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
January 2, 2018

A meeting of the Fayetteville City Council was held on January 2, 2018 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: None

City Council Meeting Presentations, Reports, and Discussion Items:

Election of Vice Mayor

Mayor Jordan opened the floor for nominations.

Council Member Marsh nominated Council Member Kinion due to his excellent attendance record and consistency in reading the agenda packets.

Council Member La Tour nominated Council Member Petty due to his reasoning ability, his desire to see the city developed in a smart way, and his articulate skills.

Council Member Petty: I appreciate the nomination, but I will turn it down this time since we just did this about a month ago.

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 7-1. Council Members Bunch, Smith, Gray, Marsh, Kinion, Petty, and Tennant voting for Council Member Kinion. Council Member La Tour abstained.

Council Member Kinion was elected as Vice Mayor

Monthly Financial Report - Paul Becker

Paul Becker, Chief Financial Officer gave a summary of the Monthly Financial Report.

Report of the Firemen's and Policemen's Pension and Relief Fund

Mayor Jordan presented the report on the Firemen's Pension and Policemen's Pension to the City Council.

A copy of the report is attached.

Agenda Additions: None

Consent:

Approval of the December 19, 2017 City Council Meeting Minutes.

Approved

Arkansas Department of Transportation: A resolution to approve an agreement of understanding with the Arkansas Department of Transportation for the acceptance of an 80/20 Arkansas Transportation Alternatives Program Federal-Aid Grant in the amount of $280,000.00 for the installation of lighting along the Cato Springs Trail, and to approve a budget adjustment.

Resolution 01-18 as recorded in the office of the City Clerk

Bid #17-49 Summit Truck Group: A resolution to award Bid #17-49 and authorize the purchase of three (3) International 7300 4x2 Recycling Trucks with Kann Bodies in the total amount of $507,300.00 from Summit Truck Group of Lowell, Arkansas for use by the Recycling and Trash Collection Division.

Resolution 02-18 as recorded in the office of the City Clerk

Bid #17-64 Williams Tractor: A resolution to award Bid #17-64 and authorize the purchase of a Bobcat S-595 Skid Steer and 84-inch Angle Broom in the total amount of $46,298.00 from Williams Tractor of Fayetteville, Arkansas for use by the Recycling and Trash Collection Division.

Resolution 03-18 as recorded in the office of the City Clerk

Bid #17-59 Bulk Crushed Rock Salt: A resolution to award Bid #17-59 and authorize the purchase of bulk crushed rock salt from Central Salt, LLC for $73.00 per ton for materials picked up and $75.65 per ton for materials delivered as needed through the 2018 winter season.

Resolution 04-18 as recorded in the office of the City Clerk

Bid #18-01 Custom Pavement Maintenance and Safety, LLC: A resolution to award Bid #18-01 and authorize the purchase of reflectorized paint markings from Custom Pavement Maintenance and Safety, LLC in variable amounts and for varying unit prices as needed through the end of 2018.

Resolution 05-18 as recorded in the office of the City Clerk

Bid #18-02 Curb and Gutter Construction: A resolution to award Bid #18-02 and authorize the purchase of curb and gutter construction from Fochtman Enterprises, Inc. as a primary supplier in variable amounts, and authorizing the use of other bidders based on price and availability, as needed through the end of 2018.

Resolution 06-18 as recorded in the office of the City Clerk

Bid #18-03 Truck Hauling Services: A resolution to award Bid #18-03 and authorize the purchase of truck hauling services from B&B Roofing and Construction of Arkansas, LLC as primary supplier, and to authorize the use of other bidders based on price and availability as needed through the end of 2018.

Resolution 07-18 as recorded in the office of the City Clerk

Bid #18-04 Concrete Purchase: A resolution to award Bid #18-04 and authorize the purchase of concrete from Tune Trucking, Inc. d/b/a Tune Concrete Company as primary supplier in variable amounts and to authorize the use of other bidders based on price and availability as needed through the end of 2018.

Resolution 08-18 as recorded in the office of the City Clerk

Bid #18-05 Aggregate Materials: A resolution to award Bid #18-05 and authorize the purchase of aggregate materials from Hunt Rogers Materials, LLC as primary supplier and to authorize the use of various secondary vendors as needed through the end of 2018.

Resolution 09-18 as recorded in the office of the City Clerk

Bid #18-07 Hillside Gravel: A resolution to award Bid #18-07 and authorize the purchase of Hillside Gravel from Les Rogers, Inc. in varying amounts and for variable unit prices as needed through the end of 2018.

Resolution 10-18 as recorded in the office of the City Clerk

Bid #18-08 Plastic Drainage Pipe: A resolution to award Bid #18-08 and authorize the purchase of plastic drainage pipe from Ferguson Waterworks as the primary supplier and authorizing the use of other bidders based on price and availability, as needed through the end of 2018.

Resolution 11-18 as recorded in the office of the City Clerk

Bid #18-09 Concrete Drainage Pipe: A resolution to award Bid #18-09 and authorize the purchase of concrete drainage pipe from Scurlock Industries, Inc. in variable amounts and for varying unit prices as needed through the end of 2018.

Resolution 12-18 as recorded in the office of the City Clerk

Bid #18-10 Screened Topsoil: A resolution to award Bid #18-10 and authorize the purchase of screened topsoil from Les Rogers, Inc. as primary supplier and Sweetser Construction, Inc. as secondary supplier in variable amounts and for varying prices as needed through the end of 2018.

Resolution 13-18 as recorded in the office of the City Clerk

Bid #18-11 Retaining Wall Blocks: A resolution to award Bid #18-11 and authorize the purchase of retaining wall blocks from various vendors for varying unit prices as needed through the end of 2018.

Resolution 14-18 as recorded in the office of the City Clerk

Bid #18-12 High Performance Cold Mix Asphalt: A resolution to award Bid #18-12 and authorize the purchase of high performance cold mix asphalt from Hutchens Construction Co. as primary supplier and Atlas Asphalt, Inc. as secondary supplier in variable amounts and for varying prices as needed through the end of 2018.

Resolution 15-18 as recorded in the office of the City Clerk

Bid #18-13 Construction Debris Waste Disposal Services: A resolution to award Bid #18-13 and authorize the purchase of construction debris waste disposal services from Holtzclaw Excavating, Inc. in the amount of $10.00 per load as needed through the end of 2018.

Resolution 16-18 as recorded in the office of the City Clerk

Bid #18-15 Decorative Fencing: A resolution to award Bid #18-15 and authorize the purchase of decorative fencing from Thomas Fence as primary supplier and Robinson Fence as secondary supplier and authorizing the use of other bidders based on price and availability as needed through the end of 2018.

Resolution 17-18 as recorded in the office of the City Clerk

2018 T-Hangar Lease Agreements: A resolution to approve T-Hangar lease agreements in 2018 at the current rental rate or as adjusted upward by the Airport Board for all T-Hangars rented at the Fayetteville Executive Airport.

Resolution 18-18 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 the amount of $573,309.00 for the engineering design of the East Fayetteville Water System Improvements and Township Tank Project, and approving a contingency in the amount of $57,331.00.

Resolution 19-18 as recorded in the office of the City Clerk

833 North Crossover Road: A resolution to approve a budget adjustment in the amount of $174,135.00 recognizing revenue from the sale of the Fire Prevention Bureau at 833 North Crossover Road.

Resolution 20-18 as recorded in the office of the City Clerk

G&W Diesel Service, Inc.: A resolution to approve the purchase of a 2018 Pierce Arrow XT Fire Apparatus from G&W Diesel Service, Inc. in the amount of $893,472.00 plus a performance and payment bond at a cost of $3,000.00 pursuant to the Houston-Galveston Area Council Cooperative Purchasing contract, to approve a project contingency in the amount of $15,000.00, and to approve a budget adjustment.

Resolution 21-18 as recorded in the office of the City Clerk

Black Hills Energy Arkansas, Inc.: A resolution to approve the conveyance of right of way and easement to Black Hills Energy Arkansas, Inc. across a portion of the West Side Wastewater Treatment Facility property and other city-owned property along Broyles road.

Resolution 22-18 as recorded in the office of the City Clerk

Arkansas Fire and Police Pension Review Board: A resolution to approve a budget adjustment in the amount of $1,600.00 recognizing revenue from the Arkansas Fire and Police Pension Review Board for the future supplemental benefits paid to pensioners.

Resolution 23-18 as recorded in the office of the City Clerk

Washington County Jail Services Ninth Amended Interlocal Agreement: A resolution to approve the Ninth Amended Interlocal Agreement for Jail Services with Washington County, Arkansas continuing the booking fee at $62.00 per prisoner in 2018.

Resolution 24-18 as recorded in the office of the City Clerk

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

<u>Unfinished Business:</u>

Energy Action Plan: A resolution to accept and adopt an Energy Action Plan for the City of Fayetteville. *At the December 29, 2017 City Council meeting this resolution was tabled to the January 2, 2018 City Council meeting.*

Peter Nierengarten, Sustainability & Resilience Director gave a brief description of the resolution. He spoke about the cost and benefits of green roofs versus traditional roofs. He spoke about the 100% city wide operational goal of being powered by clean energy by the year 2030. He spoke about SWEPCO being in the building stage of the largest wind farm in the United States in the panhandle of Oklahoma. He discussed renewable energy credits.

Council Member La Tour: Part of our framework for action, we make the statement that we'll make appropriate infill and revitalization our highest priority. How would that impact a developer with a 20-acre tract who wants to build $300,000 homes?

Peter Nierengarten: That goal comes directly from City Plan 2030. It relates to the transportation efficiency associated with development. Encouraging development in a location at an appropriate density that allows for transportation options other than single occupant vehicles to increase the efficiency of the transportation component of the Energy Action Plan.

Council Member La Tour: If I was that developer, I'd think I'm out of luck because the city won't approve my development since you can't walk or ride a bike to it?

Peter Nierengarten: There are high level goals that guide city policy. There are ordinances and development regulations that fit under those high-level goals. Over time the objective is to try to align those so they complement one another. Without knowing the specifics of a project, I can't answer whether the developer would be out of luck. The high-level goal of City Plan 2030 along with the Energy Action Plan is to move towards more efficient transportation options and appropriate infill.

Council Member La Tour spoke about solar and wind energy and the cost associated with it. He stated he doesn't want this plan to inhibit the development of the city. He stated he's afraid if further regulations are adopted, it will slow down development. He stated more tax base is needed in the city. He stated, if we have already stated that our purpose is to encourage appropriate infill and revitalization in the 2030 Plan, he requested to know why it must be restated in the Energy Action Plan.

Peter Nierengarten: Because part of the scope of the Energy Action Plan is to include that transportation sector in reductions in carbon emissions. One of the things we are trying to do as staff, in terms of presenting plans for adoption at the Council level, is creating a nexus between our various plans. It is appropriate to restate those goals to add specificity to them where they apply in an energy context as opposed to a land use or transportation context. That is why they're in this plan, as well as in the City Plan document.

Council Member La Tour: From your perspective, a good plan will encourage people not to drive single occupant vehicles. What you are telling me is that we want to tie our development with our transportation and because we don't like single occupant vehicles, then we need to encourage just development where you don't have to drive a car.

Peter Nierengarten: I don't think this plan says anywhere that we don't like single occupancy vehicles. What the plan does note, is the transportation sector emissions for Fayetteville have been on an upward trajectory. The primary reason for that is increase in vehicle miles traveled, particularly those vehicle miles that are single occupancy driven vehicles. We want to provide options for people.

Council Member La Tour: If I'm a developer on the west side of town and it isn't infill and not connected closely to our transportation goals, would that be reason enough to deny the developer to build?

Peter Nierengarten: I can't provide judgement on that level of detail. There may be other factors to consider.

Council Member Marsh: This is a fantastic plan. Thank you to Peter and his team. A recent study by the Center for Neighborhood Technology found that for every dollar we spend on energy, ninety-seven cents leaves our state. When we waste energy, we waste money. Sustainability was a key focus sector identified in the Fayetteville First Economic Vitality Plan. I appreciate the cross-sector goals in the plan, specifically the goal to reduce housing and transportation cost to less than 45% of median income. I like the focus on growing green jobs and the green economy. There are several goals I felt weren't ambitious enough on the LED streetlights. We have the goal of 100% LED streetlights by 2030. Data shows that lighting retrofits have some of the fastest payback periods. Replacing these on a quicker timeline would help us improve our neighborhoods and dark sky issues. What was the thinking in setting that at 2030 instead of 2020?

Peter Nierengarten: The rationale for that date was the scope of retrofitting all the streetlights in the City of Fayetteville. There are thousands of streetlights and very few are LED at this point. We are seeing some strong progress in that area.

A discussion followed about the magnitude of streetlights and resources needed to do the change outs.

Council Member Marsh believes the clean energy for local government goal could be reached by 2025. She wanted to know if the city had the ability to report on energy consumption and expenditure each month with the monthly sales tax report?

Peter Nierengarten: In terms of community wide?

Council Member Marsh: Maybe for the community, but at least for the municipal energy use. I'd like a report to City Council just like our monthly sales tax report. Could we include energy consumption on that?

Peter Nierengarten: We could probably do that. Are you talking about city government operations?

Council Member Marsh: Yes. I would like to see us challenge our neighbors in the region so we can compare, just as we do with sales tax. In the action items, you had assigned each one to a city department. I would like to see us go further and assign them to boards and committees. Once this is passed, I hope staff will move quickly to bring forward all the proposed policy changes for action items with any savings potential or that are revenue neutral immediately.

Council Member Smith: I was impressed with the plans emphasis, not just on reduction of numbers, but how it contributes to social inequity issues. Can you highlight a couple of things you think draws that out?

Peter Nierengarten: The burden of energy inefficiency often falls on lower income members of the community, particularly in cold weather. A lot of older, less efficient homes that heat with electric resistance heat can see electric bills as high as $400 per month to keep a home not even reasonably warm in the winter. Some of the focus in the plan specifically relate to collaborations with community resources, leveraging CDBG funds, and existing incentives available through utility companies to target some of the low-income folks needing assistance. We believe energy security and efficiency should not just be available to those with means, but should be available to every citizen in Fayetteville.

Council Member Smith: There's a 100 plus action item in this plan and some of them look familiar. How many are already in progress?

Peter Nierengarten: Roughly, 34 are ongoing or in progress. Another 12 are ready to be started.

Scott Collins, Ward 1 stated the Energy Action Plan was an excellent plan, except for one item. He believes the statement, making appropriate infill and revitalization the highest priority, needs to be removed from the city's plan because it's not definable.

Gary Kahanak, 952 South Washington Avenue stated the plan brings the issue of climate mitigation up front and center for the public. He spoke about energy efficiency, renewable, and clean energy. He stated there's no evidence going 100% wind and solar is feasible.

Joyce Hale, 285 West Cleburn stated she is President of the League of Women Voters of Washington County. She expressed their support for the Energy Action Plan. She stated she was encouraged by the plans long term view in an age of instant gratification. She spoke about clean curbside separation system.

Cyrus Young, 210 North Locust stated adopting the Energy Action Plan would not demonstrate leadership. He believes leadership can only be demonstrated by doing something specifically. He suggested the city require residential construction to have aluminum foil put on the outside walls and on roofs.

Keaton Smith, 88 East 4th St. spoke in favor of the Energy Action Plan.

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

Resolution 25-18 as recorded in the office of the City Clerk

Public Hearing:

Raze and Removal 171 E Meadow Street: A resolution to order the razing and removal of a dilapidated and unsafe structure on property owned by Paul Brickman located at 171 East Meadow Street in the City of Fayetteville, Arkansas, and to approve a budget adjustment of $4,715.00.

Mayor Jordan opened the Public Hearing.

David Carver, Code Compliance Administrator gave a brief description of the resolution. He stated the address has been problematic with 18 requests for service in the past 5 years. Fayetteville's Police Department has experienced issues with transient activity and have received 12 calls in the past 5 years between the subject structure and the adjacent vacant structure. He stated the property owner has been inconsistent with communication and unresponsive to any intentions for abatement. He stated no building permits have been issued or applied for. Mr. Carver presented a PowerPoint showing photographs of the structure. He stated the foundation was sliding down the hill and the building was lifting off the foundation, which is a bad sign of settling. He stated there is inadequate ground wire coming from the main power. He stated that the failing foundation is lifting floor joist. He spoke about the failed foundation covered over with a parge coat, which is highly inconsistent with an adequate repair. He stated the structure had exposed insulation, inadequate plumbing, incorrect framing, incorrect blocking, vagrant activity, inadequate breaker box, and exposed wiring.

Council Member Marsh: I received an email from the property owner stating they were making improvements. They requested we table this to give them an opportunity to demonstrate that to a Code Official.

Mayor Jordan requested to know if the property owner was in attendance.

David Carver: The property owner lives in Maryland. He's been absent.

Council Member Tennant: Do you have a timeframe in mind?

Council Member Marsh: I say we give them 30 days to demonstrate some significant improvements.

Mayor Jordan closed the Public Hearing.

Council Member Marsh moved to table the resolution to the February 6, 2018 City Council meeting. Council Member La Tour seconded the motion. Upon roll call the motion to table passed unanimously.

This resolution was tabled to the February 6, 2018 City Council meeting.

__**New Business:**__

American Tower, LLC: A resolution to approve the agreements for assignment of two leases for cell tower sites from Smith Communications, LLC to American Tower, LLC as requested by Smith Communications, LLC.

City Attorney Kit Williams gave a brief description of the resolution.

David Reynolds, Applicant stated the agreements will all remain the same, but there will be a different owner of the structures.

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

Resolution 26-18 as recorded in the office of the City Clerk

Automatic Engineering: An ordinance to waive competitive bidding and to accept a repair quote of $208,198.00, plus any applicable tax with Automatic Engineering to repair seven aerator gearboxes for the Noland Wastewater Facility.

City Attorney Kit Williams read the ordinance.

Tim Nyander, Utilities Director gave a brief description of the ordinance. The Water, Sewer, & Solid Waste Committee voted 3-0 to forward the item to City Council for approval.

Council Member Kinion 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.

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 unanimously.

Ordinance 6023 as Recorded in the office of the City Clerk

2018 Asphalt Materials: An ordinance to waive the requirements of formal competitive bidding during 2018 for the purchase of asphalt materials for use by the Transportation Division, but to require informal quarterly bids or quotes.

City Attorney Kit Williams read the ordinance.

Terry Gulley, Transportation Services Director gave a brief description of the ordinance.

Mayor Jordan: Did this go through the Transportation Committee?

Terry Gulley: No. It is the same type of thing we do every year.

Don Marr, Chief of Staff: This was done with our bidding that you passed on the Consent Agenda.

Council Member La Tour: I can't tell the difference when I buy gasoline from one supplier to another. Is it the same with asphalt?

Terry Gulley: Yes. It's because they have engineered specifications they must meet.

Council Member La Tour: How many providers of asphalt do we have in Northwest Arkansas?

Terry Gulley: We normally have two bidders.

Council Member La Tour: Do we usually take the lower bid?

Terry Gulley: We always take the lower bid.

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 unanimously.

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 Gray 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 unanimously.

Ordinance 6024 as Recorded in the office of the City Clerk

2018 Overlay and Sidewalk Projects: A resolution to approve the Transportation Division Overlay and Sidewalk Projects List for 2018.

Terry Gulley, Transportation Services Director gave a brief description of the resolution. He stated the item had been through the Alternative Transportation Committee and the Transportation Committee and forwarded to City Council for consideration.

Council Member Smith stated he had supported the item at last the Transportation Committee meeting. He spoke about concerns from citizens of Halsell and Oliver. He requested Terry Gulley to elaborate on the process.

Terry Gulley stated the request has been on the list since 2014 and has floated around near the top since then. He stated the Active Transportation Committee forwarded the list. He believes it will help manage traffic on Razorback football game days. He stated it gives an alternative route from the steepness of trying to go up Cleveland Street. He spoke about additional connections.

Council Member Bunch: I received quite a few emails about this. One of the complaints was that putting in the sidewalk was going to take out a lot of sizable trees. Do you have any idea of how many?

Terry Gulley: There's a few large oaks. One of the issues with this street and sidewalk is that there's a 40-foot right-of-way there. It's approximately a 22-foot road at most. However, that lays almost exclusively on the southside of the right-of-way. The city owns the right-of-way close to 20 feet onto what most people would consider their property on the north side. There's a lot of right-of-way there and it's going to clean out several fence rows. There are a few oaks close to the street. It seems like there's more towards the east end than there is on the west end.

Council Member Smith: I know the city has the right to use the right-of-way. Has there been any work done, with the neighbors that would be affected by this on the design sidewalk and how to minimize those impacts?

Terry Gulley: Once we get approved, Keith Shreve, Assistant Transportation Manger will meet with each property owner and discuss ways to minimize a disruption to them to the best of our ability. We can't avoid everything.

Ethel Simpson, Oliver and Halsell stated she is opposed to the sidewalk project. She spoke about neighborhood character, resource allocation, and overstatement of need in the area.

Rob Karas, 1666 Halsell stated he does find it dangerous on game days, which is seven days a year. He spoke about the trees in the area. He spoke about paths for walkers.

Steve Guinn, 1844 Halsell spoke in opposition of the resolution.

Barbara Fraleigh, 1624 Halsell spoke in opposition of the resolution.

Bill Curington, 1611 Halsell spoke in opposition of the resolution.

Teresa Turk, Citizen spoke in opposition of the resolution.

Council Member Smith stated when this came in front of the committee, there weren't other options presented. He stated he has had time to go back and look at other areas of Ward 4 that might still have a sidewalk need that we could meet in place of this one. He spoke about amending the resolution to add sidewalks at Double Springs and Salem Road and removing Halsell and Oliver from the project.

Council Member Marsh: I was hoping we could send this back to the Active Transportation Advisory Committee for consideration. Council Member Smith's suggestion is a good one, but we have a lot of requests in Ward 4. It would be good to approach it holistically in determining where we might reallocate this money.

Council Member Smith: I'm not opposed to that.

Council Member La Tour spoke about the background he has with Ethel Simpson and Rob Karas. He believes a sidewalk would improve the character of the neighborhood. He spoke about traffic safety on game days and other days of the year. He stated there are a lot of trees in the neighborhood. He stated that resource allocation could be argued because there is always a better place to spend money. He spoke about the amount of foot traffic through the neighborhood. He spoke in favor of keeping the sidewalks as proposed.

Mayor Jordan: Every year I sit down with staff and listen to what Council Members want to put on the list. A list goes to the Transportation Committee for them to weigh in and advise the Mayor on what they think is proper, this also includes the Alternative Transportation. I make the final decisions on the Sidewalk and Overlay Program. The reason I don't utilize that power is because I like getting input from the Council Members. At the end of the day, unless I contract the project out and I do it in-house, the staff works for the Mayor. They will build the sidewalks where I tell them to build the sidewalks.

Don Marr: My point to the Council and the Committees, if you choose to go that route, is the discussion needs to make sure it considers time allocation and dollar allocation. I know Council Member Smith has looked at that because I've had that discussion with him. If the Alternative Transportation Committee changed recommendations to give additional advice to the Committee, I want an understanding this plan is at staffing capacity and at dollar capacity to our budget. Any options must fit within a replacement schedule of these dollars and time. At the end of the day the Mayor will make the call.

Council Member Petty: What is the urgency with getting this work plan adopted? When do you need it adopted to start?

Terry Gulley: We don't have any approved place to go. Once the weather breaks, we will want to begin with something on this list.

Don Marr: I'm sure the Mayor will give us a project to start with to make sure we are utilizing staff time and resources. It is time sensitive in the sense that we need work, but there's a lot of items on this list that could be done.

Council Member Petty: While I have respect for the Mayor's statutory authority, I'd like to get something passed so we're in agreement before the Mayor had to make that kind of call without us weighing in. If we're going to pull this project off for consideration, I hope we consider passing the remainder of it tonight. Alderman Lucas suggested this originally a few years ago. Council Member La Tour brought it back up and he's convinced me that he thinks this is the project with some compelling points. Because there have been so many Council Members who have requested this and you take the politics out of it, where does this fall in terms of the number of people this can help in the community? Is this at the top of the list for Ward 4?

Terry Gulley stated he looked at other alternative projects within the Ward and not limiting to what was on the list. He stated it was hard to find a lot of projects in Ward 4 in comparison to other Wards. He spoke about connectivity in areas of town.

Council Member Petty: When I measure the bottom line of what we do up here, it's how many people's lives are we improving with the dollars we are spending. Are there any projects more impactful than this one?

Terry Gulley stated he couldn't really come up with any. He spoke about Cleveland Street and stated the upper most point is 17% grade at the very top and feels like the current proposed project is an alternative. He stated their number one priority is Halsell and the Mt. Comfort cemetery connection was their second choice.

Council Member Petty: I trust staff to analyze these things. This process may seem to look political, but it shouldn't be. It should only be about how many people's lives we are making better. It raises the specter pf politics in these discussions and we need to decide if we are going to continue to allow that. Mayor, I might come down on the side of don't ask Council. I don't believe we should divide the number of dollars being spent by Ward. We should divide it up by the number of people's lives that are being impacted.

Council Member Smith stated in the grand scheme he would support a more data driven approach to choosing where projects are being done. He spoke about population density.

A discussion followed about Sidewalk and Overlay Project processes being complementary or separate in isolation.

Don Marr spoke about city wide needs, not just Ward distribution of tax money. He stated needs are not created equally, due to the age of the Ward. He stated the ranking discussed earlier was for Ward 4, not a ranking for a city-wide impact.

Council Member La Tour: Terry Gulley told us there was no other place in Ward 4 that could use this money more than Halsell and Oliver. I agree with Council Member Petty that I would rather serve everybody in the City of Fayetteville, instead of specific Wards. If there were a less political way to distribute the money, I would vote for it. I'm not saying all the money has to be spent in Ward 4, but that's the system we are operating under now. If you don't like the system, then vote to change it. I received a few emails from people supporting the sidewalk. I doubt if there's another place in the City of Fayetteville that has 8,000 people walk past it in the street on an annual basis. It's crowds of people and dangerous. We need a sidewalk on Halsell and Oliver.

A discussion followed about procedural motions and the tabling of the item. Council Member La Tour requested the item to not be tabled.

Mayor Jordan: If it's tabled for two weeks, I'm not going to decide in the next three days to build a sidewalk on Halsell. I might not decide to build a sidewalk at all.

Council Member Marsh, Vice Chair of the Active Transportation Advisory Committee spoke about the way decisions were made. She stated they are trying to move away from the equitable allocation to each Ward, due to the disparity in each Ward. She discussed her desire to take the item back to the Committee.

Council Member Gray: We have talked about Halsell for many years. Our staff feels like this is the spot that needs to have sidewalks. It's not my Ward, but we are working for a walkable city. One thing that hasn't been mentioned is, how many people are going to walk that area once we do put the sidewalks in. If I were walking in that area, I would avoid that street. If it had sidewalks on it, I wouldn't avoid that street. As a governing body, we look at what is best for the city, not just certain places. I feel this is best for Fayetteville, the time is right and we shouldn't hold it any longer.

Council Member Kinion: We aren't locked into Ward equity. If we are really looking out for the bigger picture of the city, we have to consider areas that are older that need sidewalk repairs and connectivity. This wasn't required when the city built out in those areas. If it goes back to Committee, now is the time to discuss city wide needs based on the criteria utilized in the Active Transportation Committee. We can see if there is a need so important that it would override the current practice of equity within the Wards.

A discussion followed about City Council meeting dates.

Council Member Marsh moved to table the resolution to the February 6, 2018 City Council meeting. Council Member Smith seconded the motion. Upon roll call the motion to table

failed 3-5. Council Members Smith, Marsh, and Kinion voting yes. Council Members Bunch, La Tour, Gray, Petty, and Tennant voting no.

Council Member Marsh spoke about the possibility of removing the Halsell and Oliver portions from the proposal and sending it back to Committee for further review. She stated the rest of the plan should be passed.

Council Member La Tour: If this goes before Committee, the recommendation of the Committee will be to delete the sidewalk on Halsell and Oliver based on the history of the last three years. I would like to see us not delete Halsell and Oliver. Please pass it the way the staff has recommended.

A discussion followed about staff recommendations and allocation of dollars city wide.

Council Member Marsh spoke about the involvement of the Active Transportation Advisory Committee in selecting the sidewalks. She stated when a neighborhood doesn't want it, then it shouldn't be a definitive barrier, but believes it's reasonable cause for reconsideration. She stated Oliver Avenue was one of her recommendations to the Committee. She spoke about Ward equity.

Council Member Petty stated even though he feels strongly they should use data driven decision making at all times, he feels they are so far along in the process and hesitant to reverse course in the middle of it. He stated in terms of being consistent, if talking about reversing course, he questions why they aren't examining the full list instead of just one project. He asked Council Member Smith if the Active Transportation Advisory Committee and the Transportation Committee came back and recommended something that's not in Ward 4, would he be able to support it?

Council Member Smith: That was a conversation I had with the neighbors who were opposing this. They didn't have an objection to it. The rest of the Ward, I think they would prefer to have it in their own neighborhood, but given our current state of being pretty well taken care of, I'd support the Active Transportation Advisory Committee.

Council Member Petty: This idea is being framed up as a policy change in sending it back to the Committee. Every member of the Council needs to understand what this vote means in proxy, if we're doing that. It's not the specific resolution being put to us. Infrastructure decisions should be made on a more technical basis.

Council Member La Tour: If we want to change the policy, fine. Let's do it by ordinance with three separate readings, instead of doing it on an ad hoc basis. I have misgivings about doing it this way. I would like to see us do it in a straight forward prescribed manner. I'd gladly support a policy allocating funds wherever in the city they are most needed and have some objective means of determining the need. Razorback Stadium creates a lot of traffic in Ward 4. There are thousands of people walking on a city street, sharing it with cars, and I'd say that was a need.

Ethel Simpson, Oliver and Halsell stated if something is not working and can be replaced by something better, it seems foolish to say we must do it this way, when there's a possibility of changing the way it should be done.

Drew Wallis, Active Transportation Advisory Committee member stated it should be approved because it will help many people walking to Razorback Stadium. He stated trying to help the most amount of people is something the Committee cares about.

Rob Karas spoke about always doing the best for the city. He spoke about options of managing game day traffic.

Teresa Turk requested for Council Members to walk along Halsell and Oliver to see how narrow the street is. She stated a sidewalk is impractical and damaging to properties.

Steve Guinn spoke against the sidewalk on Halsell and Oliver.

Bill Curington spoke against the system of allocating resources by Ward. He stated to do this project and then change the policy because this project raised the issue, does not make sense to him.

Council Member Kinion: This isn't a policy, it's a practice. It's not in code.

City Attorney Kit Williams: You are correct. It's been a practice that has developed over the years. It makes sense to consider changing a practice that has gone on for a long time. It is a serious decision if you want to do that.

A discussion followed about City Council meeting dates.

Council Member Tennant: I could agree or disagree with this one. I don't know that it'll change anything, but it is tough for me to dismiss the conversations. I would support removing this one item and passing everything else. We should decide when it comes up again.

Council Member Marsh moved to amend the resolution to remove the Halsell and Oliver portions from the proposal and pass the rest of the proposed Sidewalk Plan and Overlay. Council Member Smith seconded the motion. Upon roll call the motion passed 6-2. Council Members Bunch, Smith, Marsh, Kinion, Petty, and Tennant voting yes. Council Members La Tour and Gray voting no.

City Attorney Kit Williams: The resolution could still be passed, minus the Halsell and Oliver portion.

Mayor Jordan: This is probably going to go to Active Transportation and the Transportation Committee again.

City Attorney Kit Williams: Those Committees can take it up, but in a month, it will be back before the City Council.

Council Member Kinion: If we approve it without this and it goes back through these Committees, is that allocation of money still allocated?

Don Marr: You are purely making a recommendation. The budget has been passed and the money is allocated. Unless the Mayor decides to contract with an outside contractor, that contract would be the only thing that would come back to you. He can proceed with your recommendations or change all of the recommendations. He directs the staff.
Council Member Marsh spoke about when the Active Transportation Advisory Committee would meet.

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

Resolution 27-18 as recorded in the office of the City Clerk

RZN 17-5997 (690 W. Whillock St./Moldenhauer): An ordinance to rezone that property described in rezoning petition RZN 17-5997 for approximately 0.54 acres located at 690 West Whillock Street from RSF-4, Residential Single Family, 4 units per acre to RI-12, Residential Intermediate, 12 units per acre.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

Council Member La Tour: How much land is involved in this rezoning project?

Garner Stoll: Slightly over half an acre. The parcel is presently occupied by a vacant church.

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

City Attorney Kit Williams read the ordinance.

Council Member Tennant 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 6025 as Recorded in the office of the City Clerk

RZN 17-6004 (1620 N. Porter Rd./Reagor): An ordinance to rezone that property described in rezoning petition RZN 17-6004 for approximately 0.55 acres located at 1620 North Porter Road from RSF-4, Residential Single Family, 4 units per acre to RI-U, Residential Intermediate-Urban.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

Mayor Jordan: What was the vote of the Planning Commission?

Jonathan Curth, Senior Planner: I believe it was unanimous.

Byron Gunn, 1636 Linda Joe stated his concerns about flooding. He spoke in opposition of the ordinance.

Collins Andrews, 808 North Park stated he isn't opposed to the rezoning, but wants the city to pay attention to flooding because it is prevalent in the area.

Will Dockery, 4149 West Bradstreet Lane stated Lewis Park controls a lot of flooding in the area. He stated the flooding will be worse if Lewis Park is taken away.

Mayor Jordan requested information about flooding.

Garner Stoll: The floodplain is to the north. There is an existing floodplain and a number of duplexes in that floodplain constructed in the past. This is a small parcel of ground. The runoff from this ground isn't going to affect that floodplain.

Don Marr: Our codes require that post development can have no more impact than pre-development as it comes to the runoff of that property.

Garner Stoll: Single family duplexes are exempted from our flood mitigation. If they utilize the full extent of the requested zoning and build triplexes and fourplexes, they would be required to mitigate.

Council Member Marsh: I thought we had an 80% runoff, where there is no more than a 20% increase in total suspended solids and stormwater runoff.

Chris Brown, City Engineer: Right. The water quality piece is related to the 20%, but the 80% runoff allowed or you must treat the equivalent amount on site.

Council Member Marsh: You can impact quality up to 20%, but not quantity?

Chris Brown: Right. It's volume versus peak flow. There's a water quality piece and a water quantity, if it is larger than a single family or duplex.

Council Member Marsh: By allowing multi-family here, then those protections would kick in?

Chris Brown: It could, if they pursue a larger 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 unanimously.
City Attorney Kit Williams read the ordinance.

Council Member Kinion 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 unanimously.

City Attorney Kit Williams read the ordinance.

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

Ordinance 6026 as Recorded in the office of the City Clerk

RZN 17-6015 (SE of 4847 W. Wedington Dr./Leisure Homes #2): An ordinance to rezone that property described in rezoning petition RZN 17-6015 for approximately 0.86 acres located South of Wedington Drive between 46th Street and Broyles Avenue from RSF-4, Residential Single Family, 4 units per acre to NC, Neighborhood Conservation.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

Council Member Gray 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.

Council Member Kinion moved to suspend the rules and go to the third and final reading. Council Member Smith 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 unanimously.

Ordinance 6027 as Recorded in the office of the City Clerk

ADM 17-6010 (Lots 24-42 & Lots 68 & 69/Timber Trails Sd): An ordinance to amend Residential Planned Zoning District 04-1154 Timber Trails to allow single family homes on lots 24-42, 68 and 69.

City Attorney Kit Williams read the ordinance.

Garner Stoll, Development Services Director gave a brief description of the ordinance. The Planning Commission and staff recommend approval.

Council Member Kinion: Is this in the Hillside Protection?

Garner Stoll: It is not. It starts south of here. It is heavily treed. The plan development committed to preserving 38% of the trees.

Council Member Kinion: If they go to single family, then they don't have to do tree preservation, whereas if it is multi-family three units or more, they do. Is that correct?

Garner Stoll: That's correct. This is a planned district.

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 Members Bunch, Smith, Gray, Marsh, Kinion, Petty, and Tennant voting yes. Council Member La Tour was absent during the vote.

City Attorney Kit Williams read the ordinance.

Council Member Kinion moved to suspend the rules and go to the third and final reading. Council Member Tennant seconded the motion. Upon roll call the motion passed 7-0. Council Members Bunch, Smith, Gray, Marsh, Kinion, Petty, and Tennant voting yes. Council Member La Tour was absent during the vote.

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Council Members Bunch, Smith, Gray, Marsh, Kinion, Petty, and Tennant voting yes. Council Member La Tour was absent during the vote.

Ordinance 6028 as Recorded in the office of the City Clerk

Amend §97.081 Intoxicating Beverages: An ordinance to amend §97.081 **Intoxicating Beverages** in Chapter 97: Parks and Recreation of the Fayetteville Code to allow the Mayor or the Mayor's designee to authorize the consumption, possession and sale of alcoholic beverages in city parks during special events.

City Attorney Kit Williams read the ordinance.

John Crow, Recreation Superintendent gave a brief description of the ordinance.

Council Member Marsh: Recently when approving a new private club, we required their staff members undergo training by Fayetteville Police Department on how to spot a fake ID. Will we be requiring that of potential alcoholic beverage vendors?

John Crow: I wouldn't say no to that. We haven't considered everything we are going to require them to do. It's going to be a case by case and event basis. We will defer to the Police Department for a lot of those. That is the main reason we want to go through the city-wide event permit process because it must go in front of Fire, Police, Mayor or his designee.

City Attorney Kit Williams: The Mayor is going to be approving the Special Events. It is what he would require rather than Parks or anybody else.

Council Member Marsh: I advise that we be consistent.

Don Marr: The Mayor and I had a discussion with the Police Chief about this. He expressed concerns that we be consistent. That's why this language talks about complying with Alcoholic and Beverage Commission requirements and whatever items we would like to see. At Agenda Session, we talked about how we've toured the country and seen various events used, not only as economic development drivers, but also a sense of place and quality of life events for residents. It's managed properly and handled like any other business. The reason we use the Special Events Permit request is to maintain control over underage drinking or any other items that could be impacted by such a policy.

Council Member Smith: Which parks do you think are the most likely to see a request for this?

John Crow: We envision the larger community parks, such as Gulley, Bryce Davis, and the Regional Park. A smaller pocket park would be done on a case by case basis. It tends to not be applicable in this situation.

Don Marr spoke about events in the community.

Council Member Smith: Are there any parks in the system that would have a challenge?

John Crow: Maybe the smaller pocket parks where there's not enough infrastructure to handle a crowd, unless streets are closed.

Don Marr: Parks like Wilson, which are surrounded by residential areas, the Special Event Permit request would have to consider noise, impact on residents, and hours of operation of an event. Something more remote like the Kessler Regional Park that isn't immediately adjacent might have more flexibility. It depends on the event.

Mayor Jordan: How does that apply if it goes more than 24 hours? Does it still come to the Council?

Don Marr: The Council is notified of any Special Event Permit request that is exceeding the day.

Council Member Marsh: This is a great idea. There are quite a few smaller parks in our community that would make a lovely area for a small wedding and neighborhood block parties. If it is done responsibly I don't see a problem.

Jeremy Gunn, 432 West Adams stated he manages a music festival and would like to bring the festival to Fayetteville. He spoke in favor of the ordinance.

J.L. Jennings, 4198 West Bradstreet Lane and Parks & Recreation Advisory Board Member. He stated the amendment will create an opportunity to bring different entertaining venues to Fayetteville. He spoke in favor of the ordinance.

Council Member Petty stated he is in favor of the ordinance. He spoke about citizens responsibly using the parks.

Council Member Tennant thanked city staff for bringing the item forward. He spoke about economic and cultural benefits for the city.

Council Member Bunch stated it will create a great deal of opportunity.

Don Marr spoke about a strategic plan topic of Mayor Jordan's. He stated his topic was a, Fun City and Creating a Sense of Place and Quality of Life Events. He stated this is in line with Mayor Jordan's objective and Mayor Jordan encouraged them to bring this forward.

Mayor Jordan: Thank you.

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

City Attorney Kit Williams read the ordinance.

Council Member Tennant 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 unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Jordan thanked the staff and City Council.

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

Ordinance 6029 as Recorded in the office of the City Clerk

512 E. Rebecca St. Drainage Improvements Cost Share: An ordinance to waive the requirements of formal competitive bidding and approve a cost share agreement with Bradford and Erin Wheeler for the installation of drainage improvements along a portion of East Rebecca Street with the City of Fayetteville's share of the costs not to exceed $40,387.06, and to approve a project contingency in the amount of $5,000.00.

City Attorney Kit Williams read the ordinance.

Chris Brown, City Engineer gave a brief description of the ordinance. Staff recommends approval.

Council Member Kinion: I've talked to the property owner and it is a mess over there. There's always two sides to every story. His angst comes from the city knowing he was building this, got an approval through the system, and he is now going to have to spend another $40,000. Can you explain a little bit how that happened and what we can do to prevent that? It is evident that he needs to manage water. Was there something up front where we should have said, this is a big deal?

Chris Brown: It is a tricky situation because it's a single-family home. There are no detention requirements and no requirement for any kind of drainage analysis. Typically, in single-family home permitting, there is no drainage review. It wasn't caught, at the time, that there was a drainage way on this project. The permitting staff doesn't look for these types of issues. It is unfortunate the property owner wasn't made aware of that. The engineers he hired to do the site work didn't pick up on it. It was simply missed until the rains came.

Council Member Kinion: Would it be something we should add to our code, especially in these areas where we know we have the runoff issues? Are we able to be proactive in these situations?

Chris Brown: Typically for single-family homes in subdivisions, the drainage is designed so you don't have to worry about that when you are building your home. This was a lot split and had been there forever. The infill areas are a bit more concerning.

Council Member Kinion: Maybe we should look at the issue of the infill?

Chris Brown: It could be something to discuss. There is a tradeoff. If you increase the requirements for that type of lot, then you could potentially increase cost.

Council Member Kinion: It's already going to increase it $40,000. That's a bargain for him.

Chris Brown: This is an extreme case. Most of the time you are not going to have this. This was just a "perfect storm" of everything that came together the way it did.

Council Member Kinion: It's a mess over there and we need to move forward to get it taken care of. Hopefully it will take care of some other flooding issues we have.

Council Member Marsh: Was there an existing home on this parcel?

Chris Brown: It was a large lot that had a large backyard. The house that is there, fronts Olive, so this was kind of a backyard of the house on Olive. It was a lot split.

Council Member Marsh: When they split the lot, were they aware of the drainage issues then or the people who lived in this house?

Chris Brown: I would assume the property owners knew about it. I don't know all the details of who knew what.

Council Member Marsh: Where is the water coming from?

Chris Brown: It's stormwater from Mt. Sequoyah. It crosses Mission and goes through some backyards and begins to develop into a channelized flow as it comes through there.

Council Member Marsh: This would tie into the system we built that goes under Walnut Street?

Chris Brown: It ultimately will. We need to increase the capacity downstream of this. There's quite a bit of water flowing in the street. We have a design to go downstream from this point. It hasn't been constructed yet.

Council Member Marsh: I've got a lot of complaints about where that drainage way ends and seeing a lot of increased flooding. Were there any low impact development strategies considered that might be appropriate?

Chris Brown: We talked about more large scale, even detention pond type facilities. There's so much water and not enough space to do anything that could mitigate those peak flows.

Council Member Kinion moved to suspend the rules and go to the second reading. Council Member La Tour seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Tennant 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 unanimously.

Ordinance 6030 as Recorded in the office of the City Clerk

Ozark Regional Transit Additional Funding: A resolution to approve a budget adjustment in the amount of $122,908.00 to provide additional funds to maintain Ozark Regional Transit Services in the City of Fayetteville at the 2017 service levels.

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

Joel Gardner, Executive Director of Ozark Regional Transit stated their request is also going to other communities that provides fixed route public transit along the corridor. He stated by saying yes is specifically for the Fayetteville community.

Council Member Marsh: What committee oversees public transit? We are seeing a lack of innovation and commitment to public transit because there isn't a committee overseeing it.

Don Marr: The primary oversight is the Council Member that is assigned to the Regional Planning Commission.

Council Member Marsh: Who is that?

Don Marr: We can find out for you. That's the committee that manages and sits in on these transit meetings. We don't have it as a part of your current committee structure. We could look at it with the Transportation Committee or our Alternative Transportation group. I am your representative and I can share feedback as a Board Member on that particular group. The backup to me, if I'm not there, is Peter Nierengarten.

Council Member Marsh thanked Joel Gardner and supports investment in transit.

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

Resolution 28-18 as recorded in the office of the City Clerk

Ozark Regional Transit, Inc. An ordinance to waive the requirements of formal competitive bidding and approve a five-year contract with Ozark Regional Transit, Inc. in the amount of $300,000.00 in 2018, and subject to annual budget approval in future years, for public transit services for Fayetteville residents.

City Attorney Kit Williams: The ordinance needs to be amended to read $422,908. Is that right, Don?

Don Marr, Chief Staff: Correct.

Council Member Kinion: When we increase this and it's outside of our previous budget, is it coming out of reserves?

Don Marr: Correct. This was an interlocal agreement. The City Attorney's Office and our Purchasing Department realized we needed to be under a contract. That's why we have this item before you. We need to be realistic in our expectation to our funding. If you look at a Razorback Transit structure and the frequency they run their route, the locations are geared around ridership. Their ridership numbers are significantly higher, but it's because it's designed on seven principles. When we re-look at our route design, we will use the seven principles to decide what we need to service, not how many places can we touch with the dollars.

Council Member Smith moved to amend the ordinance to read $422,908. Council Member Marsh seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Council Member Marsh: I would like this to be assigned to a committee at some point to oversee public transportation. As it is, we are failing our community in the level of service we are providing.

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

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 Gray 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 unanimously.

Ordinance 6031 as Recorded in the office of the City Clerk

2018 Rules of Order and Procedure: A resolution to adopt the Rules of Order and Procedure of the Fayetteville City Council for 2018.

City Attorney Kit Williams stated he brought the item forward with help from City Clerk, Sondra Smith. He stated the City Council has begun re-adopting the Rules of Order and Procedure of the Fayetteville City Council every year as recommended by the Arkansas Municipal League. He stated he drafted the appropriate resolution after reading through some rules that needed to be amended. He spoke briefly about the changes.

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

Resolution 29-18 as recorded in the office of the City Clerk

Announcements:

Don Marr, Chief of Staff: The Frozen Toes 15K Race is at Kessler Mountain on January 13, 2018.

The Economic Development release of the HBO's True Detective Series is beginning its production in Northwest Arkansas on location in Fayetteville. It is expected to have millions of dollars of impact on our city and region.

City offices will be closed on January 15, 2018 in observance of the Martin Luther King Jr. Holiday.

City Council Agenda Session Presentations: None

City Council Tour: None

Adjournment: 9:36 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith

Sondra E. Smith, City Clerk Treasurer

LOCAL PENSION FUND REPORT 2017

In keeping with statutory requirements, I am presenting this report for 2017 on the local Police and Fire Retirement and Relief Funds for the City of Fayetteville. Both of these plans were closed, by law, in 1983 and there are no longer any active working members remaining. There are currently 37 Police and 46 fire retirees and beneficiaries in the system.

At December 2017 projected expenses from the fire pension fund were approximately $1.3 million as compared to fund revenues of $1 million. Projected police pension fund expenses were approximately $1.5 million as compared to fund revenues in excess of $1.2 million. This is before adjusting investments to current market value.

Actuarial evaluations are the responsibility of the State of Arkansas Fire and Police Pension Review

Board. The last evaluations completed were as of May, 2017 for the year ending December 31, 2016. Based on those evaluations the total pension liability of the Police and Fire Funds were $17.8 million and $17.3 million respectively. The net pension liabilities for these funds were approximately $11.8 million for police and $13.9 million for fire. In the annual reports issued by the Arkansas Pension Review Board neither the fire nor police pension fund were found to be actuarially sound pursuant to established financial tests.

The Fire Pension Fund has been classified as "projected insolvent "since 2009. The Fire Pension Board has been discussing the unstable condition of the fund and possible alternatives since that time. In 2015 the Fire Pension Board brought forward a resolution to the City Council requesting the City agree to consolidate the fund with LOPFI. In October, 2015 LOPFI Representatives came to Fayetteville to discuss the condition of and possible solutions to resolve the Fire Pension Fund financial situation. These presentations were made at special council meetings by LOPFI Representatives.

In July of 2017, representatives of the PRB again prepared a special report on the status of the Fire Pension fund and came to Fayetteville to present that report to the Pension Board and City Council in an open meeting. At that meeting it was reported that based on current revenue and expenditure estimates the fund would be depleted in approximately 10 to 20 years depending on investment returns. To resolve this funding issue, two possible solutions were suggested .One, the City could subsidize the Fund with annual contributions of between $80,000 and $115,000 per year, if the investment returns meet estimates. Second, the City could send the fund to LOPFI for administration.

However, both of these suggested solutions have negative ramifications. Any subsidy amount would require funds currently used for operations and the amounts per year needed could vary dramatically because of fluctuations in investment earnings or losses. The second suggestion of sending the Fund to LOPFI for administration would require the City to give irrevocable control of the fund to the LOPFI Board .This would mean the neither a Local Fire Pension Board nor the City of Fayetteville would have a say in administering the Fund and all funding requirements would be determined by LOPFI. The City would be told what the contribution each year would be and the City would be legally required to pay it no matter how high it might be.

As you can see, the issue is complex and solutions discussed all could have negative consequences to the City. The City Attorney also has advised the Council in the past that consolidation might be unconstitutional under state law.

No specific request was made by the Fire Pension Board to the City Council in 2017.

The Police Pension Fund is also considered actuarially unsound but not in immediate danger of becoming insolvent. The Police Pension Board is also aware of the Police Pension Fund status and has been considering options that would guarantee long term solvency.

I will continue to monitor these pension funds in the future and keep you apprised of any new developments if necessary.