

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, July 18, 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: 861 1993 5254**
PUBLIC REGISTRATION
LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_MB0VNL-ET3W-KOB65YNO7A

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

1. **2022 AUDIT REPORT - CHIEF FINANCIAL OFFICER**

PROPOSED AGENDA ADDITIONS

1. **AMEND RESOLUTION 126-21 - PURCHASE OF RECYCLING TRUCK FROM RUSH TRUCK CENTER:**

A RESOLUTION TO AMEND RESOLUTION 126-21 AND AUTHORIZE THE PURCHASE OF AN INTERNATIONAL TRUCK WITH KANN RECYCLING BODY FROM RUSH TRUCK CENTER OF LOWELL FOR THE NEW TOTAL AMOUNT OF \$199,277.10 (2023-918)
 - A. **CONSENT**
 - A.1. **APPROVAL OF THE JULY 6, 2023 CITY COUNCIL MEETING MINUTES**
(2023-554)
 - A.2. **EVANS CONSTRUCTION AND REMODELING LLC (SERVICE CONTRACT):**

A RESOLUTION TO APPROVE A CONTRACT WITH EVANS CONSTRUCTION, LLC IN THE AMOUNT OF \$43,245.00 FOR THE WILSON PARK HISTORIC STONE STRUCTURE ROOFING PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-867)
 - A.3. **FPD POLICIES / 22.3 / 41.3.6 / 49.1.1 / 61.1.11 (RESOLUTION):**

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 22.3 SECONDARY EMPLOYMENT, 41.3.6 NARCOTIC OVERDOSE INTRANASAL NALOXONE, 49.1.1 PEER TO PEER SUPPORT SYSTEMS, AND

61.1.11 DWI, DUI (2023-870)

B. UNFINISHED BUSINESS

B.1. RAZE AND REMOVAL OF STRUCTURE AT 3301 SOUTH COACH ROAD:

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY KEVIN ROY CALHOUN LOCATED AT 3301 SOUTH COACH ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$17,500.00 (2022-236)

FOR ITEM HISTORY FROM DECEMBER 6, 2022 THROUGH JANUARY 17, 2023, CONTACT THE OFFICE OF THE CITY CLERK TREASURER.

AT THE JANUARY 17, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED TO THE JULY 18, 2023 CITY COUNCIL MEETING.

B.2. 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.

B.3. MENTAL HEALTH FIRST AID CERTIFICATION (RESOLUTION):

A RESOLUTION TO ENCOURAGE THE CITY OF FAYETTEVILLE TO PARTNER WITH ARKANSAS RURAL HEALTH PARTNERS AND BLUE CROSS AND BLUE SHIELD OF ARKANSAS TO OFFER FREE MENTAL HEALTH CERTIFICATION FOR MENTAL HEALTH FIRST AID TO ALL CITY EMPLOYEES (2023-827)

AT THE JUNE 20, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED TO THE JULY 18, 2023 CITY COUNCIL MEETING.

B.4. REZONING-2023-0014: (SE OF DEAD HORSE MOUNTAIN ROAD AND E. GOFF FARM ROAD/RIVERWOOD HOMES, 606, 607, 645, 646):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING

PETITION RZN 2023-014 LOCATED SOUTHEAST OF DEAD HORSE MOUNTAIN ROAD AND GOFF FARM ROAD IN WARD ONE FOR APPROXIMATELY 112.98 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE SUBJECT TO A BILL OF ASSURANCE TO NC, NEIGHBORHOOD CONSERVATION; CS, COMMUNITY SERVICES; AND R-A, RESIDENTIAL AGRICULTURAL (2023-792)

AT THE JUNE 20, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE FIRST READING.

AT THE JULY 6, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE SECOND READING.

C. NEW BUSINESS

C.1. ADEQ ISSUANCE OF PERMITS:

A RESOLUTION TO OPPOSE THE ISSUANCE OF ANY ADEQ PERMIT TO SYNAGRO OR OTHER COMPANY THAT WOULD ALLOW THE RELEASE OR LAND APPLICATION OF NUTRIENT OR PHOSPHORUS INDUSTRIAL WASTE OR SIMILAR MATERIAL WITHIN THE ILLINOIS RIVER OR BEAVER LAKE WATERSHEDS (2023-905)

C.2. AMEND CODE OF ORDINANCES §33, ARTICLE X - HISTORIC DISTRICT COMMISSION:

AN ORDINANCE TO AMEND ARTICLE X HISTORIC DISTRICT COMMISSION IN §33 DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE FAYETTEVILLE CITY CODE (2023-868)

C.3. REZONING-2023-0015: (1009 S. HAPPY HOLLOW RD./BURLESON-MCCLURE, 565):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-015 LOCATED AT 1009 SOUTH HAPPY HOLLOW ROAD IN WARD 1 FOR APPROXIMATELY 0.30 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE (2023-871)

C.4. 2024-2028 CAPITAL IMPROVEMENTS PLAN:

A RESOLUTION TO ADOPT THE 2024-2028 FIVE-YEAR CAPITAL IMPROVEMENTS PLAN (2023-879)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. 5 YEAR CAPITAL PLAN DISCUSSION - PAUL BECKER

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 Devise 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.