

# City of Fayetteville, Arkansas

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



## Meeting Agenda - Tentative Agenda

Tuesday, October 13, 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. [2015-0477](#)  
PUBLIC FACILITIES BOARD APPOINTMENT - MAYOR  
APPOINTMENT SUBJECT TO CONFIRMATION BY THE  
GOVERNING BODY

**Attachments:** [PFB\\_agenda\\_packet](#)

**Agenda Additions**

**A. Consent:**

- A. 1 [2014-0513](#)  
APPROVAL OF THE SEPTEMBER 29, 2015 SPECIAL CITY COUNCIL  
MEETING MINUTES.

- A. 2 [2015-0467](#)  
**FAYETTEVILLE POLICE DEPARTMENT POLICIES:**  
  
A RESOLUTION TO APPROVE FAYETTEVILLE POLICE  
DEPARTMENT POLICIES ON DISCIPLINARY AND AWARD  
PROCEDURES AND PROFESSIONAL STANDARDS AND TO  
ELIMINATE FAYETTEVILLE POLICIES NO LONGER NEEDED ON  
JAILER DUTY; JAIL EMERGENCY PLAN, PRISONER CARE AND  
SUICIDE IDENTIFICATION

**Attachments:** [Agenda Packet - Police Policies 10202015](#)

**A. 3**      [2015-0470](#)**USDA FARMERS MARKET PROMOTION PROGRAM GRANT:**

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A USDA FARMERS MARKET PROMOTION PROGRAM GRANT WITH THE USDA AGRICULTURAL MARKETING SERVICE IN THE AMOUNT OF \$58,856.00 FOR THE CITY TO EXPAND AND PROMOTE ECONOMIC OPPORTUNITIES FOR PRODUCERS OPERATING THROUGH THE FAYETTEVILLE FARMERS MARKET, TO APPROVE AN AGREEMENT WITH THE RURAL MOUNTAIN PRODUCERS EXCHANGE AND TO APPROVE A BUDGET ADJUSTMENT

**Attachments:**[CC agenda packet - USDA Farmers Mkt Grant](#)[BA BUDGET ADJUSTMENT FORM USDA Farmers' Market Promotional Gra](#)**B. Unfinished Business:****B. 1**      [2015-0466](#)**FAYETTEVILLE FIRE PENSION AND RELIEF FUND PROPOSAL  
TO CONSOLIDATE WITH LOPFI:**

AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE FAYETTEVILLE FIRE PENSION AND RELIEF FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE MAYOR TO ENTER INTO AN IRREVOCABLE AGREEMENT WITH LOPFI AND APPROVING AN EMERGENCY CLAUSE

**Attachments:**[2015-0466 Local Firemen's Pension Consolidation](#)[City Attorney Memo Regarding Legality of Assuming Pension Debts 092915](#)[City Attorney Memo Additional Information](#)[Fire Pension Board Resolution 093015](#)[MAYOR LIONELD JORDON AND FAYETTEVILLE CITY COUNCIL](#)

*At the October 6, 2015 City Council meeting, this ordinance was left on the first reading.*

**C. New Business:**

**C. 1**      [2015-0476](#)**WALTON FAMILY FOUNDATION:**

A RESOLUTION TO EXPRESS THE CITY COUNCIL'S THANKS AND GRATITUDE TO THE WALTON FAMILY FOUNDATION FOR ITS GENEROUS \$390,000.00 MATCHING GRANT FOR THE CONSTRUCTION OF THE CLABBER CREEK TRAIL, TO APPROVE THE GRANT AGREEMENT AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS \$390,000.00 GRANT

**Attachments:**[2015-0476 - Walton Family Foundation Grant #2015-225\)](#)[BA - Walton Family Foundation Grant \(Clabber Creek Trail 02016.1402\)](#)**C. 2**      [2015-0456](#)**BID 15-42 JLA ENTERPRISES, INC.:**

A RESOLUTION TO AWARD BID NO. 15-42, TO AUTHORIZE THE CONTRACT WITH JLA ENTERPRISES, INC. IN THE AMOUNT OF \$425,521.90 FOR CONSTRUCTION OF A RESTROOM AND PARKING LOT IMPROVEMENTS AT GORDON LONG PARK, TO APPROVE A 5% PROJECT CONTINGENCY IN THE AMOUNT OF \$21,276.10, AND TO APPROVE A BUDGET ADJUSTMENT

**Attachments:**[2015-0456 Gordon Long Park Trailhead Improvements](#)[2015-0456 BA - Gordon Long Park Trailhead Construction](#)**C. 3**      [2015-0471](#)

**PLACEHOLDER - ADDITIONAL INFORMATION WILL BE EMAILED AS SOON AS INFORMATION IS RECEIVED -**

**BENCHMARK CONSTRUCTION OF NWA CONTRACT:**

STAFF REQUESTS A RESOLUTION TO APPROVE A CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA IN THE AMOUNT OF \$3,373,506.91 FOR THE CONSTRUCTION OF THE RECYCLING AND TRASH COLLECTION FACILITY EXPANSION, APPROVAL OF A 5% PROJECT CONTINGENCY IN THE AMOUNT OF \$168,675.35, APPROVAL OF CHANGE ORDER NO. 1 TO REDUCE THE CONTRACT BY \$323,307.00 BY REFLECTING VALUE ENGINEERING ITEMS, AND APPROVAL OF A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,461,465.00 TO INCREASE THE PROJECT BUDGET.

**C. 4**      [2015-0472](#)**MCGOODWIN, WILLIAMS AND YATES, INC. AMENDMENT NO.****3:**

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE AGREEMENT WITH MCGOODWIN, WILLIAMS AND YATES, INC. FOR CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE RECYCLING AND TRASH COLLECTION DIVISION OFFICE BUILDING EXPANSION AND SITE IMPROVEMENTS IN AN AMOUNT NOT TO EXCEED \$217,861.00

**Attachments:**      [2015-0472 MWY Amendment 3](#)

**C. 5**      [2015-0473](#)**GRUBBS, HOSKYN, BARTON & WYATT, INC.:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH GRUBBS, HOSKYN, BARTON & WYATT, INC. FOR MATERIALS TESTING SERVICES FOR THE RECYCLING AND TRASH COLLECTION FACILITY EXPANSION AND IMPROVEMENTS PROJECT IN AN AMOUNT NOT TO EXCEED \$25,000.00

**Attachments:**      [2015-0473 Agreement GHBW](#)

**C. 6**      [2015-0465](#)**VAC 15-5206 (5026 TALON TRAIL/FALCON RIDGE S/D):**

AN ORDINANCE TO APPROVE VAC 15-5206 SUBMITTED BY JORGENSEN AND ASSOCIATES, INC. FOR PROPERTY LOCATED AT 5026 E. TALON TRAIL TO VACATE A DRAINAGE EASEMENT

**Attachments:**      [15-5206 CC EX A & B](#)  
                                 [15-5206 Full Packet](#)

**C. 7**      [2015-0464](#)**ADM 15-5205 (SW CORNER VAN ASCHE & STEELE  
BLVDS./CMN BUSINESS PARK, LOT 6):**

AN ORDINANCE TO AMEND ORDINANCE NO. 3936 BY AMENDING THE RESTRICTIONS WHICH HAD PROHIBITED RESTAURANTS BY ALLOWING SUCH USE UNIT 13 RESTAURANTS WITH OUTDOOR MUSIC AS CONDITIONAL USES UPON A 2.24 ACRE PARCEL (LOT 6) ON THE SOUTHWEST CORNER OF VAN ASCHE AND STEELE BOULEVARDS

**Attachments:**      [15-5205 CC EX A & B](#)  
[Exhibit C](#)  
[15-5205 Full Packet](#)

**C. 8**      [2015-0444](#)**ANX 15-5181: (1620 S. ED EDWARDS RD./SALSBURY):**

AN ORDINANCE TO ANNEX THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 15-5181 SUBMITTED BY CURTIS HOGUE FOR PROPERTY LOCATED AT 1620 S. ED EDWARDS ROAD CONTAINING APPROXIMATELY 0.83 ACRES

**Attachments:**      [15-5181 CC EXHIBITS](#)  
[15-5181 CC DOCUMENTS](#)

**C. 9**      [2015-0474](#)**AMEND CHAPTER 167 AND 177:**

AN ORDINANCE TO REPEAL § 167.04 (J)(5) *MAINTENANCE AGREEMENT AND LANDSCAPE ESTABLISHMENT GUARANTEE*, TO ENACT § 167.10 **TREE MAINTENANCE AGREEMENTS** AND TO AMEND § 177.05 (A)(2)(f) BY DELETING A PORTION OF THIS SUBSECTION AND ENACTING § 177.10 **TREE MAINTENANCE AGREEMENTS** TO IMPROVE MAINTENANCE AND SURVIVABILITY OF MITIGATION TREES

**Attachments:**      [Exhibits A & B](#)  
[2015-0474 Amendment to Chapter 167 and 177 to Provide an Additional Option](#)

**D. City Council Agenda Session Presentations:****1.**      [2015-0458](#)

AGENDA SESSION PRESENTATION: REPORT TO CITY COUNCIL ON INVASIVE SPECIES BY PETER NIERENGARTEN

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](http://www.fayetteville-ar.gov) or in the office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas.