

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, February 7, 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:

1. Public Registration Link:
https://us06web.zoom.us/webinar/register/WN_srKzRxyjRnCTSVWqkS5ZtQ
Webinar ID: 858 3029 8673

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS**

1. **STATE OF THE CITY ADDRESS WILL BE PRESENTED AT THE CITY COUNCIL AGENDA SESSION BY MAYOR LIONELD JORDAN**
(2023-354)

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

1. **MONTHLY FINANCIAL REPORT (2023-356)**

PROPOSED AGENDA ADDITIONS**A. CONSENT**

- A.1. **APPROVAL OF THE JANUARY 17, 2023 CITY COUNCIL MEETING MINUTES**
(2022-313)

- A.2. **WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY SUBRECIPIENT AGREEMENT AMENDMENT #1:**

A RESOLUTION TO APPROVE AMENDMENT #1 TO THE SUBRECIPIENT AGREEMENT WITH THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY TO MODIFY THE NUMBER AND TYPES OF AMBULANCES AUTHORIZED TO BE PURCHASED USING AMERICAN RESCUE PLAN ACT FUNDS (2023-281)

- A.3. **FIRE DEPARTMENT ON CALL POLICY AOP-124:**

A RESOLUTION TO APPROVE POLICY AOP-124, ON CALL POLICY OF THE FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE OPERATING PROCEDURES, AND TO APPROVE A BUDGET ADJUSTMENT (2023-324)

- A.4. **TURF TANK:**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF A TURF TANK ROBOTIC LINE PAINTER FROM TURF TANK IN THE AMOUNT OF \$49,936.25 PLUS APPLICABLE TAXES AND FREIGHT CHARGES, FOR USE BY THE PARKS AND RECREATION DEPARTMENT (2023-352)

A.5. HORNER & SHIFRIN, INC.:

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HORNER & SHIFRIN, INC., PURSUANT TO RFQ 22-01 SELECTION #7, IN AN AMOUNT NOT TO EXCEED \$84,668.91 FOR ENGINEERING SERVICES ASSOCIATED WITH THE DOT TIPTON LIFT STATION ELIMINATION PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,000.00 (2022-318)

A.6. HAWKINS-WEIR ENGINEERS, INC.:

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. PURSUANT TO RFQ 21-01, SELECTION #14, IN AN AMOUNT NOT TO EXCEED \$268,440.00 FOR ENGINEERING SERVICES ASSOCIATED WITH UTILITY RELOCATIONS FOR THE INTERSTATE 49 AND HIGHWAY 62 INTERCHANGE IMPROVEMENTS PROJECT (2023-369)

A.7. LANDSCAPE STRUCTURES, INC., GULLEY PARK:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH LANDSCAPE STRUCTURES, INC. IN THE AMOUNT OF \$734,936.97, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR PLAYGROUND, SPLASH PAD, AND RELATED IMPROVEMENTS AT GULLEY COMMUNITY PARK, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$80,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-367)

A.8. PORTER CORP. D/B/A POLIGON, GULLEY PARK:

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PORTER CORP. D/B/A POLIGON IN THE AMOUNT OF \$595,059.10, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, FOR THE CONSTRUCTION OF A PAVILION, SHADE STRUCTURES, AND RELATED IMPROVEMENTS AT GULLEY COMMUNITY PARK, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$34,400.00 (2023-368)

A.9. 2023 T-HANGAR LEASE AGREEMENTS:

A RESOLUTION TO APPROVE T-HANGAR LEASE AGREEMENTS IN 2023 AT THE CURRENT RENTAL RATE FOR ALL T-HANGARS RENTED AT THE FAYETTEVILLE AIRPORT (2023-357)

A.10. GRANT APPLICATION FOR AIRPORT MASTER PLAN UPDATE AT DRAKE FIELD:

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A FEDERAL AVIATION ADMINISTRATION GRANT IN THE AMOUNT OF \$374,729.00 TO FUND 90% OF THE COSTS FOR A PROPOSED AIRPORT MASTER PLAN UPDATE AT DRAKE FIELD AIRPORT (2023-358)

A.11. AMEND 2023 ADOPTED BUDGET FOR REAPPROPRIATING REQUEST:

A RESOLUTION TO AMEND THE 2023 ADOPTED BUDGET BY REAPPROPRIATING \$191,378,000.00 IN BONDED OR ONGOING CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS, AND GRANT FUNDED ITEMS (2023-362)

B. UNFINISHED BUSINESS**B.1. RAZE AND REMOVAL OF STRUCTURE AT 2860 E. WYMAN RD.:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY LEROY H. SCHARFENBERG LOCATED AT 2860 EAST WYMAN ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$17,800.00 (2022-191)

AT THE 07/05/2022 CITY COUNCIL MEETING, THIS ITEM WAS TABLED UNTIL THE 08/02/2022 MEETING.

AT THE 08/02/2022 CITY COUNCIL MEETING, THIS ITEM WAS TABLED UNTIL THE 10/04/2022 MEETING.

AT THE 10/04/2022 CITY COUNCIL MEETING, THIS ITEM WAS TABLED UNTIL THE 02/07/2023 MEETING.

B.2. 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.

AT THE JANUARY 3, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS TABLED TO THE FEBRUARY 7, 2023 CITY COUNCIL MEETING.

B.3. 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)

AT THE JANUARY 3, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE FIRST READING.

AT THE JANUARY 17, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE SECOND READING.

C. NEW BUSINESS

C.1. FAYETTEVILLE ACTIVE TRANSPORTATION PLAN UPDATE:

A RESOLUTION TO APPROVE AN UPDATE TO THE FAYETTEVILLE ACTIVE TRANSPORTATION PLAN (2023-323)

C.2. AMEND ORDINANCE 6591, J.A. RIGGS TRACTOR COMPANY D/B/A RIGGS RENTAL SERVICES:

AN ORDINANCE TO AMEND ORDINANCE 6591 TO EXTEND THE RENTAL OF A 2,000 KILOWATT GENERATOR FROM J.A. RIGGS TRACTOR COMPANY D/B/A RIGGS RENTAL SERVICES THROUGH THE END OF FEBRUARY 2023 FOR THE AMOUNT OF \$147,472.12, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$40,000.00 (2023-325)

C.3. CHILDCARE ASSISTANCE PROGRAM FUNDING INCREASE:

A RESOLUTION TO AUTHORIZE ADDITIONAL FUNDING IN THE AMOUNT OF \$1,000,000.00 FOR THE CHILDCARE ASSISTANCE PROGRAM, AND TO APPROVE A BUDGET ADJUSTMENT (2023-363)

C.4. AMEND §33.331 ATTENDANCE REQUIREMENTS:

AN ORDINANCE TO AMEND § 33.331 **ATTENDANCE REQUIREMENTS** OF THE *FAYETTEVILLE CITY CODE* TO REMOVE THE PRESUMED RESIGNATION OF A CIVIL SERVICE COMMISSIONER WHO HAS FAILED TO ATTEND AT LEAST 70% OF THE MEETINGS (2023-321)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. SALES TAX REPORT, PAUL BECKER AND ENERGY REPORT, PETER NIERENGARTEN

(2023-355)

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.