

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Sarah Marsh
Ward 2 Position 1 – Mark Kinion
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Justin Tennant
Ward 3 Position 2 – Martin W. Schoppmeyer, Jr.
Ward 4 Position 1 – Rhonda Adams
Ward 4 Position 2 – Alan T. Long

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
September 17, 2013**

A meeting of the Fayetteville City Council will be held on September 17, 2013 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

City Council Meeting Presentations, Reports and Discussion Items:

1. Nominating Committee Report

Agenda Additions:

A. Consent:

1. Approval of the September 03, 2013 City Council meeting minutes.

2. Bid #13-46 Fochtman Enterprises, Inc.: A resolution awarding Bid #13-46 and authorizing a contract with Fochtman Enterprises, Inc. in the amount of \$711,833.70 for water and sewer improvements along Razorback Road from Martin Luther King Jr.

Boulevard to Nettleship Street, approving a project contingency of \$75,000.00, and approving a budget adjustment.

3.Sprint/Nextel Property Services Amendment No. 1: A resolution approving Amendment No. 1 to the communication site lease agreement with Sprint/Nextel Property Services for cell antenna space on the Markham Water Tank on Sang Avenue.

4.Bid #13-48 B & A Property Maintenance: A resolution awarding Bid #13-48 and authorizing a contract with B & A Property Maintenance in the amount of \$28,220.00 for tree planting and maintenance, and approving a ten percent (10%) project contingency.

5.2nd Quarter Animal Services Donation Revenue: A resolution approving a budget adjustment in the total amount of \$21,243.00 representing donation revenue to the Animal Services Division.

6.2013 Edward Byrne Memorial JAG Local Assistance Award: A resolution authorizing acceptance of the 2013 Edward Byrne Memorial JAG Local Assistance Award in the total amount of \$69,977.00, and approving a budget adjustment.

7.Hazmat Services Revenue: A resolution approving a budget adjustment in the total amount of \$6,610.00 to recognize hazmat services revenue through August 2013 and to increase the related expense budget.

8.Hazmat Services Revenue: A resolution approving a budget adjustment in the total amount of \$3,314.82 representing hazmat services revenue received through August 2013 and increasing the related expense budget.

9.Fayetteville Fire Department Administrative Operating Procedures: A resolution to approve and adopt the Fayetteville Fire Department Administrative Operating Procedures.

10. Public Facilities Resolution Ratification: A resolution ratifying the resolution of the Fayetteville Public Facilities Board which approved a Revenue Bond (Butterfield Trail Village Project), Series 2013 in a principal amount of not to exceed \$8,000,000; and prescribing other matters pertaining thereto.

11. Solid Waste and Recycling Extension Agreements: A resolution to approve one year extension agreements with Deffenbaugh Industries, Hog Box, Waste Management of Northwest Arkansas, and Allied Waste Services of Bella Vista to haul and dispose of solid waste and recycling in Fayetteville in exchange for a franchise fee of 5% and to authorize or ratify Mayor Jordan's execution of such contracts.

B. Unfinished Business: None

C. New Business:

1. **RZN 13-4461 (123 E. Cleburn St./Stover):** An ordinance rezoning the property described in rezoning petition RZN 13-4461, for approximately 0.20 acres, located at 123 E. Cleburn Street from C-2, Thoroughfare Commercial, to DG, Downtown General.
2. **VAC 13-4459 (201 W Mountain St.):** An ordinance approving VAC 13-4459 submitted by William Rudasill for property located at 201 W Mountain Street, to vacate a portion of a right-of-way and utility easement, a total of 413 square feet.
3. **VAC 13-4460 (423 Prairie Ave):** An ordinance approving VAC 13-4460 submitted by Jacobs Newell Company for property located at 423 Prairie Street, to vacate an access easement, a total of 0.02 acres.
4. **Beaver Watershed Alliance:** An ordinance waiving the requirement for bids by applying §34.23(F) Purchases and Contracts Not in Excess of \$20,000.00 of the Fayetteville Code of Ordinances and approving a contract with the Beaver Watershed Alliance in the amount of \$10,000.00 to assist in the improvement of water quality in the Beaver Lake Watershed.
5. **Amend Chapter 34 Finance and Revenue:** An ordinance amending Chapter 34: Finance and Revenue of the Fayetteville Code to enact §34.10 Temporary Cash Transfers Related to Reimbursable Grants to provide a cash flow mechanism for reimbursable grants.
6. **2013 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas, for the year 2013 fixing the rate thereof at 1.3 mills for General Fund operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas.
7. **Sales and Use Tax Capital Improvement Bonds, Series 2013:** An ordinance authorizing the issuance and sale of the City's Sales and Use Tax Capital Improvement Bonds, Series 2013, for the purpose of financing a portion of the costs of certain street improvements; authorizing the execution and delivery of a Third Supplemental Trust Indenture pursuant to which the bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the bonds will be offered; authorizing the execution and delivery of a bond purchase agreement providing for the sale of the bonds; authorizing the execution and delivery of a Continuing Disclosure Agreement; and prescribing other matters relating thereto.
8. **Kum & Go, L.C.:** A resolution to approve the Third Amendment to land sale agreement with Kum & Go, L.C. to extend the closing date to no later than February 12, 2014 and to agree to equally share the costs of a new traffic signal.
9. **Economic Development Contract for Services Renewal:** An Ordinance to waive competitive bidding and to approve a two year contract for Economic Development Services with the Fayetteville Chamber of Commerce; and to approve a budget

adjustment for \$330,000 using Wilson Springs Economic Development Fund, with the option to renew for two additional years. **Details of this agenda item will be emailed out on Friday – as we are waiting on signed contract documents for the packet.**

- 10. Amend §164.11 Height and Setback Regulations; Exceptions:** An ordinance to Amend §164.11 Height and Setback Regulations; Exceptions to enhance livability through appropriate transitions in building scale and to protect access to air and sunlight and to enact an emergency clause.
- 11. Cleveland Street Improvements Appeal:** A resolution to grant the appeal of Alderman Alan Long concerning a recommendation of the City Council Transportation Committee concerning Cleveland Street Improvements.

D. City Council Agenda Session Presentations:

- 1. General Fund Budget Discussion –Paul Becker, Finance Director and Internal Services Director**

E. City Council Tour:

F. Announcements:

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested persons may address the City Council on agenda items of New and Old Business. Please wait for the Mayor to request public comment and then come to the podium, give your name, address, and comments about the agenda item. Please address only the Mayor. Questions are usually answered by the Mayor, Aldermen or Staff after the public comment period is over. Please keep your comments brief and respectful. Each person is only allowed one turn at the microphone for discussion of an agenda item.

All cell phones must be silenced and may not be used within the City Council Chambers.

Below is a portion of the **Rules of Order and Procedure of the Fayetteville City Council** pertaining to City Council meetings:

Agenda additions. A new item which is requested to be added to the agenda at a City Council meeting should only be considered if it requires immediate City Council consideration and if the normal agenda setting process is not practical. The City Council may only place such new item on the City Council meeting's agenda by suspending the rules by two-thirds vote. Such agenda addition shall be heard prior to the Consent Agenda.

Consent Agenda. Consent Agenda items shall be read by the Mayor and voted upon as a group without discussion by the City Council. If an Alderman wishes to comment upon or discuss a Consent Agenda item, that item shall be removed and considered immediately after the Consent Agenda has been voted upon.

Old business and new business.

Presentations by staff and applicants. Agenda items shall be introduced by the Mayor and, if an ordinance, read by the City Attorney. City staff shall then present a report. An agenda applicant (city contractor, rezoning or development applicant, etc.) may present its proposal only during this presentation period, but may be recalled by an alderman later to answer questions. Staff and applicants may use electronic visual aids in a City Council meeting as part of their presentation.

Public comments. Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. No electronic visual aid presentations shall be allowed, but the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk office no later than 9:00 a.m. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the Aldermen. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the Aldermen and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to an Alderman or city staff member except through the Mayor.

Courtesy and respect. All members of the public, all city staff and elected officials shall accord the utmost courtesy and respect to each other at all times. All shall refrain from rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. Any member of the public who violates these standards shall be ruled out of order by the Mayor, must immediately cease speaking and shall leave the podium.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

A copy of the complete City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.