

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323



Meeting Agenda - Final Agenda

Tuesday, July 21, 2015

5:30 PM

City Hall Room 219

City Council Meeting

Adella Gray Ward 1
Sarah Marsh Ward 1
Mark Kinion Ward 2
Matthew Petty Ward 2
Justin Tennant Ward 3
Martin W. Schoppmeyer, Jr. Ward 3
John S. La Tour Ward 4
Alan Long Ward 4

ELECTED OFFICIALS:
Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items:**1. [2015-0320](#)

CITY COUNCIL PRESENTATION OF THE 2014 ANNUAL AUDIT REPORT PRESENTED BY PAUL BECKER.

Agenda Additions:**A. Consent:**A. 1 [2014-0507](#)

APPROVAL OF THE JULY 7, 2015 CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0286](#)**HOMELAND SECURITY INVESTIGATIONS TASK FORCE FUNDING**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$8,077.00 RECOGNIZING FUNDING FROM THE HOMELAND SECURITY INVESTIGATIONS TASK FORCE FOR THE PURCHASE OF A NEW FORENSIC COMPUTER SYSTEM BY THE POLICE DEPARTMENT

Attachments:

[SRP - FRED](#)

[BA - FRED](#)

A. 3 [2015-0292](#)**FEDERAL AND STATE LAW ENFORCEMENT REVENUE**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$100,993.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES AND PROCEEDS FROM THE SALE OF A USED VEHICLE ON GOVDEALS.COM

Attachments:[SRP - Forfeitures](#)[BA - Forfeitures - July 2015](#)**A. 4** [2015-0306](#)**2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2015-2016 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT GRANT FOR FEDERAL AND STATE FUNDING IN THE AMOUNT OF \$242,610.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[2015-16 JAG & State Drug Crime Grant Award](#)[BA - FY2015 DTF](#)**A. 5** [2015-0302](#)**INSITUFORM TECHNOLOGIES, INC.**

A RESOLUTION TO APPROVE A CONTRACT EXTENSION WITH INSITUFORM TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED \$330,000.00 FOR SEWER REHABILITATION USING CURED-IN-PLACE SANITARY SEWER LININGS

Attachments:[2015 Insituform CIPP Sewer Rehabilitation Agenda Packet](#)**A. 6** [2015-0304](#)**GALLAGHER BENEFITS SERVICES**

A RESOLUTION TO APPROVE THE ANNUAL RENEWAL CONTRACT WITH GALLAGHER BENEFITS SERVICES IN THE AMOUNT OF \$57,600.00 FOR THE PROVISION OF CITY EMPLOYEE BENEFITS BROKER SERVICES

Attachments:[Gallagher Benefit Services Contract Renewal Packet](#)

A. 7 [2015-0307](#)**NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. GENERAL IMPROVEMENT FUND GRANT**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A GENERAL IMPROVEMENT FUND GRANT THROUGH THE NORTHWEST ARKANSAS ECONOMIC DEVELOPMENT DISTRICT, INC. IN THE AMOUNT OF \$50,000.00 FOR THE PURCHASE OF SOCCER GOALS FOR THE REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[2015-0307 NWAEDD GIF Grant Award](#)[BA \(Agenda Item\) - Regional Park grant for soccer goals 7-21-15](#)**A. 8** [2015-0311](#)**GARVER, LLC TASK ORDER NO. 3**

A RESOLUTION TO APPROVE TASK ORDER NO. 3 WITH GARVER, LLC IN THE AMOUNT OF \$23,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE AIRPORT AIRFIELD MARKING REHABILITATION PROJECT, TO ACCEPT A 90/10 GRANT FROM THE ARKANSAS DEPARTMENT OF AERONAUTICS IN THE AMOUNT OF \$179,880.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[Legistar 2015-0311 GarverTO3 ADAGrant 070215](#)[BA FORM LEGISTAR Garver TO3 ADA Grant 070215](#)**A. 9** [2015-0309](#)**BID NO. 15-39 GOODWIN & GOODWIN, INC.**

A RESOLUTION TO AWARD BID NO. 15-39 AND AUTHORIZE A CONTRACT WITH GOODWIN & GOODWIN, INC. IN THE AMOUNT OF \$755,654.50 FOR THE CONSTRUCTION OF THE MISSION BOULEVARD AND OLD WIRE ROAD INTERSECTION WATER AND SEWER IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$113,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[2015-0309 OW Const Contract](#)[Purchase request for Goodwin&Goodwin Old Wire 06302015](#)[BA Old Wire conduits and W-S 06302015](#)**B. Unfinished Business:**

B. 1 [2015-0249](#)**RZN 15-5044 (4065 E. HUNTSVILLE RD./THE PLAZA)**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5044, FOR APPROXIMATELY 16.02 ACRES, LOCATED AT 4065 E. HUNTSVILLE ROAD FROM R-PZD 08-3071, RESIDENTIAL PLANNED ZONING DISTRICT BRIDGEDALE PLAZA TO RSF-7, RESIDENTIAL SINGLE FAMILY, 7 UNITS PER ACRE, NS, NEIGHBORHOOD SERVICES, AND CS, COMMUNITY SERVICES

Attachments:[15-5044 CC EX A & EX B](#)[15-5044 CC reports](#)

At the June 2, 2015 City Council meeting, this ordinance was left on the first reading. At the June 16, 2015 City Council meeting, this ordinance was left on the second reading. At the July 7, 2015 City Council meeting, this ordinance was left on the third reading and tabled to the July 21, 2015 City Council meeting.

C. Public Hearing:**C. 1** [2015-0310](#)**BEAR STATE BANK/GARLAN AND GEORGIA READING TRUST
CONDEMNATION AND POSSESSION**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY BEAR STATE BANK, FORMERLY KNOWN AS FIRST FEDERAL BANK, OR ITS ASSIGNS, AND THE GARLAN AND GEORGIA READING TRUST NEEDED FOR THE EXTENSION OF RUPPLE ROAD FROM PERSIMMON STREET TO MARTIN LUTHER KING, JR. BOULEVARD

Attachments:[2015-0310 Rurple Acquisitions](#)**C. 2** [2015-0318](#)**EAST MISSION BOULEVARD MUNICIPAL MULTIPURPOSE
PROPERTY OWNERS' IMPROVEMENT DISTRICT NO 34**

AN ORDINANCE TO ESTABLISH AND LAY OFF EAST MISSION BOULEVARD MULTIPURPOSE PROPERTY OWNERS' IMPROVEMENT DISTRICT NO. 34 OF FAYETTEVILLE, ARKANSAS

Attachments:[Agenda Item East Mission Improvement District](#)[Improvement District State Code](#)[City Attorney Letter - East Mission Improvement District](#)

D. New Business:**D. 1** [2015-0312](#)**ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT
PAYMENT**

A RESOLUTION TO APPROVE A PAYMENT OF \$170,000.00 TO THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ADDITIONAL COST OF A SHARED USE PATH ON THE HIGHWAY 112 BRIDGE ACROSS INTERSTATE 49

Attachments: [2015-0312 Payment to AHTD Hwy 112 Shared Use Path](#)

D. 2 [2015-0305](#)**VAC 15-5078 (EAST OF 4148 W. MLK BLVD./HOLLANDS
SUBDIVISION)**

AN ORDINANCE TO APPROVE VAC 15-5078 SUBMITTED BY CITY STAFF FOR PROPERTY LOCATED EAST OF 4148 W. MARTIN LUTHER KING BOULEVARD TO VACATE UNDEVELOPED STREET RIGHT-OF-WAY

Attachments: [15-5078 CC Exhibits](#)
 [15-5078 CC reports](#)

D. 3 [2015-0303](#)**VAC 15-5080 (WEIR & SALEM RDS./HOLCOMB HEIGHTS
SUBDIVISION)**

AN ORDINANCE TO APPROVE VAC 15-5080 SUBMITTED BY RIVERWOOD HOMES FOR PROPERTY LOCATED AT WEIR & SALEM ROADS TO VACATE WEIR ROAD RIGHT-OF-WAY AND PORTIONS OF EXISTING UTILITY EASEMENTS WITHIN THE HOLCOMB HEIGHTS SUBDIVISION

Attachments: [15-5080 CC Exhibits](#)
 [15-5080 CC Reports](#)

D. 4 [2015-0296](#)**RAISING CANE'S BUILDING APPEAL**

A RESOLUTION TO GRANT THE APPEAL OF KEN'S SIGNS AND TO APPROVE THE REQUESTED VARIANCE FOR THE LENGTH OF NEON LIGHTING FOR RAISING CANE'S BUILDING

Attachments: [15-5004 Full Report](#)

D. 5 [2015-0316](#)**ARKANSAS LEGACY LLC APPEAL**

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5066, FOR APPROXIMATELY 3.98 ACRES, LOCATED AT 1338 AND 1326 W. CLEVELAND STREET FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO DG, DOWNTOWN GENERAL SUBJECT TO A BILL OF ASSURANCE

Attachments: [15-5066 EX A & B](#)
 [15-5066 Full Report](#)
 [D. 5 Additional Arkansas Legacy](#)

D. 6 [2015-0324](#)**CITY COUNCIL'S INTENTION TO PURCHASE THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S INTENTION TO INVESTIGATE A POSSIBLE PURCHASE OF THE FAYETTEVILLE CHAMBER OF COMMERCE BUILDING ON MOUNTAIN STREET

Attachments: [Agenda Request Packet City Council intent to purchase Chamber Building](#)

E. City Council Agenda Session Presentation:**E. 1** [2015-0300](#)

AGENDA SESSION PRESENTATION - 2014 ANNUAL AUDIT REPORT PRESENTED BY CHAIRMAN OF THE AUDIT COMMITTEE

E. 2 [2015-0213](#)

AGENDA SESSION PRESENTATION - ECONOMIC DEVELOPMENT QUARTERLY REPORT, CHUNG TAN

F. City Council Tour:

G. Announcements:**H. 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.