

City of Fayetteville, Arkansas

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



Meeting Agenda - Tentative Agenda

Tuesday, September 29, 2015

4:30 PM

City Hall Room 326

City Council Agenda Session

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. [2015-0374](#)
CITY COUNCIL MEETING PRESENTATION - FAYETTEVILLE
NATURAL HERITAGE ASSOCIATION CHECK PRESENTATION
RELATED TO KESSLER MOUNTAIN RESERVE
2. [2015-0451](#)
CITY COUNCIL MEETING PRESENTATION - OZARK REGIONAL
TRANSIT PRESENTATION

Agenda Additions**A. Consent:**

- A. 1 [2014-0512](#)
APPROVAL OF THE SEPTEMBER 15, 2015 CITY COUNCIL
MEETING MINUTES.
- A. 2 [2015-0418](#)
**2015 JUSTICE ASSISTANCE GRANT LOCAL SOLICITATION
AWARD:**

A RESOLUTION AUTHORIZE ACCEPTANCE OF A 2015 JUSTICE
ASSISTANCE GRANT LOCAL SOLICITATION AWARD IN THE
AMOUNT OF \$72,774.00, OF WHICH \$29,576.00 WILL BE USED BY
THE FAYETTEVILLE POLICE DEPARTMENT, WITH \$28,943.00 TO
BE DISBURSED TO THE CITY OF SPRINGDALE AND \$14,255.00 TO
WASHINGTON COUNTY, AND TO APPROVE A BUDGET
ADJUSTMENT

Attachments: [SRP - 2015 JAG Local Award](#)
[BA - 2015 JAG Local](#)

A. 3 [2015-0420](#)**2015 BULLETPROOF VEST PARTNERSHIP PROGRAM
MATCHING GRANT AWARD:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A FIFTY PERCENT (50%) MATCHING GRANT AWARD FROM THE 2015 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$6,056.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS FOR FAYETTEVILLE POLICE OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments:[CCAP - 2015 BVP Award](#)[BA - 2015 BVP Grant Award](#)**A. 4** [2015-0445](#)**FAYETTEVILLE POLICE DEPARTMENT POLICIES:**

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.1.1, LAW ENFORCEMENT ROLE; 1.2.3, BIAS BASED PROFILING PROHIBITED; 1.3.4, LESS- LETHAL WEAPONS AND DEFENSIVE TACTICS; 12.1.1, ORGANIZATIONAL STRUCTURE, FUNCTIONS AND DIRECTION; 12.2.1, POLICIES, PROCEDURES AND RULES DEVELOPMENT AND REVIEW PROCEDURES; 22.2.8, MILITARY ACTIVATIONS; 25.1, GRIEVANCE PROCEDURES; 33.1, TRAINING; 35.1.1, PERFORMANCE EVALUATIONS/PERSONNEL EARLY WARNING SYSTEM; 41.2.5, MISSING PERSONS; 41.2.7, DEPARTMENT RESPONSE TO MENTALLY ILL SUBJECTS; 41.3.5, GROOMING AND UNIFORM REQUIREMENTS; 42.1.1, CRIMINAL INVESTIGATIONS; 44.1.1, JUVENILE OPERATIONS; AND 84.1.1, PROPERTY MANAGEMENT, ACQUIRED AND IN-CUSTODY

Attachments:[Agenda Packet - Police Policies 10062015](#)**A. 5** [2015-0423](#)**NABHOLZ OF BIXBY, OKLAHOMA:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A ROTARY LIFT SYSTEM FROM NABHOLZ OF BIXBY, OKLAHOMA IN THE AMOUNT OF \$45,990.85 PLUS APPLICABLE TAXES PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT FOR USE BY FLEET OPERATIONS

Attachments:[SRP - Lift System](#)

A. 6 [2015-0422](#)**BID NO. 15-47 PETERBILT OF FORT SMITH:**

A RESOLUTION TO AWARD BID NO. 15-47 AND AUTHORIZE THE PURCHASE OF A PETERBILT 320 DIESEL TRUCK WITH LABRIE/WITTKER SUPERDUTY FRONT LOADER FROM PETERBILT OF FORT SMITH IN THE AMOUNT OF \$243,520.00 FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

Attachments: [SRP - Front Loader SWCM 4032](#)

A. 7 [2015-0411](#)**BID NO. 15-48 ALLIANCE PUMP & MECHANICAL, INC.:**

A RESOLUTION TO AWARD BID NO. 15-48 AND AUTHORIZE A CONTRACT WITH ALLIANCE PUMP & MECHANICAL, INC. IN THE AMOUNT OF \$78,950.00 PLUS APPLICABLE TAXES TO REBUILD SEVEN (7) GEARBOXES AT THE NOLAND WASTEWATER TREATMENT PLANT

Attachments: [2015-0411 - Packet - Bid 15-48 - Noland WWTP Gearbox Rebuilds](#)

A. 8 [2015-0424](#)**BLUEINGREEN, LLC CHANGE ORDER NO. 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH BLUEINGREEN, LLC IN THE TOTAL AMOUNT OF \$58,269.06 TO FUND THE SALES TAXES FOR OZONE EQUIPMENT NECESSARY FOR THE PROJECT AND AN INCREASE OF BLUEINGREEN, LLC'S WARRANTY BOND FROM ONE YEAR TO TWO YEARS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [BlueInGreenLLC_CO#1_Agenda_Packet](#)
[BA-BlueInGreen LLC](#)

A. 9 [2015-0428](#)**BID NO. LSC-2015 BENCHMARK CONSTRUCTION:**

A RESOLUTION TO AWARD BID NO. LSC-2015 AND AUTHORIZE A CONTRACT WITH BENCHMARK CONSTRUCTION IN THE AMOUNT OF \$37,000.00 FOR A KITCHEN REHABILITATION PROJECT AT LIFESOURCE INTERNATIONAL USING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Attachments: [LifeSource Kitchen Improvements Agenda Packet](#)

A. 10 [2015-0429](#)**TRIMARK STRATEGIC EQUIPMENT, INC.:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A HYDROVECTION OVEN FROM TRIMARK STRATEGIC EQUIPMENT, INC. IN THE AMOUNT OF \$21,848.40 PLUS APPLICABLE TAXES, PURSUANT TO A NATIONAL JOINT POWERS ALLIANCE COOPERATIVE PURCHASING AGREEMENT, FOR USE BY THE FAYETTEVILLE SENIOR CENTER

Attachments: [Senior Center Oven Agenda Packet](#)

A. 11 [2015-0430](#)**GAMETIME C/O CUNNINGHAM RECREATION:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF PLAYGROUND EQUIPMENT FROM GAMETIME C/O CUNNINGHAM RECREATION FOR THE PRISM EDUCATION CENTER LOCATED AT 2030 MORNINGSIDE DRIVE IN THE AMOUNT OF \$73,321.91, PURSUANT TO A STATE PROCUREMENT CONTRACT, USING COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Attachments: [Prism Playground Install Agenda Packet 10.6.15 Meeting](#)

A. 12 [2015-0427](#)**GARVER, LLC TASK ORDER NO. 4:**

A RESOLUTION TO APPROVE TASK ORDER NO. 4 WITH GARVER, LLC IN THE AMOUNT OF \$27,500.00 FOR DESIGN, BIDDING AND CONSTRUCTION OVERSIGHT SERVICES FOR THE DRAKE FIELD AIRFIELD ROOF REHABILITATION PROJECT

Attachments: [Legistar 15-0427 package \(2\) Garver Task Order 04 - FYV Airfield Roof Rehabil](#)

A. 13 [2015-0447](#)**HI-LITE AIRFIELD SERVICES, LLC CHANGE ORDER NO. 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH HI-LITE AIRFIELD SERVICES, LLC IN THE AMOUNT OF \$8,895.00 TO INCREASE THE QUANTITIES OF AIRFIELD PAVEMENT MARKINGS TO BE REHABILITATED

Attachments: [Legistar 2015-0447 HiLite CO1 091815 091815](#)

A. 14 [2015-0414](#)**WASHINGTON COUNTY VIDEO SERVICES CONTRACT:**

A RESOLUTION TO APPROVE A ONE YEAR VIDEO SERVICES CONTRACT WITH WASHINGTON COUNTY IN THE AMOUNT OF \$750.00 PER MONTH FOR THE CITY'S MEDIA SERVICES DIVISION TO RECORD, TELECAST, STREAM AND ARCHIVE MEETINGS OF THE WASHINGTON COUNTY QUORUM COURT AND CERTAIN COMMITTEES, AND TO APPROVE A 0.25 FULL TIME EQUIVALENT POSITION INCREASE

Attachments: [Wash Co Video Services Contract](#)

A. 15 [2015-0446](#)**SWEPKO UTILITY RELOCATIONS:**

A RESOLUTION TO APPROVE A UTILITY RELOCATION AGREEMENT WITH AEP/SWEPKO FOR UTILITY RELOCATIONS AS PART OF THE OLD WIRE ROAD/HIGHWAY 45 INTERSECTION IMPROVEMENTS PROJECT, WITH THE TOTAL AMOUNT TO BE PAID BY THE CITY OF FAYETTEVILLE NOT TO EXCEED \$46,718.86

Attachments: [Legistar Item 2015-0446](#)

B. Unfinished Business:**B. 1** [2015-0330](#)**ADM 15-5093 (UDC CHAPTERS 161, 164 AND 172 - SINGLE FAMILY AND TWO FAMILY INFILL)**

AN ORDINANCE AMENDING TITLE XV UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE TO AMEND CHAPTERS 161, 164 AND 172 TO MODIFY THE BULK AND AREA REGULATIONS TO ENCOURAGE SMALL LOT SINGLE FAMILY AND TWO FAMILY INFILL IN MULTI-FAMILY ZONING DISTRICTS AND TO INCLUDE MINIMUM DESIGN STANDARDS FOR THIS TYPE OF DEVELOPMENT

Attachments: [15-5093 Amended Memo, Ordinance, Exhibits](#)

[15-5093 CC EX A](#)

[15-5093 CC EX B](#)

[15-5093 CC reports](#)

At the August 4, 2015 City Council meeting, this ordinance was tabled to the October 6, 2015 City Council meeting.

B. 2 [2015-0372](#)**AMEND 172.05 (ADM 15-5088 UDC AMENDMENT CHAPTER
172.05 NON-RESIDENTIAL PARKING REQUIREMENTS:**

AN ORDINANCE TO AMEND SECTION 172.05 OF THE UNIFIED DEVELOPMENT CODE TO REMOVE MINIMUM PARKING STANDARDS FOR NON-RESIDENTIAL USES

Attachments:

[15-5088 Parking Standards - Amended Memo & Exh A](#)

[15-5088 CC EX A](#)

[15-5088 CC Staff reports](#)

[Supplemental Materials](#)

[C. 4 Additional Amend 172.05 Memo](#)

[C. 4 Tom Overbey Email ADMIN 15-5088 090115](#)

At the September 1, 2015 City Council meeting, this ordinance was left on the first reading. At the September 15, 2015 City Council meeting, this ordinance was left on the second reading.

B. 3 [2015-0405](#)**2015 MILLAGE LEVY:**

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2015 FIXING THE RATE THEREOF AT 2.3 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

Attachments:

[Millage Levy Agenda Packet](#)

[FD Presentation](#)

[PD Presentation](#)

At the September 15, 2015 City Council meeting, this ordinance was left on the first reading.

C. New Business:

C. 1 [2015-0433](#)**CITY SALES AND USE TAX BONDS:**

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF THE CITY'S SALES AND USE TAX CAPITAL IMPROVEMENT BONDS, SERIES 2015, FOR THE PURPOSE OF FINANCING A PORTION OF THE COSTS OF CERTAIN STREET IMPROVEMENTS; AUTHORIZING THE EXECUTION AND DELIVERY OF A FOURTH 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

Attachments: [2015-0433 Bond Ordinance](#)

C. 2 [2015-0407](#)**THEATRE SQUARED CITY COUNCIL SUPPORT:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S SUPPORT OF THEATRE SQUARED AND ITS INTENT TO LEASE 0.8 ACRE OF CITY PROPERTY AT THE SOUTHEAST CORNER OF WEST AND SPRING AS THEATRE SQUARED'S NEW PERMANENT PERFORMANCE FACILITY

Attachments: [Theatre Squared Agenda Item](#)

C. 3 [2015-0438](#)**RZN 15-5179 (324 N. HORNSBY DR./MARKHAM HILL REZONE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5179, FOR APPROXIMATELY 1.39 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NC, NEIGHBORHOOD CONSERVATION, AND RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Attachments: [15-5179 CC EX A-B-C](#)
 [15-5179 Staff Report](#)

C. 4 [2015-0442](#)**RZN 15-5156 (1220 W. CLEVELAND ST./EXPIRED PZD 12-4079):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5156, FOR APPROXIMATELY 2.71 ACRES, LOCATED AT 1220 AND 1226 W. CLEVELAND STREET AND 725, 727 AND 805 HALL AVENUE FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND P-1, INSTITUTIONAL

Attachments:[15-5156 CC EXHIBITS](#)[15-5156 CC DOCS](#)**C. 5** [2015-0441](#)**RZN 15-5165 (1118 S. DUNN AVE./PEARSON DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5165, FOR APPROXIMATELY 0.23 ACRES, LOCATED AT 1118 S. DUNN AVENUE FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO NC, NEIGHBORHOOD CONSERVATION

Attachments:[15-5165 CC EXHIBITS](#)[15-5165 CC DOCS](#)**C. 6** [2015-0432](#)**RZN 15-5174 (S. END OF RUPPLE RD./STRIKER DEVELOPMENT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5174, FOR APPROXIMATELY 102 ACRES, LOCATED AT THE SOUTHERN END OF RUPPLE ROAD FROM NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES; R-A, RESIDENTIAL-AGRICULTURAL; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRES; AND RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE TO R-A, RESIDENTIAL-AGRICULTURAL; RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE; RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRES; NC, NEIGHBORHOOD CONSERVATION AND CS, COMMUNITY SERVICES

Attachments:[15-5174 CC Exhibits](#)[15-5174 CC reports](#)

C. 7 [2015-0440](#)**VAC 15-5087 (1005 E. ROCKWOOD TRAIL/ L & F
CONSTRUCTION):**

AN ORDINANCE TO APPROVE VAC 15-5087 SUBMITTED BY FRED PATRICK FOR PROPERTY LOCATED AT 1005 ROCKWOOD TRAIL TO VACATE AN ALLEY RIGHT OF WAY

Attachments: [15-5087 CC EXHIBITS](#)
 [15-5087 CC DOCS](#)

C. 8 [2015-0437](#)**VAC 15-5157 (688 N. WHITHAM AVE./1ST WESTERN BANK):**

AN ORDINANCE TO APPROVE VAC 15-5157 SUBMITTED BY GENE BUESCHER FOR PROPERTY LOCATED AT 688 WHITHAM AVENUE TO VACATE AN ALLEY RIGHT OF WAY

Attachments: [15-5157 CC EX A & B](#)
 [15-5157 Staff Report](#)

C. 9 [2015-0436](#)**VAC 15-5161 (2055 E. SIGNAL HILL DEPOT/BUTTERFIELD
TRAIL VILLAGE):**

AN ORDINANCE TO APPROVE VAC 15-5161 SUBMITTED BY JOE PERME FOR PROPERTY LOCATED AT 2055 E. SIGNAL HILL DEPOT TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [15-5161 CC EX A & B](#)
 [15-5161 Staff Report](#)

C. 10 [2015-0434](#)**VAC 15-5176 (MARK MILLS LANE/SUMMIT PLACE SD):**

AN ORDINANCE TO APPROVE VAC 15-5176 SUBMITTED BY BLEW & ASSOCIATES, INC. FOR PROPERTY LOCATED ALONG MARK MILLS LANE TO VACATE PORTIONS OF A CONSERVATION EASEMENT

Attachments: [15-5176 CC Exhibits](#)
 [15-5176 CC reports](#)

C. 11 [2015-0439](#)**VAC 15-5177 (1375 N. LEVERETT AVE./NOBLE OAKS APTS.):**

AN ORDINANCE TO APPROVE VAC 15-5177 SUBMITTED BY JORGENSEN & ASSOCIATES, INC. FOR PROPERTY LOCATED AT 1375 N. LEVERETT AVENUE TO VACATE A PORTION OF A UTILITY EASEMENT

Attachments: [/.....15-5177 CC EXHIBITS](#)
[15-5177 CC DOCS](#)

C. 12 [2015-0443](#)**VAC 15-5178 (SW CORNER JOYCE & STEELE BLVDS./CMN LOTS 3 & 4):**

AN ORDINANCE TO APPROVE VAC 15-5178 SUBMITTED BY JORGENSEN & ASSOCIATES, INC. FOR PROPERTY LOCATED AT THE SOUTHWEST CORNER OF JOYCE & STEELE BOULEVARDS TO VACATE PORTIONS OF UTILITY, DRAINAGE AND TRAIL EASEMENTS

Attachments: [15-5178 CC EXHIBITS](#)
[15-5178 CC DOCS](#)

C. 13 [2015-0435](#)**AMEND § 156.03 DEVELOPMENT, PARKING AND LOADING:**

AN ORDINANCE TO AMEND § 156.03 **DEVELOPMENT, PARKING AND LOADING** OF THE VARIANCES CHAPTER OF THE UNIFIED DEVELOPMENT CODE TO ESTABLISH A VARIANCE PROCEDURE FOR COMMERCIAL, OFFICE AND MIXED USE DESIGN AND DEVELOPMENT STANDARDS

Attachments: [15-5124 CC reports](#)

C. 14 [2015-0425](#)**PARKING DIVISION FULL TIME EQUIVALENT POSITION:**

A RESOLUTION TO AUTHORIZE THE ADDITION OF 1.0 FULL TIME EQUIVALENT POSITION TO THE PARKING DIVISION TO PROVIDE FOUR PART TIME EMPLOYEES TO STAFF EVENT PARKING IN THE SPRING STREET PARKING DECK

Attachments: [Event Parking FTE - CC Packet](#)

D. City Council Agenda Session Presentations:**E. City Council Tour:****F. Announcements:****G. 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.