

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, May 2, 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: 892 4653 2680**
PUBLIC REGISTRATION LINK:
**HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/
WN_3MJRNQF5QW-PLWDDKENUAQ**

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:**

PROPOSED AGENDA ADDITIONS

A. CONSENT

A.1. RECOGNIZE HAZMAT SERVICES REVENUE:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$14,585.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET (2023-652)

A.2. RFQ #23-01 SELECTION #1, MCCLELLAND CONSULTING ENGINEERS, INC., OLSSON, INC. AND GTS INC:

A RESOLUTION TO AWARD RFQ #23-01 SELECTION #1 AND AUTHORIZE THE PURCHASE OF ON-CALL MATERIALS TESTING SERVICES FROM MCCLELLAND CONSULTING ENGINEERS, INC., OLSSON, INC., AND GTS, INC. BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH APRIL 30, 2024 (2023-672)

A.3. RFQ #23-01 SELECTION #2, MCCLELLAND CONSULTING ENGINEERS, INC. AND OLSSON ASSOCIATES INC:

A RESOLUTION TO AWARD RFQ #23-01 SELECTION #2 AND AUTHORIZE THE PURCHASE OF ON-CALL SURVEYING SERVICES FROM MCCLELLAND CONSULTING ENGINEERS, INC. AND OLSSON, INC. AS NEEDED THROUGH APRIL 30, 2024 (2023-671)

A.4. SWEETSER CONSTRUCTION, INC:

A RESOLUTION TO AWARD BID #23-16 AND AUTHORIZE A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$682,776.00 FOR CONSTRUCTION OF THE LEVERETT SIDEWALK IMPROVEMENTS PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$70,000.00 (2023-653)

A.5. ARDOT ROW DEDICATION:

A RESOLUTION TO AUTHORIZE THE DEDICATION OF APPROXIMATELY 1,061 SQUARE FEET OF RIGHT-OF-WAY TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE HIGHWAY 16 PROJECT (2023-512)

A.6. STRIBLING EQUIPMENT INC:

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A MILLING MACHINE FROM STRIBLING EQUIPMENT, LLC IN THE AMOUNT OF \$809,302.38, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-680)

A.7. TRUST FOR PUBLIC LAND:

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A NON-MATCHING GRANT FROM THE TRUST FOR PUBLIC LAND IN THE AMOUNT OF \$23,600.00 TO ENGAGE TEENS AND SENIORS AROUND SUMMER PROGRAMMING AND THE DESIGN OF WALKER PARK, AND TO APPROVE A BUDGET ADJUSTMENT (2023-681)

A.8. SR. ASST. CITY ATTORNEY:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$111,499 TO FUND THE SENIOR ASSISTANT CITY ATTORNEY POSITION AND LICENSES IN THE CITY ATTORNEY'S OFFICE FOR THE REST OF 2023 AND INCLUDING NEEDED NEW EQUIPMENT, TRAVEL AND TRAINING, PUBLICATIONS AND DUES (2023-701)

A.9. RIFE AND COMPANY INC:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$46,000.00 RECOGNIZING FEDERAL-AID FUNDING FOR APPRAISAL SERVICES, AND TO APPROVE A CONTRACT FOR APPRAISAL SERVICES WITH RIFE & COMPANY, INC. (2023-683)

A.10. WALTER WOODWARD WATER DAMAGE CLAIM:

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE TOTAL AMOUNT OF \$18,442.22 TO KERLIN LAND CO., LLC; ARKANSAS OUTDOOR

PROFESSIONALS, LLC; AND MR. HANDYMAN OF BENTONVILLE, ROGERS, AND SPRINGDALE FOR A WATER DAMAGE CLAIM ARISING AT 185 NORTH HARTMAN AVENUE (2023-713)

B. UNFINISHED BUSINESS

B.1. WALKER PARK BASKETBALL COURT REFURBISHING AND GIVEAWAY:

A RESOLUTION TO APPROVE A PROPOSAL BY WALMART AND AND1 TO REFURBISH AND PAINT THE WALKER PARK BASKETBALL COURTS AND HOST A BACK TO SCHOOL BACKPACK AND SHOE GIVEAWAY, AND TO APPROVE THE RECOGNITION OF WALMART AND AND1 FOR THEIR SIGNIFICANT CONTRIBUTIONS AT THE REFURBISHED COURTS (2023-651)

AT THE APRIL 18, 2023 CITY COUNCIL MEETING THIS ITEM WAS TABLED TO THE MAY 2, 2023 MEETING.

C. NEW BUSINESS

C.1. SUBRECIPIENT AGREEMENT WITH APPLE SEEDS:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH APPLE SEEDS, INC. TO PROVIDE FUNDING FOR PROGRAMS TO ADDRESS CHILDHOOD FOOD INSECURITY UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$71,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-677)

C.2. SUPERIOR CHEVROLET:

A RESOLUTION TO APPROVE THE PURCHASE OF NINE CHEVROLET TAHOES FROM SUPERIOR CHEVROLET IN THE TOTAL AMOUNT OF \$621,000.00 FOR USE BY SCHOOL RESOURCE OFFICERS, TO AUTHORIZE A COST SHARE AGREEMENT WITH FAYETTEVILLE PUBLIC SCHOOLS, AND TO APPROVE A BUDGET ADJUSTMENT (2023-679)

C.3. 2023 COPS HIRING PROGRAM MATCHING GRANT:

A RESOLUTION APPROVING AN APPLICATION FOR A 2023 COPS HIRING PROGRAM MATCHING GRANT IN THE AMOUNT OF \$250,000.00 TO FUND TWO SCHOOL RESOURCE OFFICERS FOR A PERIOD OF FOUR YEARS WITH THE \$496,100.00 MATCHING REQUIREMENT SPLIT PROPORTIONALLY BETWEEN THE CITY AND FAYETTEVILLE PUBLIC SCHOOLS (2023-673)

C.4. AMEND § 72 PARKING REGULATIONS:

AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO ESTABLISH AND ADMINISTER RULES REGULATING PARKING FEES IN ESTABLISHED

PARKING ZONES, AND TO MAKE TECHNICAL REVISIONS (2023-674)

C.5. AMEND §151, 161, 166 DEFINITIONS, ZONING REGULATIONS, URBAN DESIGN:

AN ORDINANCE TO AMEND CHAPTER 151 DEFINITIONS, CHAPTER 161 ZONING REGULATIONS, AND CHAPTER 166 URBAN DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE CONSISTENT AND CLEAR LANGUAGE FOR TWO, THREE, FOUR AND MULTI FAMILY DWELLINGS (2023-678)

C.6. AMEND § 151.01 AND 163.12 DEFINITIONS:

AN ORDINANCE TO AMEND § 151.01 DEFINITIONS AND ENACT § 163.12 CAMPGROUNDS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ESTABLISH REGULATIONS FOR CAMPGROUNDS AS A CONDITIONAL USE IN THE CITY OF FAYETTEVILLE (2023-682)

C.7. APPEAL: LSD-2022-0041: LARGE SCALE DEVELOPMENT (N. HWY 112/112 ARONSON, 209):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBER SARAH BUNCH AND DENY A VARIANCE TO SUBSECTION (U) OF § 168.10, PROVISIONS FOR FLOOD HAZARD REDUCTION, ASSOCIATED WITH LARGE SCALE DEVELOPMENT LSD-2022-041 FOR THE ARONSON ON NORTH HIGHWAY 112 IN WARD 2 (2023-684)

C.8. RZN-2023-0008: REZONING (W. OF W. GEYSER ST/HENDERSON, 437):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN-2023-008 LOCATED WEST OF WEST GEYSER STREET IN WARD 4 FOR APPROXIMATELY 5.14 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL (2023-685)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. DICKSON/BLOCK PARKING STUDY PRESENTATION - KIMLEY HORN:

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

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.