

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, October 3, 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

ZOOM INFORMATION:

- 1. WEBINAR: 849 3283 6387
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/
WN_ULOCIYWHSK-H6YENT982PG](HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_ULOCIYWHSK-H6YENT982PG)**

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

- 1. PRESENTATION OF THE DISTINGUISHED LEGISLATOR AWARD TO AR STATE REPRESENTATIVE DAVID WHITAKER - AR MUNICIPAL LEAGUE**

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

- 1. MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER**

PROPOSED AGENDA ADDITIONS**A. CONSENT****A.1. APPROVAL OF THE SEPTEMBER 19, 2023 CITY COUNCIL MEETING MINUTES**

(2023-564)

A.2. DC SPARKS CONSTRUCTION, LLC (CONTRACT APPROVAL):

A RESOLUTION TO AWARD BID #23-29 AND AUTHORIZE A CONTRACT WITH DC SPARKS CONSTRUCTION, LLC IN THE AMOUNT OF \$491,000.00 FOR THE EXPANSION OF THE FLEET SHOP, WHICH INCLUDES A PROJECT CONTINGENCY OF \$63,803.00 (2023-1093)

A.3. FLINTCO, LLC (CHANGE ORDER #1):

A RESOLUTION TO APPROVE CHANGE ORDER #1 WITH FLINTCO, LLC IN THE AMOUNT OF \$1,703,019 FOR WORK ASSOCIATED WITH THE CONSTRUCTION OF FIRE STATION 2, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 BOND PROGRAM (2023-1099)

A.4. RIGGS CATERPILLAR EQUIPMENT (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF ONE CATERPILLAR BACKHOE LOADER AND ONE CATERPILLAR EXCAVATOR FROM RIGGS CATERPILLAR EQUIPMENT FOR THE TOTAL AMOUNT OF \$221,563.00, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1086)

A.5. STEP INTO SWIM GRANT PROGRAM (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE THE MAYOR TO ACCEPT A GRANT IN THE AMOUNT OF \$500.00 FROM THE STEP INTO SWIM GRANT PROGRAM THROUGH THE POOL AND HOT TUB ALLIANCE, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1092)

A.6. JACK TYLER ENGINEERING, INC. (EQUIPMENT RENTAL):

A RESOLUTION TO APPROVE A TWO-MONTH EXTENSION OF THE PUMP RENTAL FROM JACK TYLER ENGINEERING, INC. BEING USED AT THE GREGG AVENUE SEWER LIFT STATION FOR A TOTAL COST OF \$41,675.00. (2023-1121)

A.7. MCCI, LLC (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF DOCUMENT AND RECORDS MANAGEMENT SERVICES, ON AN AS-NEEDED BASIS, FROM MCCI, LLC PURSUANT TO AN OMNIA PARTNERS COOPERATIVE CONTRACT THROUGH NOVEMBER 30, 2025, AND ANY FUTURE RENEWAL PERIODS (2023-1124)

A.8. FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE POLICIES (RESOLUTION):

A RESOLUTION TO APPROVE THE REVIEWING AND UPDATING OF FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE POLICIES (2023-1082)

B. UNFINISHED BUSINESS

B.1. HISTORIC BLACK DISTRICT PRESERVATION (LAND PURCHASE):

A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF FAYETTEVILLE TO PURCHASE REAL ESTATE TO BE RETURNED TO THE NWA BLACK HERITAGE ASSOCIATION FOR RESTORATION, REDEVELOPMENT, AND ADVANCEMENT TO THE AFRICAN AMERICAN COMMUNITY INTO THE VIBRANT AND THRIVING DISTRICT IT IS MEANT TO BE (2023-754)

AT THE JUNE 6, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED TO THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING.

AT THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED TO THE OCTOBER 3, 2023 CITY COUNCIL MEETING.

C. NEW BUSINESS

C.1. HALFF ASSOCIATES (CONTRACT APPROVAL):

A RESOLUTION TO AUTHORIZE A CONTRACT WITH HALFF ASSOCIATES, PURSUANT TO RFQ 23-01, FOR PLANNING AND DESIGN SERVICES FOR COMBS WHITE RIVER PARK FOR THE AMOUNT OF \$181,812.00, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1091)

C.2. LEONARD W. STITZ (CONDEMNATION):

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY LEONARD W. STITZ NEEDED FOR THE WEST TRANSMISSION WATER MAIN PROJECT (2023-1125)

C.3. 2024 MILLAGE LEVY (ORDINANCE):

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2023 FIXING THE RATE THEREOF AT 2.3 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND, 2.5 MILLS FOR FAYETTEVILLE PUBLIC LIBRARY OPERATIONS AND 1.2 MILLS FOR THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS (2023-1123)

C.4. AMEND §118.05 PENALTY (B) CITY SERVICES TERMINATION (ORDINANCE):

AN ORDINANCE TO AMEND §118.05 PENALTY (B) CITY SERVICES TERMINATION TO ADD AN ADDITIONAL SUBSECTION (2) TO PROVIDE A PROCEDURAL DUE PROCESS HEARING OPPORTUNITY FOR UNLICENSED TYPE 2 SHORT TERM RENTALS PRIOR TO WITHHOLDING CITY SERVICES (2023-1122)

C.5. VACATION-2023-0004: (817 E. DOGWOOD LN./BUXTON, 486):

AN ORDINANCE TO APPROVE VAC 23-04 FOR PROPERTY LOCATED AT 817 EAST DOGWOOD LANE IN WARD 1 TO VACATE A 0.16-ACRE PORTION OF ALLEY RIGHT-OF-WAY (2023-1096)

C.6. ADMINISTRATIVE-2023-0028: (AMEND UDC §151, 163, AND 164):

AN ORDINANCE TO AMEND §151.01 DEFINITIONS, §163.05 CHILD CARE; NURSERY SCHOOL, AND §164.24 REGISTERED CHILD CARE FAMILY HOMES OF THE UNIFIED DEVELOPMENT CODE TO ALIGN THE CITY'S CHILDCARE FAMILY HOME REQUIREMENTS WITH STATE LAW (2023-1098)

C.7. REZONING-2023-0022: (5672 W. TACKETT DR/HOGREFE, 436):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0022 FOR APPROXIMATELY 2.32 ACRES LOCATED AT 5672 WEST TACKETT DRIVE IN WARD 4 FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE (2023-1097)

C.8. REZONING-2023-0024: (EAST OF N. COLLEGE AVE./MOLES, 096):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0024 FOR APPROXIMATELY 6.79 ACRES LOCATED EAST OF NORTH COLLEGE AVENUE NEAR WATERSIDE COURT IN WARD 3 FROM C-2, THOROUGHFARE COMMERCIAL TO CS, COMMUNITY SERVICES (2023-1095)

C.9. REZONING-2023-0023: (WEST OF 4451 N. WATERSIDE CT./UNIVERSITY CLUB LAND CO LLC, 096):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0023 FOR APPROXIMATELY 3.37 ACRES LOCATED WEST OF 4451 NORTH WATERSIDE COURT IN WARD 3 FROM R-O, RESIDENTIAL OFFICE TO CS, COMMUNITY SERVICES (2023-1094)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. 2024 GENERAL FUND BUDGET - PAUL BECKER

D.2. SALES TAX REPORT - PAUL BECKER AND ENERGY REPORT - PETER NIERENGARTEN

D.3. FAYETTEVILLE HOUSING REPORT 2 OF 3 - BRITIN BOSTICK

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: 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.