

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, January 3, 2023**

**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 Sarah Moore Ward 2***

***Council Member Mike Wiederkehr Ward 2***

***Council Member Scott Berna 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:****Public Registration Link:**

[https://us06web.zoom.us/webinar/register/WN\\_w9xNGhaiRZqR9bxCPNXaIA](https://us06web.zoom.us/webinar/register/WN_w9xNGhaiRZqR9bxCPNXaIA)

**Webinar ID: 818 4889 5709**

**Call to Order**

- 1. OATHS OF OFFICE:  
KIT WILLIAMS, CITY ATTORNEY  
SONIA HARVEY, COUNCIL MEMBER WARD 1  
SARAH MOORE, COUNCIL MEMBER WARD 2  
SCOTT BERNA, COUNCIL MEMBER WARD 3  
TERESA TURK, COUNCIL MEMBER WARD 4**

**(2022-273)**

**Roll Call****Pledge of Allegiance****Mayor' s Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items**

- 1. ELECTION OF VICE MAYOR (2022-275)**
- 2. 2023 CITY COUNCIL COMMITTEE APPOINTMENTS (2022-276)**
- 3. REPORT OF FIREMEN'S AND POLICEMEN'S PENSION AND RELIEF FUND (2022-277)**
- 4. MONTHLY FINANCIAL REPORT (2022-278)**

**Proposed Agenda Additions****A. Consent**

- A.1. APPROVAL OF DECEMBER 20, 2022 CITY COUNCIL MEETING MINUTES  
(2022-212)**

- A.2. RECOGNIZING REVENUE FROM THE COURT AUTOMATION FUND:  
A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT**

OF \$20,000.00 RECOGNIZING REVENUE FROM THE COURT AUTOMATION FUND, TO AUTHORIZE THE PURCHASE OF TEN COURT VIDEO SECURITY CAMERAS, FOUR DESKTOP COMPUTERS AND ONE PRINTER FOR THE COURT OPERATIONS IN THE AMOUNT OF \$13,411.00, WITH THE REMAINING FUNDS TO PURCHASE EQUIPMENT AS NEEDED (2022-229)

**A.3. BID #22-55 KUSSER GRANITWORKS USA, INC.:**

A RESOLUTION TO AWARD BID #22-55 AND APPROVE THE PURCHASE OF MATERIALS FOR THE CIVIC PLAZA WATER FEATURE FROM KUSSER GRANITWORKS USA, INC. D/B/A KUSSER FOUNTAINWORKS IN THE AMOUNT OF \$1,102,434.00 AND TO APPROVE A BUDGET ADJUSTMENT (2022-223)

**A.4. CONSTRUCTION MATERIALS AND BAD DEBT EXPENSE ACCOUNTS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$325,000.00 FOR THE CONSTRUCTION MATERIALS AND BAD DEBT EXPENSE ACCOUNTS WITHIN THE WATER AND SEWER FUND (2022-239)

**A.5. TOMLINSON ASPHALT CO.:**

A RESOLUTION TO AWARD BID #22-27 AND AUTHORIZE A CONTRACT WITH TOMLINSON ASPHALT CO. IN THE AMOUNT OF \$2,178,659.65 FOR CONSTRUCTION OF THE INDUSTRIAL DRIVE EXTENSION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$218,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-252)

**A.6. MCCLELLAND CONSULTING ENGINEERS, INC.:**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$132,690.00 FOR BIDDING SERVICES, CONSTRUCTION PHASE SERVICES AND MATERIALS TESTING ASSOCIATED WITH THE INDUSTRIAL DRIVE EXTENSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2022-253)

**A.7. STRUCTURAL PRESERVATION SYSTEMS, LLC:**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A DESIGN-BUILD CONTRACT WITH STRUCTURAL PRESERVATION SYSTEMS, LLC IN AN AMOUNT NOT TO EXCEED \$2,477,644.00 FOR ENGINEERING AND CONSTRUCTION SERVICES RELATED TO EMERGENCY TRENCHLESS REPAIR OF A 48-INCH DIAMETER SANITARY SEWER UNDER INTERSTATE 49, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$375,000.00 (2022-263)

**A.8. RECYCLING GRANT PROGRAM APPLICATION:**

A RESOLUTION TO AUTHORIZE AN EPA SOLID WASTE INFRASTRUCTURE FOR RECYCLING GRANT PROGRAM APPLICATION IN THE TOTAL AMOUNT OF UP TO \$4,000,000.00 FOR IMPROVEMENTS TO THE CITY'S RECYCLING PROCESSING FACILITY (2022-264)

**A.9. KRAPFF REYNOLDS CONSTRUCTION CO.:**

A RESOLUTION TO APPROVE A ONE YEAR EXTENSION TO THE CONTRACT WITH KRAPFF REYNOLDS CONSTRUCTION COMPANY IN THE AMOUNT OF \$590,789.00 FOR REHABILITATION OF SANITARY SEWER MANHOLES THROUGHOUT FAYETTEVILLE (2022-265)

**A.10. OZARK REGIONAL TRANSIT, INC.:**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A ONE YEAR CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND OZARK REGIONAL TRANSIT, INC. IN THE AMOUNT OF \$698,830.00 TO PROVIDE PUBLIC TRANSIT SERVICES FOR FAYETTEVILLE RESIDENTS, WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS (2022-267)

**A.11. SEVEN HILLS HOMELESS CENTER:**

A RESOLUTION TO APPROVE A CONTRACT WITH SEVEN HILLS HOMELESS CENTER TO PROVIDE FUNDING ASSISTANCE IN THE AMOUNT OF \$40,000.00 FOR MAINTENANCE AND REPAIRS AT THE WALKER FAMILY RESIDENTIAL COMMUNITY COMPLEX IN 2023 (2022-270)

**A.12. E.W.I. INC.:**

A RESOLUTION TO AWARD BID #22-54 AND AUTHORIZE A CONTRACT WITH E.W.I. INC. IN THE AMOUNT OF \$1,536,980.00 FOR CONSTRUCTION OF THE WILSON PARK PAVILION RESTROOM FACILITIES, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$139,725.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-230)

**A.13. SEVEN HILLS HOMELESS CENTER:**

AN RESOLUTION TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH SEVEN HILLS HOMELESS CENTER IN THE AMOUNT OF \$113,400.00 FOR SERVICES TO HOMELESS AND NEEDY RESIDENTS IN FAYETTEVILLE IN 2023 (2022-250)

**A.14. LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS:**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY

THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, IN THE AMOUNT OF \$45.00 FOR EACH DAY THE SPACE IS USED (2022-256)

## **B. Unfinished Business**

### **B.1. AMEND 130.39 GRAFFITI:**

AN ORDINANCE TO AMEND §130.39 **GRAFFITI** IN THE *FAYETTEVILLE CODE* TO CREATE A GRAFFITI ABATEMENT PROGRAM (2022-279)

AT THE DECEMBER 6, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS AMENDED TO ADD EXHIBIT A AND OMIT LEASEHOLD TENANT. THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE JANUARY 3, 2023 CITY COUNCIL MEETING.

## **C. New Business**

### **C.1. ADOPT THE RULES OF ORDER AND PROCEDURE:**

A RESOLUTION TO ADOPT THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL FOR 2023 (2022-271)

### **C.2. AMEND 51.136 MONTHLY WATER RATES & 51.137 MONTHLY SEWER RATES:**

AN ORDINANCE TO AMEND § 51.136(A)(2), § 51.136(B)(2), § 51.136(C)(2), § 51.137(A)(2), § 51.137(B)(2), AND § 51.137(E)(3) OF THE FAYETTEVILLE CITY CODE TO DEFER WATER AND SEWER RATE INCREASES FOR 2023 UNTIL AFTER THE ADOPTION OF A NEW RATE STUDY, AND TO DECLARE AN EMERGENCY (2022-266)

### **C.3. REPEAL ORDINANCE NO. 3696:**

AN ORDINANCE TO REPEAL ORDINANCE NO. 3696 AND TO AUTHORIZE THE CITY TO WAIVE ANY REQUIREMENT FOR COMPETITIVE BIDDING OR MORE THAN ONE QUOTE TO PURCHASE PLUMBING PIPES, FITTINGS, WATER METERS, FIRE HYDRANTS, MANHOLES AND THEIR COVERS, COATINGS, AND HARDWARE NEEDED BY THE WATER AND SEWER DEPARTMENT THROUGH 2026 (2022-269)

### **C.4. SUBRECIPIENT AGREEMENT WITH WELCOMEHEALTH:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH WELCOMEHEALTH TO PROVIDE NO-COST MEDICAL AND DENTAL CARE TO LOW INCOME FAYETTEVILLE RESIDENTS UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$75,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-240)

**C.5. MAGDALENE SERENITY HOUSE, INC.:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH MAGDALENE SERENITY HOUSE, INC. TO PROVIDE SUPPORTIVE RECOVERY HOUSING FOR FORMERLY INCARCERATED WOMEN UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$128,789.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-242)

**C.6. AMERICAN RESCUE PLAN ACT FUNDS FOR ARTS AND CULTURE:**

A RESOLUTION TO ALLOCATE THREE MILLION DOLLARS IN AMERICAN RESCUE PLAN ACT FUNDS FOR ARTS AND CULTURE NONPROFIT ORGANIZATIONS OPERATING IN FAYETTEVILLE AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,000,000.00 (2022-286)

**C.7. AMERICAN RESCUE PLAN ACT REIMBURSEMENT OF LOSS REVENUE:**

A RESOLUTION TO ALLOW NONPROFIT ORGANIZATIONS OPERATING IN FAYETTEVILLE TO SUBMIT AN APPLICATION FOR REIMBURSEMENT OF LOSS REVENUE FROM AMERICAN RESCUE PLAN ACT FUNDS FROM MARCH 15, 2020 TO MARCH 2, 2021, AND TO APPROVE A BUDGET AMENDMENT OF ONE MILLION DOLLARS FOR THESE QUALIFIED APPLICATIONS (2022-290)

**C.8. VAC (MITCHELL ST.):**

A RESOLUTION TO APPROVE THE VACATION OF A 16,552.8 SQUARE FOOT PORTION OF A TREE PRESERVATION EASEMENT LOCATED ALONG WEST MITCHELL STREET CONTINGENT ON THE DEDICATION OF TWO REPLACEMENT TREE PRESERVATION EASEMENTS TOTALING APPROXIMATELY 37,519 SQUARE FEET (2022-251)

**C.9. AMEND §157.05 CONDITIONAL USE PERMIT:**

AN ORDINANCE TO AMEND SUBSECTION (B) OF §157.05 **CONDITIONAL USE PERMIT** IN CHAPTER 157 **NOTIFICATION AND PUBLIC HEARINGS** OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE PUBLIC NOTIFICATION WHEN THE DENIAL OF A CONDITIONAL USE PERMIT BY THE PLANNING COMMISSION IS APPEALED TO THE CITY COUNCIL (2022-255)

**C.10. RZN 22-051 (1030 S. HOLLYWOOD AVE.):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-051 LOCATED AT 1030 SOUTH HOLLYWOOD AVENUE IN WARD 1 FOR APPROXIMATELY 0.61 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE AND P-1, INSTITUTIONAL TO CS, COMMUNITY SERVICES (2022-261)

**C.11. VAC 22-026 (4267 WEST LIERLY LANE):**

AN ORDINANCE TO APPROVE VAC 22-026 FOR PROPERTY LOCATED AT 4267 WEST LIERLY LANE IN WARD 4 TO VACATE A PORTION OF A GENERAL UTILITY EASEMENT (2022-241)

**C.12. VAC 22-025 (EAST OF NORTH STORER AVE.):**

AN ORDINANCE TO APPROVE VAC 22-025 FOR PROPERTY LOCATED EAST OF NORTH STORER AVENUE IN WARD 2 TO VACATE A PORTION OF A UTILITY EASEMENT (2022-257)

**C.13. VAC 22-027 (103 N. PLAINVIEW):**

AN ORDINANCE TO APPROVE VAC 22-027 FOR PROPERTY LOCATED AT 103 NORTH PLAINVIEW AVENUE IN WARD 3 TO VACATE A PORTION OF A WATER AND SEWER EASEMENT (2022-258)

**C.14. VAC 22-024 (RAZORBACK RD. MAPLE ST., ETC.):**

AN ORDINANCE TO APPROVE VAC 22-024 FOR PROPERTY LOCATED ALONG RAZORBACK ROAD, MAPLE STREET, GARLAND AVENUE, CLEVELAND STREET, HILL AVENUE, MARTIN LUTHER KING JUNIOR BOULEVARD AND LT. COLONEL LEROY POND AVENUE IN WARDS 1 AND 2 TO VACATE PORTIONS OF STREET RIGHTS-OF-WAY (2022-262)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS****D.1. AGENDA SESSION PRESENTATION - SALES TAX REPORT, PAUL BECKER AND ENERGY REPORT, PETER NIERENGARTEN**

(2022-280)

**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 Devise 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.