

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, June 6, 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***



ADDITIONAL SERVICES DURING THE FINAL DESIGN PHASES OF THE UTILITY RELOCATIONS ALONG HIGHWAY 112 (2023-784)

**A.5. HAWKINS-WEIR ENGINEERS, INC. - I-49 & MLK (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$276,110.00 FOR ADDITIONAL DESIGN SERVICES FOR UTILITY RELOCATIONS ASSOCIATED WITH THE I-49/MARTIN LUTHER KING, JR. BOULEVARD INTERCHANGE PROJECT (2023-785)

**A.6. KLM ENGINEERING, INC. (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH KLM ENGINEERING, INC., PURSUANT TO RFQ #23-01 SELECTION #3, IN AN AMOUNT NOT TO EXCEED \$36,062.00 FOR WATER STORAGE TANK INSPECTIONS, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,212.40 (2023-786)

**A.7. WEX BANK (PURCHASE CONTRACT):**

A RESOLUTION TO APPROVE A CONTRACT WITH WEX BANK, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING AGREEMENT, TO ENABLE THE CITY TO PARTICIPATE IN A FUEL CARD PROGRAM (2023-779)

**A.8. CANON USA INC. (PURCHASE CONTRACT):**

A RESOLUTION TO APPROVE THE PURCHASE OF COPIERS AND MANAGED PRINT SERVICES FROM CANON USA, INC., PURSUANT TO A STATE OF ARKANSAS COOPERATIVE PURCHASING CONTRACT, THROUGH JULY 31, 2024 (2023-780)

**A.9. GOVDEALS INC. (PURCHASE CONTRACT):**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH GOVDEALS, INC. FOR ONLINE AUCTION SERVICES FOR SURPLUS EQUIPMENT AND VEHICLES THROUGH MARCH 19, 2025 AND ANY RENEWAL PERIODS, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2023-778)

**A.10. SPRINGDALE TRACTOR CO. (PURCHASE CONTRACT):**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A KUBOTA TRACTOR FROM SPRINGDALE TRACTOR FOR THE AMOUNT OF \$16,651.72 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-745)

**A.11. GAPVAX INC. (PURCHASE CONTRACT):**

A RESOLUTION TO APPROVE THE PURCHASE OF A GAPVAX EXCAVATOR FROM GAPVAX, INC. IN THE AMOUNT OF \$665,575.70, PLUS ANY APPLICABLE SALES TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-744)

**A.12. RUSH TRUCK CENTERS (UTILITY TRUCK PURCHASE CONTRACT):**

A RESOLUTION TO APPROVE THE PURCHASE OF TWO INTERNATIONAL HEAVY DUTY UTILITY TRUCKS AND ONE SNOW PLOW ATTACHMENT FROM RUSH TRUCK CENTERS OF ARKANSAS, INC. FOR THE TOTAL AMOUNT OF \$218,435.95 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2023-743)

**A.13. RUSH TRUCK CENTERS (RECYCLE TRUCK PURCHASE CONTRACT):**

A RESOLUTION TO APPROVE THE PURCHASE OF TWO INTERNATIONAL RECYCLE BODY TRUCKS FROM RUSH TRUCK CENTERS OF ARKANSAS, INC. FOR THE TOTAL AMOUNT OF \$499,990.56 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2023-742)

**A.14. ARDOT - HIGHWAY 16 (RELOCATION AGREEMENT):**

A RESOLUTION TO APPROVE A UTILITY RELOCATION AGREEMENT WITH THE ARKANSAS STATE HIGHWAY COMMISSION FOR UTILITY RELOCATIONS RELATED TO THE HIGHWAY 16 EAST WIDENING PROJECT (2023-782)

**A.15. ARDOT - HIGHWAY 112 (RELOCATION AGREEMENT):**

A RESOLUTION TO APPROVE A UTILITY RELOCATION AGREEMENT WITH THE ARKANSAS STATE HIGHWAY COMMISSION FOR UTILITY RELOCATIONS RELATED TO THE HIGHWAY 112 IMPROVEMENTS PROJECT (2023-783)

**A.16. ROBERT WALSH (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 \$10,434.25 TO ROBERT WALSH AND EQUITY TRUST COMPANY FOR WATER MAIN BREAK DAMAGE AT 2416 EAST SHARON STREET, AND TO APPROVE A BUDGET ADJUSTMENT (2023-787)

**A.17. STEVE MANGAN (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 \$42,971.43

TO STEVE AND HEATHER MANGAN FOR SEWER OVERFLOW DAMAGE AT 3190 NORTH MALINDA DRIVE (2023-788)

**A.18. BEAVER WATERSHED ALLIANCE (COST SHARE AGREEMENT):**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE BEAVER WATERSHED ALLIANCE FOR THE INSTALLATION OF LOW IMPACT DEVELOPMENT FEATURES IN THE TOWN BRANCH WATERSHED ASSOCIATED WITH THE ELMHURST AND MCCLINTON DRAINAGE IMPROVEMENT PROJECT WITH MATCHING FUNDS PROVIDED BY THE CITY IN THE AMOUNT OF \$190,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-747)

**A.19. FREESE AND NICHOLS, INC. (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FREESE AND NICHOLS, INC., PURSUANT TO RFQ #22-14, IN AN AMOUNT NOT TO EXCEED \$151,420.00 FOR HAMESTRING CREEK WATERSHED FLOOD MITIGATION AND GRANT SUPPORT (2023-749)

**A.20. ANN HARBISON FARMS (LEASE AGREEMENT):**

A RESOLUTION TO AWARD BID #23-23 AND AUTHORIZE A FIVE YEAR AIRPORT HAY FIELD LEASE AGREEMENT WITH ANN HARBISON FOR RENT IN THE AMOUNT OF \$6,001.00 PER YEAR (2023-752)

**A.21. MOTOROLA SOLUTIONS INC. (EQUIPMENT PURCHASE):**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF RADIO EQUIPMENT FROM MOTOROLA SOLUTIONS INC. IN THE AMOUNT OF \$419,383.29 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, AND TO APPROVE A BUDGET ADJUSTMENT (2023-753)

**B. UNFINISHED BUSINESS**

**C. NEW BUSINESS**

**C.1. APPEAL: CUP-2023-0043: (435 N. OLIVER AVE/ KING INVESTMENTS OF FAYETTEVILLE LLC, 482):**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH MOORE, SCOTT BERNA, AND TERESA TURK AND DENY CONDITIONAL USE PERMIT CUP 2023-043 FOR A SHORT-TERM RENTAL AT 435 NORTH OLIVER AVENUE IN WARD 4 (2023-748)

**C.2. ARTS & CULTURE MASTER PLAN (FUNDING APPROVAL):**

A RESOLUTION TO APPROVE FUNDING OF \$200,000.00 TO DEVELOP AN

ARTS AND CULTURE MASTER PLAN AND TO APPROVE A BUDGET ADJUSTMENT (2023-789)

**C.3. 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)

**C.4. AMENDMENT - §166.25 (UDC):**

AN ORDINANCE TO AMEND §166.25 COMMERCIAL, OFFICE AND MIXED USE DESIGN AND DEVELOPMENT STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THAT CROSS ACCESS BETWEEN PROPERTIES IS REQUIRED (2023-710)

**C.5. AMENDMENT - §130.23 (FALSE ALARM REDUCTION):**

AN ORDINANCE TO AMEND §130.23 FALSE ALARM REDUCTION OF THE FAYETTEVILLE CODE TO SIMPLIFY AND CLARIFY CERTAIN PROVISIONS AND REDUCE SOME FEES FOR SERVICE (2023-746)

**C.6. PLANNED ZONING DISTRICT-2023-0002: (SOUTHEAST OF W. MARTIN LUTHER KING JR BLVD AND S. SMOKEHOUSE TRAIL/SWEET BAY AT KESSLER, 596):**

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2023-002 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF WEST MARTIN LUTHER KING, JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1 (2023-776)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

**D.1. SALES TAX REPORT - PAUL BECKER AND ENERGY REPORT - PETER NIERENGARTEN (2023-727)**

**D.2. FAYETTEVILLE ARTS COUNCIL PRESENTATION - ABBY HOLLIS (2023-496)**

**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](http://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.