

City of Fayetteville, Arkansas

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



City Council Final Agenda

Tuesday, October 18, 2022

5:30 PM

City Hall Room 219

City Council Members

Council Member Sonia Harvey Ward 1

Council Member D'Andre Jones Ward 1

Council Member Mark Kinion Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Sloan Scroggin Ward 3

Council Member Sarah Bunch Ward 3

Council Member Teresa Turk Ward 4

Council Member Holly Hertzberg Ward 4

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Treasurer Kara Paxton

Zoom Information:

Webinar ID: 818 4889 5709

Public Registration Link:

https://us06web.zoom.us/webinar/register/WN_w9xNGhaiRZqR9bxCPNXaIA

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

1. 2022-0727

ASSISTANT FIRE CHIEF WILLIAM WATTS SPECIAL RECOGNITION

City Council Meeting Presentations, Reports and Discussion Items

Proposed Agenda Additions

A. Consent

A.1 2021-1060

APPROVAL OF THE SEPTEMBER 20, 2022 CITY COUNCIL MEETING MINUTES

A.2 2022-0883

PER CAPITA JAIL FEE AGREEMENT:

A RESOLUTION TO APPROVE THE PER CAPITA JAIL FEE AGREEMENT WITH WASHINGTON COUNTY FOR JAIL SERVICES IN 2023 IN THE AMOUNT OF \$76,421.40

A.3 2022-0911**FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$197,483.00 RECOGNIZING REVENUE ASSOCIATED WITH FEDERAL AND STATE LAW ENFORCEMENT FORFEITURES

A.4 2022-0915**2022 BULLETPROOF VEST PARTNERSHIP GRANT AWARD:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A MATCHING GRANT AWARD FROM THE 2022 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$19,184.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS AND OUTFITTING NEW OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT

A.5 2022-0923**2023 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2023 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF \$143,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

A.6 2022-0918**1010 SOUTH HOLLYWOOD AVENUE REVENUE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$79,149.00 RECOGNIZING REVENUE ASSOCIATED WITH THE SALE OF CITY OWNED PROPERTY LOCATED AT 1010 SOUTH HOLLYWOOD AVENUE

A.7 2022-0957**G & W DIESEL/EVS FIRE APPARATUS:**

A RESOLUTION TO APPROVE THE PURCHASE OF A NEW RESCUE FIRE APPARATUS FROM G & W DIESEL/EVS IN THE AMOUNT OF \$1,300,000.00 PLUS ANY APPLICABLE SALES TAX AND DELIVERY CHARGES, PURSUANT TO A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE FAYETTEVILLE FIRE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT - FIREFIGHTING FACILITIES IMPROVEMENTS BOND PROJECT

A.8 2022-0922**NORTHWEST ARKANSAS RAZORBACK GREENWAY OPERATIONS AND MANAGEMENT PLAN UPDATE:**

A RESOLUTION TO APPROVE AN UPDATED NORTHWEST ARKANSAS RAZORBACK GREENWAY OPERATIONS AND MANAGEMENT PLAN FOR THE SECTIONS OF THE RAZORBACK REGIONAL GREENWAY WITHIN THE CITY OF FAYETTEVILLE

A.9 2022-0928**STRIBLING EQUIPMENT:**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF INSPECTION AND REPAIR SERVICES FROM STRIBLING EQUIPMENT TO INSPECT AND REPAIR VARIOUS EQUIPMENT AS NEEDED THROUGH THE END OF 2022 AND WITHIN THE APPROVED BUDGET

A.10 2022-0929**J&R EQUIPMENT:**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF ORIGINAL EQUIPMENT MANUFACTURER PARTS FROM J&R EQUIPMENT IN THE AMOUNT OF \$41,945.59 FOR THE REPAIR OF ACCIDENT DAMAGE TO A REFUSE TRUCK

A.11 2022-0925**MILLER BOSKUS LACK ARCHITECTS, P.A AMENDMENT 1 AGREEMENT:**

A RESOLUTION TO APPROVE AMENDMENT 1 TO THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH MILLER BOSKUS LACK ARCHITECTS, P.A IN THE AMOUNT OF \$439,290.00 FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE REPLACEMENT OF FIRE STATION NO. 2, AND TO APPROVE A BUDGET ADJUSTMENT - FIREFIGHTING FACILITIES IMPROVEMENTS BOND PROJECT

A.12 2022-0973**2023 PROPORTIONAL SHARE AGREEMENT FOR JUDGES:**

A RESOLUTION TO APPROVE THE 2023 PROPORTIONAL SHARE AGREEMENT WITH WASHINGTON COUNTY AND CITIES IN WASHINGTON COUNTY TO PAY FAYETTEVILLE'S STATUTORILY REQUIRED SHARE OF OUR STATE DISTRICT JUDGES' BASE SALARIES, AND TO AUTHORIZE THE MAYOR TO SIGN FUTURE AGREEMENTS AS LONG AS THE AMOUNT ALLOCATED TO FAYETTEVILLE REMAINS THE SAME

B. Unfinished Business**B.1 2022-0878****AMEND §118.01 APPLICABILITY, §151.01 DEFINITIONS AND §163.18 SHORT-TERM RENTALS:**

AN ORDINANCE TO AMEND §118.01 **APPLICABILITY** OF THE *FAYETTEVILLE CITY CODE*, AND § 151.01 **DEFINITIONS** AND §163.18 **SHORT-TERM RENTALS** OF THE *UNIFIED DEVELOPMENT CODE* TO REMOVE THE CONDITIONAL USE PERMIT REQUIREMENT FOR TYPE 2 SHORT-TERM RENTALS, AND TO REPEAL THE SUNSET PROVISION

At the October 4, 2022 City Council meeting, this ordinance was left on the first reading.

C. New Business

C.1 2022-0919**REINDL PROPERTIES, INC.:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A LETTER OF INTENT DEFINING DEVELOPMENT AGREEMENT TERMS WITH REINDL PROPERTIES, INC. FOR A PUBLIC PRIVATE PARTNERSHIP FOR CONSTRUCTION OF THE MIXED-USE BUILDING PLANNED TO PROVIDE GROUND FLOOR ACTIVE USES FOR THE RAMBLE CIVIC PLAZA ON THE SOUTHERN END OF THE SITE

C.2 2022-0917**AMEND §73.05 RIDING ON SIDEWALKS:**

AN ORDINANCE TO AMEND § 73.05 **RIDING ON SIDEWALKS** OF THE FAYETTEVILLE CITY CODE TO ALIGN WITH STATE LAW REGARDING THE RIGHTS AND DUTIES OF A PERSON OPERATING A BICYCLE IN A CROSSWALK

C.3 2022-0921**§72.02 NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES:**

AN ORDINANCE TO AMEND §72.02 **NONCONSENSUAL, POLICE-INITIATED TOWING, STORAGE AND IMPOUNDMENT PROCEDURES** TO ALLOW TOWING OF A TRAILER BLOCKING AN ALLEY

C.4 2022-0930**RZN 22-035 (6074 W. WEDINGTON DR./HOUSTON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-035 LOCATED AT 6074 WEST WEDINGTON DRIVE IN WARD 4 FOR APPROXIMATELY 2.43 ACRES FROM R-A, RESIDENTIAL-AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

C.5 2022-0931**RZN 22-044 (170 E. MOUNTAIN ST./TWIN SUMMIT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-044 LOCATED AT 170 EAST MOUNTAIN STREET IN WARD 1 FOR APPROXIMATELY 0.12 ACRES FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO DG, DOWNTOWN GENERAL

C.6 2022-0938**VAC 22-022 (3615 N STEELE BLVD/JJ'S LIVE):**

AN ORDINANCE TO APPROVE VAC 22-022 FOR PROPERTY LOCATED AT 3615 NORTH STEELE BOULEVARD IN WARD 3 TO VACATE A PORTION OF A UTILITY EASEMENT

C.7 2022-0963**AMEND ORDINANCE 6010 FOR VIP CLUB:**

AN ORDINANCE TO AMEND ORDINANCE 6010 AND CHANGE THE APPROVED CLOSING TIME FOR VIP CLUB FROM 1:30 A.M. TO 2:00 A.M.

D. City Council Agenda Session Presentations**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. When the Mayor or Chair recognizes you, please start your public comment by giving 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 to speak 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 a Council Member 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:

Overview Period: Agenda items at a City Council meeting 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 a Council Member later to answer questions. City staff, Council Members and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item. City staff's presentation and an Applicant's presentation whether presented by one or more than one presenter shall each be limited to a maximum of ten (10) minutes unless the City Council by unanimous consent or majority vote allows additional time.

Public Comments: Public comment at a City Council meeting shall be allowed for all members of the audience who have signed up prior to the beginning of the agenda item they wish to address being opened for public comment. Speakers shall be limited to a maximum of five (5) minutes to discuss the agenda item being considered by the City Council. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. If public comment is allowed for an amendment, speakers will only be allowed to speak for three (3) minutes. The City Council may allow both a speaker additional time and an unsigned-up person to speak by unanimous consent or majority vote. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their five (5) minutes presentation period concerning the agenda item being considered by the City Council.

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 comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. 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 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.