

City of Fayetteville, Arkansas

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



Meeting Agenda - Final Agenda

Tuesday, November 17, 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:****Agenda Additions:****A. Consent:****A. 1** [2014-0515](#)

APPROVAL OF THE OCTOBER 30, 2015 SPECIAL CITY COUNCIL MEETING MINUTES.

A. 2 [2015-0514](#)**OFFICE DEPOT, INC.:**

A RESOLUTION TO APPROVE A CONTRACT WITH OFFICE DEPOT, INC. FOR THE PURCHASE OF OFFICE SUPPLIES PURSUANT TO A WESTERN STATES CONTRACTING ALLIANCE-NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS COOPERATIVE PURCHASING AGREEMENT

Attachments: [2015-0514, Office Depot, Inc.](#)

A. 3 [2015-0511](#)**CONTECH ENGINEERED SOLUTIONS, LLC:**

A RESOLUTION TO AWARD BID NO. 15-58 AND AUTHORIZE THE PURCHASE OF A PREFABRICATED STEEL TRAIL BRIDGE FROM CONTECH ENGINEERED SOLUTIONS, LLC IN THE AMOUNT OF \$87,126.00 PLUS APPLICABLE TAXES FOR INSTALLATION ON THE TOWN BRANCH TRAIL OVER TOWN BRANCH CREEK, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$19,124.16

Attachments: [2015-0511 Town Branch Trail Bridge Award](#)
[A. 3 Additional Contech Engineered Solutions, LLC](#)

A. 4 [2015-0512](#)**COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA:**

A RESOLUTION TO APPROVE A CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF \$153,570.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2016, CONTINGENT ON APPROVAL OF THE 2016 ANNUAL CITY BUDGET

Attachments: [Public Access Provider Contract 2016 Legistar3](#)

A. 5 [2015-0505](#)**2015 ADEQ BOSTON MOUNTAIN RECYCLING GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2015 ARKANSAS DEPARTMENT OF ENVIRONMENTAL QUALITY GRANT THROUGH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$8,000.00 FOR THE PURCHASE OF PUBLIC SPACE RECYCLING CONTAINERS, AND TO APPROVE A BUDGET ADJUSTMENT

Attachments: [SRP Public Space Recycling Containers Boston Mountain 2015](#)
[BA Public Space Recycling Containers Boston Mountain 2015](#)

A. 6 [2015-0509](#)**SPECIAL NEEDS ASSISTANCE PROGRAMS GRANTS (SNAP):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$414,161.00 RECOGNIZING SPECIAL NEEDS ASSISTANCE PROGRAM GRANT REVENUE, AND TO AUTHORIZE THE ADDITION OF 2.0 TEMPORARY FULL TIME EQUIVALENT POSITIONS TO THE COMMUNITY RESOURCES DIVISION TO HIRE CASE MANAGERS TO PROVIDE HOUSING SERVICES FOR HOMELESS FAYETTEVILLE RESIDENTS

Attachments: [Agenda Packet Legistar Item 2015-0509](#)
[SNAP Grants BA Form - Legistar](#)

A. 7 [2015-0462](#)**VULNERABLE ROAD USERS PROTECTION:**

A RESOLUTION TO AFFIRM THE CITY'S PERSISTENT EFFORTS AND LENGTHY COMMITMENT TO ALTERNATIVE AND ACTIVE TRANSPORTATION INFRASTRUCTURE, ROAD AND TRAIL SAFETY AND THE PROTECTION OF ALL VEHICULAR AND VULNERABLE ROAD USERS

Attachments: [CC packet vulnerable road users](#)

B. Unfinished Business:**B. 1** [2015-0495](#)**TREE PRESERVATION AREA VACATION FOR CRAIN
AUTOMOTIVE:**

A RESOLUTION TO REJECT THE RECOMMENDATION OF THE URBAN FORESTER WHO DETERMINED THAT THE TREE PRESERVATION AND MITIGATION AREAS IN EASEMENTS AND DEDICATIONS AGREED TO AND SIGNED BY THE OWNER/DEVELOPER ON JUNE 25, 2014, SHOULD NOT BE VACATED OR CHANGED BY A NEW DEVELOPMENT PROPOSAL FOR THIS ACREAGE

Attachments: [2015-0495 Crain Automotive Tree Preservation Vacation](#)
[B. 1 Additional Tree Preservation Area Vacation for Crain Automotive](#)

At the November 3, 2015 City Council meeting, this resolution was tabled to the November 17, 2015 City Council meeting.

C. New Business:**C. 1** [2015-0485](#)**RZN 15-5196 (3422 N. COLLEGE AVE./SCOTT PLAZA):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 15-5196 FOR APPROXIMATELY 0.57 ACRES LOCATED AT 3422 N. COLLEGE AVENUE FROM R-O, RESIDENTIAL-OFFICE TO C-1, NEIGHBORHOOD COMMERCIAL

Attachments: [15-5196 CC EXHIBITS](#)
[15-5196 CC DOCUMENTS](#)

C. 2 [2015-0516](#)**VAC 15-5204 (722 S. LOCUST AVE./SOUTHSIDE TOWNHOMES):**

AN ORDINANCE TO APPROVE VAC 15-5204 SUBMITTED BY INFILL GROUP, INC. FOR PROPERTY LOCATED AT 722 S. LOCUST AVENUE TO VACATE PORTIONS OF ALLEY AND STREET RIGHTS-OF-WAY

Attachments:[15-5204 CC EXHIBITS](#)[15-5204 CC DOCUMENTS](#)**C. 3** [2015-0515](#)**AMEND § 150.02 PURPOSE:**

AN ORDINANCE TO AMEND § 150.02 **PURPOSE** OF THE UNIFIED DEVELOPMENT CODE BY ENACTING FURTHER LANGUAGE

Attachments:[15-5195 EX A](#)[15-5195 CC reports](#)**C. 4** [2015-0513](#)**AMEND CHAPTERS 160, 161 AND 167:**

AN ORDINANCE TO AMEND § 160.01 **ESTABLISHMENT OF DISTRICT**, § 161.10 **DISTRICT RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE**, AND TABLE 1 **MINIMUM CANOPY REQUIREMENTS OF § 167.04 TREE PRESERVATION AND PROTECTION DURING DEVELOPMENT**, ALL WITHIN THE UNIFIED DEVELOPMENT CODE

Attachments:[15-5093 Amend CCreports](#)

C. 5 [2015-0469](#)**AMEND CHAPTER 97 PARKS AND RECREATION:**

AN ORDINANCE TO AMEND CHAPTER 97 **PARKS AND RECREATION** OF THE FAYETTEVILLE CITY CODE TO ALLOW TWENTY FOUR (24) HOUR ACCESS TO SHARED USE PAVED TRAILS; TO ADD LEASH REQUIREMENTS FOR ANIMALS IN CERTAIN PARKS; TO PROHIBIT CERTAIN ACTIVITIES IN PARKS INCLUDING UNAUTHORIZED VEHICLE OPERATION, USE OF PADDLE BOARDS ON CITY LAKES, AND SHOOTING OF MODEL ROCKETS; TO PROVIDE FOR CERTAIN ACTIVITIES IN PARKS INCLUDING CAMPING, HORSEBACK RIDING, LIMITED VENDING AT PARK EVENTS, AND POSTING OF TEMPORARY SIGNS; AND TO MAKE OTHER TECHNICAL REVISIONS

Attachments:[Exhibit A - Proposed Chapter 97](#)[Legistar Packet - Chapter 97](#)**C. 6** [2015-0463](#)**AMEND § 73.04 RIDING ON ROADWAYS AND BICYCLE PATHS AND § 73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.04 **RIDING ON ROADWAYS AND BICYCLE PATHS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON ROADWAYS AND BICYCLE PATHS, AND TO AMEND § 73.05 **RIDING ON SIDEWALKS** TO PROVIDE FOR THE SAFE OPERATION OF BICYCLES ON SIDEWALKS

Attachments:[CC packet - Bicycle Ordinance Amendments](#)[Bicycle Ordinance Package CC Memo - Amendment Package w out Map](#)**C. 7** [2015-0517](#)**ADOPT THE 2016 ANNUAL BUDGET AND WORK PROGRAM:**

A RESOLUTION TO ADOPT THE 2016 ANNUAL BUDGET AND WORK PROGRAM

Attachments:[2016 Proposed Budget 2015_0517.pdf](#)

C. 8 [2015-0529](#)**APPEAL OF THE PLANNING COMMISSION'S CUP 15-5217:
CONDITIONAL USE (2648 N. OLD WIRE ROAD/APPLE SEEDS):**

A RESOLUTION TO GRANT THE APPEAL OF ALDERMEN JUSTIN TENNANT, MARTIN SCHOPPMAYER AND JOHN LATOUR OF CONDITIONAL USE CUP 15-5217 (2684 NORTH OLD WIRE ROAD/APPLE SEEDS, INC.) GRANTED BY THE PLANNING COMMISSION ON OCTOBER 26, 2015 AND TO DENY THE CONDITIONAL USE (OR TO RETURN THE CONDITIONAL USE TO THE PLANNING COMMISSION FOR RENEWED CONSIDERATION)

Attachments: [Agenda Packet Apple Seeds Appeal](#)

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.

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 479-575-8330.

A copy of the complete City Council agenda is available at www.fayetteville-ar.gov or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.