

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, August 15, 2023

5:30 PM

City Hall Room 219

City Council Members

Vacant 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

A.5. USGS STREAM GAUGE OPERATION (FUNDING AGREEMENT):

A RESOLUTION TO APPROVE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE IN 2023 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$56,930.00 (2023-956)

A.6. FIRE DEPARTMENT ADMINISTRATIVE POLICIES APPROVAL (POLICY CHANGES):

A RESOLUTION TO APPROVE REVISED FAYETTEVILLE FIRE DEPARTMENT POLICIES WITHIN SECTION 100 GENERAL INFORMATION AND INTRODUCTION, AND SECTION 200 SAFETY, HEALTH & WELLNESS (2023-963)

A.7. INVERIS VIRTUAL REALITY SIMULATOR (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD RFP 23-09 AND AUTHORIZE THE PURCHASE OF A VIRTUAL REALITY SIMULATOR FROM INVERIS FOR THE AMOUNT OF \$106,149.53 PLUS ANY APPLICABLE TAXES OR FREIGHT CHARGES FOR POLICE PERSONNEL TRAINING (2023-946)

B. PUBLIC HEARING**B.1. PUBLIC HEARING ON MONTHLY WATER AND SEWER RATE AMENDMENT:**

ITEM 2022-319, DISCUSSION ON RECOMMENDATION FOR WATER AND SEWER RATES EFFECTIVE JANUARY 1, 2024 HAS BEEN PLACED UNDER UNFINISHED BUSINESS AS C.1. THE PUBLIC WILL BE ALLOWED TO SPEAK AFTER THE ORDINANCE HAS BEEN READ (2023-948)

C. UNFINISHED BUSINESS**C.1. AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY 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)

FOR ITEM HISTORY FROM JUNE 21, 2022 THROUGH APRIL 18, 2023 CONTACT THE OFFICE OF THE CITY CLERK TREASURER.

AT THE MAY 16, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE SECOND READING AND TABLED TO THE JULY 18, 2023 CITY COUNCIL MEETING.

AT THE JULY 18, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE SECOND READING AND TABLED TO THE AUGUST 15, 2023 CITY COUNCIL MEETING.

D. NEW BUSINESS

D.1. RENTAL EQUIPMENT PROCUREMENT PROCEDURE (BIDDING WAIVER):

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PROCUREMENT OF RENTAL EQUIPMENT FROM VARIOUS VENDORS IN EXCESS OF \$35,000.00 BUT TO REQUIRE AT LEAST 3 WRITTEN OR PUBLISHED QUOTES FOR EACH RENTAL (2023-1005)

D.2. NABHOLZ CONSTRUCTION CO. (CHANGE ORDER):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 13 TO THE CONTRACT WITH NABHOLZ CONSTRUCTION CORPORATION IN THE AMOUNT OF \$5,521,396.00 FOR WORK RELATED TO THE CULTURAL ARTS CORRIDOR, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 CULTURAL ARTS CORRIDOR BOND PROJECT (2023-953)

D.3. FAYETTEVILLE FIRE RELIEF AND PENSION PROGRAM CONSOLIDATION (LOPFI):

AN ORDINANCE TRANSFERRING ADMINISTRATION OF RETIREMENT COVERAGE FOR ELIGIBLE MEMBERS OF THE FAYETTEVILLE FIRE RELIEF AND PENSION FUND TO THE ARKANSAS LOCAL POLICE AND FIRE RETIREMENT SYSTEM (LOPFI) AND AUTHORIZING THE MAYOR TO ENTER INTO AN IRREVOCABLE AGREEMENT WITH LOPFI (2023-942)

D.4. UDC §157 - NOTICE OF ADMINISTRATIVELY APPROVED DEVELOPMENT APPLICATIONS (AMENDMENT):

AN ORDINANCE TO AMEND §157 NOTIFICATION AND PUBLIC HEARINGS TO CLARIFY THE OFFICIAL APPROVAL DATE FOR ADMINISTRATIVELY APPROVED DEVELOPMENT APPLICATIONS (2023-950)

D.5. REZONING - 2023-0017: (N. TRUCKERS DR./THE LENNON, 208):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-017 LOCATED NEAR NORTH TRUCKERS DRIVE IN WARD 2 FOR APPROXIMATELY 20.23 ACRES FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE (2023-952)

D.6. MISTY SIMPSON (WATER DAMAGE CLAIM):

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE AMOUNT OF \$50,000.00

TO MISTY SIMPSON FOR A WATER DAMAGE CLAIM ARISING AT 2425
EAST SHARON STREET (2023-962)

E. CITY COUNCIL AGENDA SESSION PRESENTATIONS

F. CITY COUNCIL TOUR

G. ANNOUNCEMENTS

H. 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: 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.