms.

Resolution 254-17 as recorded in the office of the City Clerk

Bid #17-56 81 Construction Group, Inc.: A resolution to award Bid #17-56 and authorize a contract with 81 Construction group, Inc. in the amount of $435,650.00 for the construction of the Lake Sequoyah Basin 3 Access Road, and to approve a project contingency in the amount of $43,565.00.

Resolution 255-17 as recorded in the office of the City Clerk

McClelland Consulting Engineers, Inc.: A resolution to approve a contract with McClelland Consulting Engineers, Inc. in the amount of $15,200.00 for testing and surveying services associated with the construction of the Lake Sequoyah Basin 3 Access Road project, and to approve a budget adjustment.

Resolution 256-17 as recorded in the office of the City Clerk

McGoodwin, Williams and Yates, Inc. Amendment No. 1: A resolution to approve Amendment No. 1 to the contract with McGoodwin, Williams and Yates, Inc. in an amount not to exceed $74,016.00 for changes to the Dinsmore Trail water main plans, construction observation and management services, and assistance with pressure sustaining valves on the water mains.

Resolution 257-17 as recorded in the office of the City Clerk

Council Member Marsh moved to accept the Consent Agenda as read. Council Member Gray seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Rezone College Avenue: An ordinance to rezone all parcels within or near College Avenue as shown on Exhibit C of the Planning Department's Agenda Memo comprising about 24.62 acres. *This ordinance was left on the first reading at the November 21, 2017 City Council meeting.*

Council Member Gray moved to suspend the rules and go to the second reading. Council Member Tennant seconded the motion. Upon roll call the motion passed 7-1. Council Members Petty, Tennant, Bunch, La Tour, Smith, Gray, and Kinion voting yes. Council Member Marsh voting no.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance and spoke about an addendum. He stated staff recommends approval.

Council Member Marsh: These two issues address the bulk of my concerns. I still have some concerns about the build to zone. It is a little deep. I prefer to see it from 0 to 10 feet, but I endorse these changes.

Council Member Kinion: I endorse these changes. I've had a lot of input from the Washington Willow and Wilson Park historic neighborhood. The concern was with the five to seven stories. By allowing the four stories for residential along the whole thoroughfare, you are going to see continuity and connectivity between the two neighborhoods. When you look at the heritage of College Avenue, we are going back to a walkable street through the center of the city that still allows the connectivity we are desiring.

Council Member Marsh: I am not sure I am comfortable in approving this without the Amend §166.21 Downtown Design Overlay District done first. I would not support this without amendments to the Overlay District done first.

A discussion followed about moving B.2, Amend §166.21 Downtown Design Overlay District to B.1. and Rezone College Avenue to be heard after Amend §166.21 Downtown Design Overlay District.

Council Member Marsh moved to amend the agenda and place Amend §166.21 Downtown Design Overlay District as B.1. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

Council Member La Tour 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 7-1. Council Members Petty, Tennant, Bunch, La Tour, Smith, Gray, and Kinion voting yes. Council Member Marsh voting no.

City Attorney Kit Williams read the ordinance.

Council Member Petty stated this has been a long process and talked about for more than a decade. He believes this is a historic occasion for people that have cared about College Avenue. He stated the amendments made tonight have made him more comfortable with the program. He spoke about the future of College.

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

Ordinance 6016 as Recorded in the office of the City Clerk

Amend §166.21 Downtown Design Overlay District: An ordinance to amend §166.21 **Downtown Design Overlay District** by amending the applicability section to include College Avenue Overlay District and to enact §166.26 **College Avenue Overlay District.** *This ordinance was left on the first reading at the November 21, 2017 City Council meeting.*

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 unanimously.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams explained some amendments that needed to be made to the ordinance.

Council Member La Tour: How is the development community accepting these changes? Do you see a lot of investment in this area from the development community?

Garner Stoll, Development Services Director stated he has only heard support.

City Attorney Kit Williams gave a brief clarification of the amendment.

Council Member Marsh moved to amend the ordinance as stated by City Attorney Kit Williams. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

Council Member Marsh: I would like to amend the build to zone from the current 10 to 25 feet to 0 to 10 feet. I have concerns the 25-foot build to zone is too far from the street, especially when you consider only 50% of the frontage has to be built to the build to zone. That would allow buildings to be set back much further from the street than would support the vital retail and streetscape we need to create here. We are heavily dependent on sales tax revenue, but we don't have a good pedestrian oriented retail and restaurant district in the city. I would like to amend the build to zone from 10 to 25 feet to 0 to 10 feet.

Council Member Petty stated he supports the intent, but the mechanism isn't right. He stated there's already not a lot of room on the street to do what they would like to do. He stated they would benefit from having an urban design process. He spoke about the reasons why he believes the build to lines should remain as proposed.

Council Member Marsh stated when she toured the buildings that were recessed back around 25 feet, the front areas were mostly filled with cigarettes, poorly maintained landscaping, and trash. She stated it wasn't an enticing streetscape nor did it present the best space for the city.

Will Dockery, 4149 West Brad Street Lane spoke against the proposed amendment.

Council Member Marsh spoke about examples of zero-foot setbacks in the city.

Council Member Petty stated College Avenue is a thoroughfare and we want it to be an urban thoroughfare instead of the kind of thoroughfare it is today. He spoke about frontage zones and zero lot line development. I am thinking about the future of College Avenue.

Council Member La Tour: This is a personal preference issue. A lot of our retail is moving to online. I want developers to have incentives to come in and build what we're envisioning. The less restrictive regulations are, the more likely we are going to have people come in and build.

Council Member Marsh: My proposal would allow a larger building footprint. It would increase the buildable area on each lot. We are seeing a huge shift of retailing to online because people don't enjoy fighting traffic and going to big box stores. Experiential retail is succeeding and providing a walkable environment for retail is critical in keeping that industry alive in our community.

Don Marr, Chief of Staff spoke about staff participating in the Urban Land Institute Healthy Corridors sessions. He stated they walked north on College Avenue towards Evelyn Hills where there is no sidewalk, and how unsafe they felt. The east side of the street that is newly constructed felt safe, until we got down to where we lost the tree barrier and green space barrier because the right of way was compressed at the time the building went in. While that is a build to zone, most people at the session talked about not feeling safe walking on it. That is where the staff took the position that 10 feet is good, 25 could be too large, and 0 could be way too close depending on where you are on the street and what the interaction is. Sometimes we forget that we're making decisions, that if we see bad consequences, we can change.

Council Member Kinion spoke about attending a New Urbanism Conference in New Orleans where rebuilding is occurring. He spoke about the setbacks and safety in that area of the country that could help in making decisions in Fayetteville. I wanted the discussion but I probably will not support this.

Mayor Jordan spoke about Razorback Road and stated he feels safer walking when there's a little bit of space between him and the road.

Council Member Marsh moved to amend the build to zone from 10 to 25 feet to 0 to 10 feet. Council Member Kinion seconded the motion. Upon roll call the motion failed 1-7. Council Member Marsh voting yes. Council Members Petty, Tennant, Bunch, La Tour, Smith, Gray, and Kinion voting no.

Council Member Gray 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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Council Members Petty, Tennant, Bunch, La Tour, Smith, Gray, and Kinion voting yes. Council Member Marsh voting no.

Ordinance 6017 as Recorded in the office of the City Clerk

<u>New Business:</u>

Walton Family Foundation Design Excellence Program Grant: A resolution to thank the Walton Family Foundation, to authorize Mayor Jordan to accept a Design Excellence Program Grant from the Walton Family Foundation in the amount of $1,770,000.00 to fund the design of an interactive outdoor cultural arts corridor along the Razorback Regional Greenway, to authorize the issuance of a request for qualifications with the condition that only firms pre-approved by the Walton Family Foundation may respond, and to approve a budget adjustment.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the resolution. He thanked the Walton Family Foundation for their generous support of the project and the many others they have invested in.

Don Marr, Chief of Staff thanked Peter and his team for their work on the grant. He stated it has been made clear to all stakeholders for no one to come with a preconceived idea of what must go where. He stated world renown design architects will deal with issues and give the best opportunity possible.

Council Member La Tour: I'm grateful for the contribution. They are giving us $1.7 million in design. What will the projected cost of the project build out be?

Peter Nierengarten: A preliminary estimate of construction cost will be in the $15 million to $20 million range.

Council Member La Tour: We will be asking our voters to approve a bond issue to cover that expense?

Mayor Jordan: We will.

Don Marr: The $1.7 million was established by using 12%. That's how we got the range. We don't really know until we see a design.

David Johnson, 1512 North Crestwood spoke in favor of the resolution.

Council Member Petty stated a decision to build something like this is hard to overstate what it's impact is. He spoke about public spaces being durable such as Central Park. He stated a sports complex is unlikely to be as durable or as important to our identity as this kind of space. He believes it will define the City of Fayetteville for many generations.

Mayor Jordan spoke about this being worked on for a long time. He thanked staff for their work and expressed his appreciation to the Walton Family Foundation. He spoke about being a progressive city.

Council Member Petty moved to approve the resolution. Council Member Kinion seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 258-17 as recorded in the office of the City Clerk

TheatreSquared, Incorporated: A resolution to express the City Council's acceptance and approval of TheatreSquared, Incorporated's pledges and financial commitments as sufficient to ensure completion of TheatreSquared's $31,500,000.00 theater project, and to authorize Mayor Jordan to invest the promised $3,100,000.00 as construction reimbursements pursuant to the contract of June 28, 2017.

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

Martin Miller, Executive Director of TheatreSquared stated the campaign and construction was going very well.

Council Member Kinion asked Mr. Miller to explain why the decision was made to not have a Performance Bond on the project.

Martin Miller: This was a considered decision by the Board and was a recommendation by our Board Facilities Chair. In public projects, it's a legally required process to ensure a Performance and Payment Bond. It is an option on a private project. We looked at Baldwin & Shells reputation. Their capitalization is healthy. We looked at the complexity of the project and size relative to other projects they have done. Our Board did not consider it worth the investment of what would have been around $160,000 to $180,000 in part of public funds. That was the decision they made and we relied on it. We are 7 months into the 19-month construction schedule which reduces the risk. We pay monthly and confirm the work has been completed. All the sub-contractors have been required to be bonded. The only work that does not have a Performance Bond on it is the Baldwin and Shells portion on top of those funds.

Tod Yeslow, TheatreSquared Treasurer stated it was a decision carefully considered by the Board.

Peter Tonnessen, Ward 3 spoke about a Special Election and appointment of Council Members. He stated his concerns about not having a business plan for the project. He spoke about Performance Bonds. He spoke in opposition of the resolution.

Council Member Gray stated her delight in supporting the resolution.

Council Member La Tour: How much money are we expected to put up?

Paul Becker: $3.1 million from the City of Fayetteville.

Council Member La Tour: Is that total?

Paul Becker: If you want to count the A&P Commission, they have committed to that also.

Council Member La Tour: So, $6.2 million?

Paul Becker: Yes, of the $31.5 million. This is construction, not by the city. We are not a party of the construction contract and that is why we do not require a Performance Bond. This is going to be constructed like a lease hold improvement by them based on their lease. If they default on their lease it will revert to the city and be a city asset.

Don Marr, Chief of Staff: The Council only authorizes the $3.1 million. The Advertising & Promotion Commission is a separate body that has to make the decision on the remaining $3.1 amount.

Council Member Marsh: The highest risk point in the construction process is in the excavation and foundation. The building already has the basement complete and we are out of the danger zone. The next highest risk would be the final punch list. Those are generally cheap and easy items to go in and complete.

Council Member Petty stated there are standard practices used by the private sector in development of construction to mitigate the risk when a Performance Bond is not utilized. He spoke in favor of the resolution.

Mayor Jordan: The A&P funding and the City of Fayetteville funding are two separate things. I don't control the A&P funding. We control the city funding. What will be the economic value to the city? The sales tax money?

Martin Miller: The overall construction impact on the local economy is in excess of $50 million just from the 18-month construction period alone. Once the facility is completed, our organizations economic impact grows from around $3 million a year to over $5 million a year.

Mayor Jordan: When we talk about driving the economic engine of the city, this is one of the ways we do it.

Council Member Gray moved to approve the resolution. Council Member Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 259-17 as recorded in the office of the City Clerk

Area Agency on Aging of Northwest Arkansas: An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and the Area Agency on Aging of Northwest Arkansas in the amount of $98,887.00 to provide public recreation services for the senior citizens of Fayetteville for 2018.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Tom Frazier, Citizen: The waiving of the bidding process and having this outsourced to a sole source provider, can that be two separate issues or is this in one ordinance? Waiving the bidding process, isn't that a separate issue than approving the contract?

City Attorney Kit Williams: No, in fact it probably would not be. You can only waive it during certain circumstances. The circumstances must justify waiving it. If you are not sure the person you want to contract with is the right entity and has certain qualifications that no other entity would have, therefore that's why you could waive competitive bidding. If you don't know who you want to bid with and they don't have unique qualifications, then the City Council could not waive competitive bidding. We would have to open it up for bidding and seek bids. If the City Council determines the Area Agency on Aging for Northwest Arkansas is a unique bidder because they have done this for so long and they have resources we don't have, if they feel like that's not unique and justify waiving competitive bidding, then they couldn't pass this ordinance in either case. It has to be tied to the person they're seeking a contract with.

Tom Frazier: We submit to delay or table this ordinance for the moment. The City Council could look into whether or not this is a unique agency with the only credentials that are available to properly perform this agreement. Take a look at the performance on the contract and see where the Senior Center was five years ago and see where it is today. Maybe give 30 days to do a mini feasibility study to determine whether the City of Fayetteville could take over the management and resources of the Senior Center.

Mayor Jordan: This is an ordinance and if the Council decides to not pass it tonight it can be left on this reading and can go another two weeks.

Don Marr, Chief of Staff: The current contract will expire December 31, 2017. A new contract or a new decision must be made so the Senior Center can remain open on January 2, 2018.

Mayor Jordan: If it goes 30 days pass today, we won't have a contract any longer.

Tom Frazier: Is the public aware of that?

Don Marr: This is a contract we renew annually in the last month of the year after the budget is approved.

Aubrey Shepherd, Citizen stated the best ever Senior Center Director was let go in the last two weeks and people at the Senior Center are unhappy about that change and the suddenness of it. He believes the city could operate the Senior Center better. He spoke about the former Director's salary and requested her reinstatement. He requested Council to delay until the end of the month and consider the options.

Peggy Trevor, Dickson Street stated she objects to the public recreation services because more of the seniors are there for socialization, exercise, and meals program. She stated there isn't time for the city to take over running the Senior Center come January 1st. She spoke about her dissatisfaction with the former Director being fired.

Jeremy Hess spoke about the management and maintenance of the Senior Center. He stated he hoped in the future the City of Fayetteville would look into the possibility of taking over the Senior Center. He requested to know if the city had any leverage in the contract with who is hired as the Director.

Council Member Marsh: I would like to hold it on this reading. I met with the former Director. She raised some issues and some have been addressed to my satisfaction and some of which have not. I would like to look into this further. I recognize we don't have time to devise a new plan before the new year. I received many letters and emails of support for Cayla Wilson, former Director of the Senior Center. I've always found that facility to be well run by her. I'm ashamed of the low level of pay for that position.

Council Member La Tour stated he believes the item should be held on this reading. He stated he's not sure why someone in Harrison, AR is making decisions for the people of Fayetteville. He stated he likes local control, but understands it would be difficult for the city to take over the program on short notice. He spoke about a contract being created for 6 months and not necessarily for the whole 12 months.

Mayor Jordan: I don't mind holding it for two weeks, but we are going to start getting into a crunch by the end of the year. The last thing I want is nobody running the Senior Center by the first of the year.

City Attorney Kit Williams: Mr. Mitchell, would you like to address some of the items that have come up and about contractual terms. It takes two parties to agree to terms.

Jerry Mitchell, Area Agency on Aging Executive Director gave a brief historical description about the organization. He stated it's his preference to have a local contractor if possible to manage the Senior Center. He stated there were issues that needed to be addressed to create more transparency and policies to be followed. He stated he could not speak about personnel policies. He stated he is willing to meet with the city and go over the contract to have the best Senior Center possible. He stated working in the non-profit business of taking care of the elderly does not pay well and the salary is horrible.

City Attorney Kit Williams: It was brought up there was some desire that the contract would give the city some input on the next Director selected. Would you be open to having some input by the city on that decision?

Jerry Mitchell: Yes, I will discuss that with you. We have to make sure of qualifications and background checks. We have not interviewed anyone yet. We would let someone from the city come in and sit in on the interview. Our agency employees 75 to 100 people in Washington County. Our regional office is in Harrison because it sits in the middle of the region. Our Senior Center Directors often times become part of the caregiving family. It is tragic when we have to terminate or they quit.

City Attorney Kit Williams: I will attempt a slight modification to the contract to provide some input from the city staff over the selection of the Senior Center Director.

Jerry Mitchell: Sure, we want to have a partnership. Our board is local.

Council Member Marsh: In speaking with the former Director, she expressed she was directed by your agency that she was not allowed to apply for grants to pursue continuing education for her and her staff.

Jerry Mitchell: I'm not aware of that specific thing. We require all of our Senior Center Directors to get authority from Angie Dunlap and myself before they submit a grant. The reason is that we have had Senior Center Directors submit grants they could not possibly do. We want to make sure before they obligate the Senior Center or themselves that it fits in with something they can do. I will look into the continuing education thing.

Council Member Marsh: Please do so and report to the Council.

There was a discussion about the Meals on Wheels program and Mr. Mitchell said he would get back with the Council with that information.

Council Member Marsh: There was a concern from the community that there wasn't an overall atmosphere of inclusiveness for the LGBTQ Senior citizens. What is the AAA's policy on inclusiveness?

Jerry Mitchell: Our policy is that we don't discriminate. If there are issues, I would like it reported so we can follow up on it.

Don Marr stated there were accusations that money was put into a foundation and not going to the program or the Senior Center itself when designated. He stated he verified that does not happen and it does go into a foundation, but gets designated and spent on the programs it's targeted for. He spoke about the budget and the cost of running the Senior Center. He spoke about the Wheels on Meals Program.

Jerry Mitchell stated when the Area Agency on Aging took the program over four years ago they had to start from scratch because there was no bank account that came with it. He stated the program is currently on solid ground.

Don Marr spoke about the city having a good communication network with the Seniors. He stated the city is the holder of the contract and the owner of the building. He stated there is a way for it to be managed so the level of quality of service that everyone wants is achieved.

Mayor Jordan: The seniors came in and met with me and we had a definite line of communication. They brought out some good points and we are going to work on those. We want the best Senior Center in the state. There was a lot of talk about the city taking it over. I didn't really know how we would be able to handle the $631,000 after just passing the budget. We have future budgets coming up.

Don Marr: We need a contract approved prior to December 31, 2017.

Mayor Jordan: Yes, we do. We do not want to see the Senior Center not having anybody operating it. I want to make sure it stays open and is run well.

This item was left on the First Reading.

Fayetteville Youth Center, Inc.: An ordinance to waive the requirements of formal competitive bidding and approve a contract between the City of Fayetteville, Arkansas and Fayetteville Youth Center, Inc. in the amount of $225,000.00 to provide public recreation services for the youth and citizens of Fayetteville for 2018.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks & Recreation Director gave a brief description of the ordinance.

Will Dockery, 4149 West Brad Street Lane spoke in favor of the ordinance.

Council Member Marsh moved to suspend the rules and go to the second reading. Council Member Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Eric Schuldt, Boys & Girls Club Chief Professional Officer stated they have tried their hardest to be a good partner to the city. He spoke about the many services they provide.

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 unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Gray thanked Eric Schuldt for his work.

Council Member Tennant: Eric, please tell your staff we appreciate them. They do a great job. The facility is nice, clean, and safe.

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

Ordinance 6018 as Recorded in the office of the City Clerk

2017 Water Master Plan Update: A resolution to accept and adopt the 2017 Water Master Plan Update.

Tim Nyander, Utilities Director gave a brief description of the resolution. He stated the plan was presented to the Water, Sewer, & Solid Waste Committee and they unanimously voted in favor to forward the item to the City Council for approval.

Council Member Kinion: This is a 20-year Master Plan with short range immediate needs as well as long range capital planning. The committee has worked very hard to be sure we have adequately planned for the future with no surprises. It's not just Fayetteville, it is also the other areas we service.

Council Member La Tour: We take water for granted. Without plans like this, I could see future growth areas of Fayetteville not having water. Infrastructure is important to our city and I support it.

Council Member Marsh moved to approve the resolution. Council Member Kinion seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 260-17 as recorded in the office of the City Clerk

City of Greenland Wastewater Contract: A resolution to approve a fifteen (15) year contract with the City of Greenland to accept and process their wastewater and to authorize Mayor Jordan to sign this contract.

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

Council Member Kinion: This is our longest standing contract with a municipality outside of the city.

City Attorney Kit Williams: Thank you to the Mayor, staff, and City Council. The last two items are the epitome of good government. Planning for the future, which has served us well over time and long-term relationships with our fellow cities. I'm proud to be a member of the City of Fayetteville government with your actions.

Mayor Jordan: Thank you, Kit.

Council Member Marsh moved to approve the resolution. Council Member Kinion seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 261-17 as recorded in the office of the City Clerk

Allgeier, Martin and Associates, Inc.: A resolution to authorize a professional engineering services agreement with Allgeier, Martin and Associates, Inc., pursuant to RFQ #17-01, in an amount not to exceed $480,049.00 for the engineering design and engineering observation and management services associated with electrical rehabilitation and improvements at the Paul R. Noland Wastewater Treatment Plant, to approve a project contingency in the amount of $48,004.90, and to approve a budget adjustment.

Tim Nyander, Utilities Director gave a brief description of the resolution. He stated the plan was presented to the Water, Sewer, & Solid Waste Committee and they unanimously voted in favor to forward the item to the City Council for approval.

Council Member Marsh moved to approve the resolution. Council Member Kinion seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 262-17 as recorded in the office of the City Clerk

CH2M Hill Engineers, Inc. Amendment No. 9: A resolution to approve Amendment No. 9 to the Agreement for Operations, Maintenance and Management Services between the City of Fayetteville, Arkansas and CH2M Hill engineers, Inc. in the amount of $7,938,833.00 for services in 2018.

Tim Nyander, Utilities Director gave a brief description of the resolution. He stated the plan was presented to the Water, Sewer, & Solid Waste Committee and they unanimously voted in favor to forward the item to the City Council for approval. Staff recommends approval.

Don Marr, Chief of Staff thanked Tim and his management team. He thanked CH2M Hill. He stated that the city's utility has been named the utility of the future, twice, which is a national award. He spoke highly about the contract and encouraged the Council to approve.

Mayor Jordan stated his appreciation.

Council Member Marsh moved to approve the resolution. Council Member Kinion seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 263-17 as recorded in the office of the City Clerk

Sale of Small Parcel of Land - George's Majestic Lounge: A resolution to authorize the sale of a small parcel of land South of George's Majestic Lounge and West of the railroad tracks.

Council Member Tennant: I was contacted by the owner of George's Majestic Lounge who was interested in a very small piece of land behind George's, around the railroad track. It's not really a piece of land that I saw had much value or use for the city.

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the resolution. Staff recommends the city retain the southern portion of the parcel.

Council Member Tennant: Once we pass this resolution to authorize the sale, then there's a process that kicks in to sale any publicly owned land. Correct?

City Attorney Kit Williams stated yes. He spoke about how the resolution would have to be amended to reflect the city's intention to retain the southern portion of the parcel.

Council Member Tennant: Just because we vote on this tonight doesn't mean the land is a done deal. When I went and looked at the .038 acres, it's a tiny piece, especially when you take the part out that city staff is recommending. It is totally understandable we would want that part with the possible future uses. It would be a win for us to be able to sale a little bit of land to the only landowner that might possibly have use for it and still keep the part we may use for later.

City Attorney Kit Williams: If you want to go forward, I would change Section 1 to read that the .038-acre parcel described on Exhibit A is no longer needed for corporate purposes and should be sold for fair market value.

Mayor Jordan: We would sell the northern end, which is about 1,600 square feet and keep the southern end?

City Attorney Kit Williams: Yes, just add the .038-acre, right before parcel. It will make it clear that's what is being sold.

Council Member Tennant moved to amend the resolution to say .038-acre right before the word parcel. Council Member Kinion seconded the motion. Upon roll call the motion passed unanimously.

Council Member Petty: If this resolution is passed, does this property still need to go to competitive bidding?

City Attorney Kit Williams: It could go to competitive bidding if the Mayor determined that it might be worth more than $20,000. Even without that you are not prohibited from doing competitive bidding.

Council Member Petty: If it is valued at more than $20,000 it is required to go to competitive bidding?

City Attorney Kit Williams: Yes.

Council Member Petty: I'm not convinced the property is worth less than $20,000 based on comparables from other land sales in proximity to the area. There is a parcel that's not much bigger than twice this size that sold for $90,000 just seven months ago. It may not look like it, but that's enough land to construct a single-family dwelling or even a duplex. I'm okay with selling, but I'm reluctant to support this with a determination that it's valued at less than $20,000.

Council Member Marsh: I am in support of selling the property at some point. I wonder how the Design Excellence Program and the future plans of the area could impact the value of this parcel. We are about to put this tremendous new Arts District here and this parcel is worth a lot less sitting next to a big parking lot. I question the timing of selling this parcel.

Council Member Tennant: The timing to me is this is a long-standing business that borders the land. They look at it as a strategic piece of their possible future usage. Any piece of land in town when somebody wants it, that's when I consider it to be the timing to talk about it. A business in the Entertainment District that has proven to be a fantastic and historic place in our city for decades would like to possibly buy it. I'd like to move forward and see what we can sell the land for, which I don't think has much value other than to this particular company at this time.

A discussion followed about the amendment wording.

Council Member Petty moved to amend the resolution to say .038-acre parcel described on Exhibit A is no longer needed for corporate purposes and should be sold for fair market value by competitive bidding. Council Member La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams: Even though this would be passed, it doesn't mean anything has been sold. It would still come back to the City Council for a determination.

A discussion followed about the timing and interest of the property.

Council Member Kinion moved to approve the resolution. Council Member Marsh seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 264-17 as recorded in the office of the City Clerk

Announcements: None

City Council Agenda Session Presentations:

Agenda Session Presentation - 2017-2018 Drainage Improvements Plan

City Council Tour:

Monday, December 4, 2017 4:30 PM

Adjournment: 8:27 p.m.

Lioneld Jordan

Lioneld Jordan, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk Treasurer