

# City of Fayetteville, Arkansas

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



## City Council Meeting

**September 18, 2018  
5:30 p.m.**

**City Hall Room 219  
113 West Mountain**

## City Council Members

*Adella Gray Ward 1  
Sarah Marsh Ward 1  
Mark Kinion Ward 2  
Matthew Petty Ward 2  
Justin Tennant Ward 3  
Sarah Bunch Ward 3*

*John S. La Tour Ward 4  
Kyle Smith Ward 4*

***ELECTED OFFICIALS:  
Mayor Lioneld Jordan  
City Attorney Kit Williams  
City Clerk Treasurer 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. 2018-0471 NOMINATING COMMITTEE REPORT**

Legislation Text

NOMINATING COMMITTEE REPORT

**2. 2018-0490 HOUSING AUTHORITY BOARD APPOINTMENT**

Legislation Text

HOUSING AUTHORITY BOARD APPOINTMENT

ADDITIONAL HOUSING AUTHORITY BOARD APPOINTMENT

**Agenda Additions**

**A. Consent**

**A. 1 2018-0026 APPROVAL OF THE SEPTEMBER 4, 2018 CITY COUNCIL MEETING MINUTES**

Legislation Text

**A. 2 2018-0436 BLUEINGREEN, LLC AND CH2M HILL ENGINEERS, INC.: A RESOLUTION TO APPROVE LEASE, MAINTENANCE AND OPERATION AGREEMENTS WITH BLUEINGREEN, LLC AND CH2M HILL ENGINEERS, INC. FOR OFFICE AND LAB SPACE AT THE NOLAND WATER RESOURCE RECOVERY FACILITY AND AN EXTENSION OF BLUEINGREEN'S WARRANTY AND SERVICE OF ITS EQUIPMENT**

Legislation Text

BLUEINGREEN, LLC AND CH2M HILL ENGINEERS, INC.

- A. 3 2018-0447 STRIBLING EQUIPMENT, LLC: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER WITH FORKS FROM STRIBLING EQUIPMENT, LLC OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$131,350.00 PURSUANT TO THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT FOR USE BY THE WATER AND SEWER OPERATIONS DIVISION

Legislation Text

STRIBLING EQUIPMENT, LLC

- A. 4 2018-0448 PUREGREEN EQUIPMENT SERVICES, LLC: A RESOLUTION TO AUTHORIZE A CONTRACT WITH PUREGREEN EQUIPMENT SERVICES, LLC D/B/A EZ FUEL-BLUE1USA FOR THE PURCHASE OF FUELING EQUIPMENT IN THE AMOUNT OF \$135,997.31 PURSUANT TO THE SOURCEWELL COOPERATIVE PURCHASING CONTRACT FOR THE FUEL STATION IMPROVEMENT PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$20,000.00

Legislation Text

PUREGREEN EQUIPMENT SERVICES, LLC

- A. 5 2018-0463 HAZMAT SERVICES REVENUE: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED BY THE FIRE DEPARTMENT FROM WASHINGTON COUNTY IN THE AMOUNT OF \$3,080.00 AND INCREASING THE RELATED EXPENSE BUDGET

Legislation Text

HAZMAT SERVICES REVENUE

BA\_HAZMAT SERVICES REVENUE

- A. 6 2018-0480 ASSISTANCE TO FIREFIGHTERS GRANT: A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 90/10 ASSISTANCE TO FIREFIGHTERS GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN THE AMOUNT OF \$123,637.00 FOR THE PURCHASE OF PHYSICAL FITNESS EQUIPMENT, AND TO APPROVE A BUDGET ADJUSTMENT TO PROVIDE FOR MATCHING FUNDS IN THE AMOUNT OF \$12,363.00 AND A PROJECT CONTINGENCY IN THE AMOUNT OF \$20,000.00

Legislation Text

ASSISTANCE TO FIREFIGHTERS GRANT

BA\_90/10 ASSISTANCE TO FIREFIGHTERS GRANT

- A. 7 2018-0466 ARKANSAS DEPARTMENT OF AERONAUTICS: A RESOLUTION TO AUTHORIZE APPLICATION FOR AN ARKANSAS DEPARTMENT OF

AERONAUTICS 50/50 GRANT IN THE AMOUNT OF \$43,730.00 FOR THE REPLACEMENT OF THE TERMINAL BOILER

Legislation Text

ARKANSAS DEPARTMENT OF AERONAUTICS

- A. 8 2018-0474 2018 JUSTICE ASSISTANCE GRANT: A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2018 JUSTICE ASSISTANCE GRANT FOR FEDERAL AND STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$153,180.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

Legislation Text

2018 JUSTICE ASSISTANCE GRANT

- A. 9 2018-0473 MAPLE STREET CYCLE TRACK DESIGN: A RESOLUTION TO AUTHORIZE A COST SHARE WITH THE UNIVERSITY OF ARKANSAS AND THE WALTON FAMILY FOUNDATION FOR DESIGN SERVICES BY MCGOODWIN, WILLIAMS & YATES, A DIVISION OF OLSSON & ASSOCIATES, INC. FOR THE MAPLE STREET CYCLE TRACK WITH THE AMOUNT TO BE PAID BY THE CITY NOT TO EXCEED \$103,500.00

Legislation Text

MAPLE STREET CYCLE TRACK DESIGN

- A. 10 2018-0482 81 CONSTRUCTION GROUP, INC.: A RESOLUTION TO APPROVE A CHANGE ORDER TO THE CONTRACT WITH 81 CONSTRUCTION GROUP, INC. IN THE AMOUNT OF \$53,750.00 FOR THE EAST SPYGLASS HILL DRIVE DRAINAGE IMPROVEMENTS PROJECT TO EXPAND THE SCOPE OF SERVICES TO INCLUDE ADDITIONAL ROCK EXCAVATION AND TO ADD 45 DAYS TO THE CONTRACT TIME DUE TO DELAYS CAUSED BY THE UNPLANNED ROCK EXCAVATION

Legislation Text

81 CONSTRUCTION GROUP, INC.

- A. 11 2018-0489 SALES & USE TAX CAPITAL IMPROVEMENT BONDS: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING REVENUE GENERATED FROM INTEREST PAID ON FUNDS FOR THE SALES & USE TAX CAPITAL IMPROVEMENT BONDS SERIES 2013 PROJECT IN THE AMOUNT OF \$37,286.91

Legislation Text

SALES & USE TAX CAPITAL IMPROVEMENT BONDS

BA SALES & USE TAX CAPITAL IMPROVEMENT BONDS

- A. 12 2018-0470 LETTER OF AGREEMENT: A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A LETTER OF AGREEMENT WITH THRASH LAW FIRM, WILLIAMS & ANDERSON PLC, THE FINNELL FIRM, AND BIRD LAW GROUP TO FILE A CLAIM ON BEHALF OF THE CITY OF FAYETTEVILLE FOR UNPAID HOTEL/MOTEL/RESTAURANT TAXES OWED BY ONLINE TRAVEL COMPANIES

Legislation Text

LETTER OF AGREEMENT

- A. 13 2018-0494 BOUNDARY LINE AGREEMENT/QUITCLAIM DEED: A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A BOUNDARY LINE AGREEMENT AND QUITCLAIM DEED TO CLARIFY THE BOUNDARY LINE BETWEEN PROPERTY OWNED BY LARRY HENLEY, JEREMY SHARP, AND PHILLIP SPARKS NEAR SOUTH FUTRALL DRIVE AND RED ARROW SUBDIVISION

Legislation Text

BOUNDARY LINE AGREEMENT/QUITCLAIM DEED

**B. Unfinished Business: (NONE)**

**C. New Business**

- C. 1 2018-0488 OZARK KENWORTH, INC.: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND ACCEPT A REPAIR QUOTE OF \$22,176.02 FROM OZARK KENWORTH, INC. D/B/A MHC KENWORTH/VOLVO - SPRINGDALE TO REPAIR A SEWER CLEANER TRUCK THAT WAS INVOLVED IN AN ACCIDENT

Legislation Text

OZARK KENWORTH, INC.

- C. 2 2018-0485 2018 MILLAGE LEVY: AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2018 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, 2.5 MILLS FOR FAYETTEVILLE PUBLIC LIBRARY OPERATIONS, AND 1.2 MILLS FOR THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

Legislation Text

2018 MILLAGE LEVY

- C. 3 2018-0387 REENACT § 177.04 (D)(4) AND (5): AN ORDINANCE TO REENACT § 177.04 (D)(4) AND (5) CONCERNING PERIMETER LANDSCAPING REQUIREMENT FOR PARKING LOT LANDSCAPE STANDARDS OF THE UNIFIED DEVELOPMENT CODE

Legislation Text

REENACT § 177.04 (D)(4) AND (5).

- C. 4 2018-0468 AMEND § 166.25 (D): AN ORDINANCE TO AMEND § 166.25(D) OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THE DEVELOPMENT REQUIREMENT FOR ADEQUATE SPACE AND SCREENING OF RECYCLING AND TRASH CONTAINERS IN COMMERCIAL, OFFICE, AND MIXED-USE DEVELOPMENTS

Legislation Text

AMEND § 166.25 (D).

- C. 5 2018-0469 AMEND § 50.20: AN ORDINANCE TO AMEND § 50.20 SERVICE REQUIREMENTS IN CHAPTER 50: RECYCLING AND TRASH COLLECTION OF THE FAYETTEVILLE CITY CODE TO REQUIRE RESIDENTIAL GARBAGE CARTS TO BE PLACED AT THE COLLECTION POINT BY 5:00 A.M.

Legislation Text

AMEND § 50.20

- C. 6 2018-0476 RZN 18-6311 (1910 N. OLD WIRE RD./SEQUOYAH UNITED METHODIST CHURCH): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6311 FOR APPROXIMATELY 7.64 ACRES LOCATED AT 1910 NORTH OLD WIRE ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO P-1, INSTITUTIONAL

Legislation Text

RZN 18-6311 (1910 N. OLD WIRE RD./SEQUOYAH UNITED METHODIST CHURCH)

- C. 7 2018-0477 RZN 18-6313 (SE OF GREGG AVE. & ASH ST./ALPHA FARMS, LLC): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6313 FOR APPROXIMATELY 0.84 ACRES LOCATED AT SOUTHEAST OF NORTH GREGG AVENUE AND WEST ASH STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE

Legislation Text

- C. 8 2018-0484 RZN 18-6317 (WEST OF MARKHAM RD./MARKHAM HILL): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 18-6317 FOR APPROXIMATELY 119.43 ACRES LOCATED WEST OF MARKHAM ROAD FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE AND CPZD, COMMERCIAL PLANNING ZONING DISTRICT TO REZONE APPROXIMATELY 75.42 ACRES TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN AND APPROXIMATELY 44.01 ACRES TO R-A, RESIDENTIAL AGRICULTURAL, SUBJECT TO A BILL OF ASSURANCE

Legislation Text

RZN 18-6317 (WEST OF MARKHAM RD./MARKHAM HILL)

ADDITIONAL RZN 18-6317 (WEST OF MARKHAM RD.MARKHAM HILL) EMAILS

- C. 9 2018-0483 C-PZD 18-6318 (2231 W. MARKHAM RD./PRATT PLACE INN & BARN): AN ORDINANCE TO APPROVE A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 18-6318 FOR PROPERTY LOCATED AT 2231 WEST MARKHAM ROAD REDUCING THE EXISTING 68.99 ACRE COMMERCIAL PLANNED ZONING DISTRICT TO 24.06 ACRES WHILE RETAINING THE EXISTING USES, AND ADDING UP TO 5,000 SQUARE FEET OF EVENT SPACE, 12,000 SQUARE FEET OF RESTAURANT OR COMMERCIAL SPACE, 80 HOTEL ROOMS, AND 43 DWELLING UNITS

Legislation Text

C-PZD 18-6318 (2231 W. MARKHAM RD./PRATT PLACE INN & BARN)

**D. City Council Agenda Session Presentations**

- D. 1 2018-0426 AGENDA SESSION PRESENTATION-2018 PROPERTY TAX LEVY AND 2019 GENERAL FUND BUDGET DISCUSSION, PAUL BECKER

Legislation Text

**E. City Council Tour**

**F. Announcements**

**G. Adjournment**

**NOTICE TO MEMBERS OF THE AUDIENCE**

All interested persons may appear and address the City Council on Unfinished Business, New Business, and Public Hearings at City Council meetings. If you wish to address the City Council on an agenda item, please wait for the Mayor or Chair to request public comment then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give

your name and address. Comments are to be addressed to the Mayor or Chair. The Mayor or Chair will direct your comments to the appropriate elected officials, staff, or others for response. Keep your comments respectful, brief, to the point, and relevant to the agenda item being considered. Each speaker from the public will be allowed one turn at the microphone for discussion of an agenda item.

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.

**Unfinished 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. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

**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. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, 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's 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 City Council. 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 City Council member 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 a City Council member 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 Telecommunications Device for the Deaf (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 on our website at [www.fayetteville-ar.gov](http://www.fayetteville-ar.gov) or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.

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