

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, March 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. **WEBINAR ID: 884 9554 4901**
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_2IXYS-ELRGIM_LHKG557CQ](https://us06web.zoom.us/webinar/register/wn_2ixys-ELRGIM_LHKG557CQ)

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS****CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS**

1. **MONTHLY FINANCIAL REPORT (2023-364)**

PROPOSED AGENDA ADDITIONS**A. CONSENT**

- A.1. **APPROVAL OF THE FEBRUARY 21, 2023 CITY COUNCIL MEETING MINUTES**

(2022-315)

- A.2. **JBZ, INC. D/B/A/ ELLINGSON CONTRACTING:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 6 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$156,812.00 FOR ADDITIONAL CONSTRUCTION ASSOCIATED WITH THE WOOLSEY FARMSTEAD RESTORATION PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$20,000.00 (2023-414)

- A.3. **BID #23-17 SWEETSER CONSTRUCTION, INC. - 2019 TRAIL IMPROVEMENT BOND PROJECT:**

A RESOLUTION TO AWARD BID #23-17 AND AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$502,480.00 FOR INSTALLATION OF STORM DRAINAGE ALONG THE MISSION BOULEVARD TRAIL, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$100,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 TRAIL IMPROVEMENT BOND PROJECT (2023-422)

A.4. CRAFTON, TULL AND ASSOCIATES, INC. - AMENDMENT #3 - 2019 TRAIL IMPROVEMENT BOND PROJECT:

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE CONTRACT WITH CRAFTON, TULL AND ASSOCIATES, INC. FOR ADDITIONAL DESIGN AND CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE MISSION BOULEVARD TRAIL AND STREET IMPROVEMENTS PROJECT IN THE AMOUNT OF \$58,300.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 TRAIL IMPROVEMENT BOND PROJECT (2023-423)

A.5. BID #22-47 ROCK SOLID TRAIL CONTRACTING, LLC:

A RESOLUTION TO AWARD BID #22-47 AND AUTHORIZE A CONTRACT WITH ROCK SOLID TRAIL CONTRACTING, LLC IN THE AMOUNT OF \$75,465.00 FOR THE CONSTRUCTION OF TRAIL IMPROVEMENTS AT KESSLER MOUNTAIN REGIONAL PARK, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$37,905.00 (2023-424)

A.6. CARGILL SALT D/B/A CARGILL ROAD SAFETY - BRINE MAKING EQUIPMENT:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF BRINE MAKING EQUIPMENT FROM CARGILL SALT D/B/A CARGILL ROAD SAFETY IN THE AMOUNT OF \$116,521.00 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-428)

A.7. MCCLELLAND CONSULTING ENGINEERS, INC. - ROCKWOOD TRAIL WATERLINE PROJECT:

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$58,610.00 FOR FIELD SURVEYING SERVICES AND UTILITY RELOCATION FEES ASSOCIATED WITH THE ROCKWOOD TRAIL WATERLINE PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,711.00 (2023-432)

A.8. LAWRENCE SCHEMEL SEWER DAMAGE CLAIM:

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE AMOUNT OF \$33,347.65 TO LAWRENCE SCHEMEL FOR A SEWER DAMAGE CLAIM ARISING AT 2143 WEST LOREN CIRCLE (2023-446)

A.9. HUGG AND HALL OF TONITOWN - TOYOTA FORKLIFT:

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND ACCEPT A QUOTE IN THE AMOUNT OF \$39,986.00 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FOR A TOYOTA FORKLIFT FROM HUGG AND HALL OF TONTITOWN, AND TO APPROVE A BUDGET ADJUSTMENT (2023-430)

A.10. YRCC - EXPANSION PROJECT:

A RESOLUTION TO AUTHORIZE A CONSTRUCTION MANAGER AT RISK SERVICES CONTRACT WITH NABHOLZ CONSTRUCTION CORPORATION, PURSUANT TO RFQ 22-13, FOR THE YVONNE RICHARDSON COMMUNITY CENTER EXPANSION, TO PROVIDE PRE-CONSTRUCTION SERVICES NOT TO EXCEED THE AMOUNT OF \$15,000.00, AND CONSTRUCTION SERVICES WITH A GUARANTEED MAXIMUM PRICE TO BE DETERMINED BY FUTURE CHANGE ORDERS, AND TO APPROVE A BUDGET ADJUSTMENT – 2022 PARK IMPROVEMENT BOND PROJECT (2023-431)

A.11. RFQ 22-12, FLINTCO LLC.:

A RESOLUTION TO AUTHORIZE A CONSTRUCTION MANAGER AT RISK SERVICES CONTRACT WITH FLINTCO, LLC, PURSUANT TO RFQ 22-12, FOR THE FIRE STATION 2 PROJECT, TO PROVIDE PRE-CONSTRUCTION SERVICES NOT TO EXCEED THE AMOUNT OF \$30,000.00, AND CONSTRUCTION SERVICES WITH A GUARANTEED MAXIMUM PRICE TO BE DETERMINED BY FUTURE CHANGE ORDERS, AND TO APPROVE A BUDGET ADJUSTMENT – 2022 FIREFIGHTING FACILITIES IMPROVEMENT BOND PROJECT (2023-429)

A.12. FAYETTEVILLE FIRE DEPARTMENT RECOGNITION AND ACCEPTANCE OF DONATIONS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$7,000.00 REPRESENTING DONATION REVENUE TO THE FAYETTEVILLE FIRE DEPARTMENT FROM FIRST SECURITY BANK, FARMERS AND MERCHANTS BANK, GRAND SAVINGS BANK, UARK FEDERAL CREDIT UNION, AND NELSON-BERNA FUNERAL HOME FOR THE ANNUAL EMPLOYEE SERVICE AWARDS EVENT (2023-419)

B. UNFINISHED BUSINESS**B.1. AN ORDINANCE TO AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES TO CHANGE WATER AND SEWER RATES:**

AN ORDINANCE TO AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES TO CHANGE WATER AND SEWER RATES AS RECOMMENDED BY THE COST OF SERVICE STUDY CONDUCTED BY BLACK & VEATCH (2022-319)

AT THE JUNE 21, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE JULY 19, 2022 CITY COUNCIL MEETING.

AT THE JULY 19, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS

LEFT ON THE FIRST READING AND TABLED TO THE DECEMBER 6, 2022 CITY COUNCIL MEETING.

AT THE DECEMBER 6, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE MARCH 7, 2023 CITY COUNCIL MEETING.

B.2. RZN 22-055 (N. BOB YOUNKIN DR. & W. BISHOP DR./LEGACY VENTURES NWA):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-055 LOCATED AT NORTH BOB YOUNKIN DRIVE AND WEST BISHOP DRIVE IN WARD 3 FOR APPROXIMATELY 7.76 ACRES FROM R-O, RESIDENTIAL-OFFICE TO CS, COMMUNITY SERVICES AND RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE (2023-371)

AT THE FEBRUARY 21, 2023 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE SECOND READING.

C. NEW BUSINESS

C.1. 2023 FIRE PAY, POLICE PAY AND BENEFITS STUDY:

A RESOLUTION TO APPROVE THE 2023 FIRE AND POLICE PAY AND BENEFITS STUDY PREPARED BY JER HR GROUP, AND TO ADOPT THE 2023 FIRE AND POLICE STEP PAY PLANS (2023-441)

C.2. 2023 CITY-WIDE EMPLOYEE COMPENSATION:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,800,000.00 TO FACILITATE THE CITY-WIDE 2022 EMPLOYEE COMPENSATION ADJUSTMENT (2023-445)

C.3. ARPA SUBRECIPIENT APPLICATION - SERVE NWA D/B/A NEW BEGINNINGS:

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO SIGN AN ARPA FUNDED SUBRECIPIENT AGREEMENT WITH SERVE NWA FOR SUPPORTIVE OR AFFORDABLE HOUSING IN THE AMOUNT OF \$1,295,000.00 AND TO APPROVE A BUDGET ADJUSTMENT (2023-505)

C.4. ADDITION OF A FULL-TIME POSITION(FTE - 1) - SENIOR ASSISTANT CITY ATTORNEY POSITION:

A RESOLUTION TO AUTHORIZE A FOURTH FULL-TIME EQUIVALENT POSITION, SENIOR ASSISTANT CITY ATTORNEY, IN THE CITY ATTORNEY'S OFFICE (2023-469)

C.5. 2023/2024 ASPHALT OVERLAY/SIDEWALKS PROJECTS:

A RESOLUTION TO APPROVE THE TRANSPORTATION DIVISION OVERLAY AND SIDEWALK PROJECTS LIST FOR 2023 AND 2024 (2023-427)

C.6. FORVIS, LLP:

A RESOLUTION TO APPROVE A ONE YEAR CONTRACT WITH FORVIS, LLP FOR AUDITING SERVICES FOR THE 2023 AUDIT IN THE AMOUNT OF \$131,093.00, WITH AN OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS (2023-329)

C.7. PARK AND RECREATION SYSTEM MASTER PLAN:

A RESOLUTION TO APPROVE AND ADOPT AN UPDATED PARK AND RECREATION SYSTEM MASTER PLAN (2023-433)

C.8. UTILIZE FEDERAL-AID FUNDS - MILLSAP RD., COLLEGE AVE. AND N. HEMLOCK AVE. PROJECT:

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID FUNDS FOR THE MILLSAP ROAD AND COLLEGE AVENUE INTERSECTION IMPROVEMENTS PROJECT AND THE NORTH HEMLOCK AVENUE IMPROVEMENT PROJECT (2023-437)

C.9. RZN 22-056: REZONING (4302 W. BRONCO DR./BAUMANN CONSTRUCTION, 517):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-056 LOCATED AT 4302 WEST BRONCO DRIVE IN WARD 1 FOR APPROXIMATELY 0.38 ACRES FROM CS, COMMUNITY SERVICES TO RSF-18, RESIDENTIAL SINGLE-FAMILY, 18 UNITS PER ACRE (2023-436)

C.10. RZN 23-001: (W. OF N. WASHINGTON AVE/SPRING STREET COTTAGES, 485):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-001 LOCATED WEST OF NORTH WASHINGTON AVENUE IN WARD 1 FOR APPROXIMATELY 0.12 ACRES FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2023-440)

C.11. APPEAL RZN 22-054: (515 S. COLLEGE AVE./NIEDERMAN, 523):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-054 LOCATED AT 515 SOUTH COLLEGE AVENUE IN WARD 1 FOR APPROXIMATELY 0.31 ACRES FROM NC, NEIGHBORHOOD CONSERVATION TO DG, DOWNTOWN GENERAL (2023-442)

C.12. RZN 23-002: (SE OF N. GREGG AVE AND W. ELM ST/LEGACY VENTURES LLC, 367):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-002 LOCATED SOUTHEAST OF NORTH GREGG AVENUE AND WEST ELM STREET IN WARD 2 FOR APPROXIMATELY 1.71 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE AND RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2023-450)

C.13. VAC 23-001: (N. BOB YOUNKIN DR. & W. BISHOP DR./LEGACY VENTURES, 251):

AN ORDINANCE TO APPROVE VAC 23-001 FOR PROPERTY LOCATED AT NORTH BOB YOUNKIN DRIVE AND WEST BISHOP DRIVE IN WARD 3 TO VACATE A PORTION OF STREET RIGHT-OF-WAY (2023-439)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. SALES TAX REPORT, PAUL BECKER AND ENERGY REPORT, PETER NIERENGARTEN (2023-365)

D.2. 2023 FIRE PAY, POLICE PAY, BENEFITS STUDY AND EMPLOYEE COMPENSATION PLAN (2023-447)

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.