

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, October 17, 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 RESOLUTION TO APPROVE A BUDGET ADJUSTMENT FOR THE MIDTOWN CORRIDOR PROJECT PHASE TWO - 2019 TRAILS BOND PROJECT (2023-1170)

**A.6. BENCHMARK CONSTRUCTION OF NWA, INC. (CHANGE ORDER NO. 4):**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 4 WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$23,351.20 FOR WORK ASSOCIATED WITH THE NELSON HACKETT BOULEVARD IMPROVEMENTS PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1089)

**A.7. INGRAM MICRO, INC. (SERVICE CONTRACT):**

A RESOLUTION TO APPROVE A THREE YEAR RENEWAL OF THE CITY'S NUTANIX SERVER SOFTWARE LICENSE FOR THE NOLAND AND WEST SIDE WATER RESOURCE RECOVERY FACILITIES WITH INGRAM MICRO INC. FOR THE TOTAL AMOUNT OF \$63,732.11 PLUS APPLICABLE TAXES, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1088)

**A.8. MCCLELLAND CONSULTING ENGINEERS, INC. (AMENDMENT NO. 3):**

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE TOTAL AMOUNT OF \$1,446,340.00 FOR FINAL ENGINEERING DESIGN FOR THE WEST CORRIDOR WATER TRANSMISSION LINE PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1133)

**A.9. SIDE PATH ON WEDINGTON DRIVE (ARDOT COST SHARE):**

A RESOLUTION TO APPROVE A PAYMENT TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$45,437.00 TO CONSTRUCT A 10 FOOT WIDE SHARED USE PAVED TRAIL ALONG THE NORTH SIDE OF WEDINGTON DRIVE FROM STEAMBOAT DRIVE TO SALEM ROAD, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$25,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1128)

**A.10. PLAYCORE WISCONSIN, INC. (PURCHASE AGREEMENT):**

A RESOLUTION TO APPROVE THE PURCHASE OF BATTING CAGES FOR THE GARY HAMPTON SOFTBALL COMPLEX FROM PLAYCORE WISCONSIN, INC. D/B/A GAMETIME IN THE AMOUNT OF \$168,727.72, PURSUANT TO AN OMNIA PARTNERS COOPERATIVE PURCHASING AGREEMENT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,440.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1140)

**A.11. TITAN LAWN & LANDSCAPE, LLC (CONTRACT AMENDMENT NO. 2):**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT

WITH TITAN LAWN AND LANDSCAPE, LLC TO INCREASE PAYMENTS FOR THE 2024 RENEWAL PERIOD BY 4.5%, AND TO INCREASE PAYMENTS FOR FUTURE ANNUAL RENEWALS BY 3% (2023-1167)

**A.12. EVANS CONSTRUCTION AND REMODELING, LLC (CHANGE ORDER #1):**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 WITH EVANS CONSTRUCTION AND REMODELING, LLC IN THE AMOUNT OF \$8,775.00 FOR ADDITIONAL CONSTRUCTION ASSOCIATED WITH THE WILSON PARK HISTORIC STRUCTURES ROOFING PROJECT (2023-1142)

**A.13. 911 EQUIPMENT LEASE WITH WASHINGTON COUNTY (RESOLUTION):**

A RESOLUTION TO APPROVE A PAYMENT TO WASHINGTON COUNTY FOR REIMBURSEMENT OF COSTS FOR LEASED 911 EQUIPMENT IN THE AMOUNT OF \$220,000.00 AND MAINTENANCE COSTS OF UP TO \$99,000.00 (2023-1130)

**A.14. JUSTICE ASSISTANCE GRANT (GRANT AWARD):**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE 2023 JUSTICE ASSISTANCE GRANT LOCAL SOLICITATION GRANT AWARD IN THE AMOUNT OF \$85,805.00 TO PROVIDE FUNDING FOR LAW ENFORCEMENT TRAINING, EQUIPMENT, AND SUPPLIES, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1135)

**B. UNFINISHED BUSINESS**

**B.1. RAZE AND REMOVAL OF STRUCTURE AT 2860 E. WYMAN RD:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY LEROY H. SCHARFENBERG LOCATED AT 2860 EAST WYMAN ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$17,800.00 (2022-191)

FOR ITEM HISTORY FROM 07/05/2022 THROUGH 06/20/2023 CONTACT THE CITY CLERK'S OFFICE.

AT THE 06/20/2023 CITY COUNCIL MEETING THIS ITEM WAS TABLED UNTIL THE 10/17/2023 CITY COUNCIL MEETING.

**B.2. 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)

AT THE 08/15/23 CITY COUNCIL MEETING THIS ITEM WAS TABLED TO THE 10/17/23 CITY COUNCIL MEETING.

**B.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)

AT THE OCTOBER 3, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE FIRST READING.

**C. NEW BUSINESS**

**C.1. PARTI INVESTMENTS, LLC (CONDEMNATION):**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY PARTI INVESTMENTS, LLC NEEDED FOR THE HIGHWAY 71B CORRIDOR PROJECT (2023-1141)

**C.2. WEST WATER TRANSMISSION MAIN (CONDEMNATIONS):**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY INDIVIDUALS NEEDED FOR THE WEST TRANSMISSION WATER MAIN PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1168)

**C.3. DEPUTY CLERK - COMMUNICATIONS (FTE-1):**

A RESOLUTION TO AUTHORIZE A FULL-TIME POSITION (FTE-1) - DEPUTY CLERK - COMMUNICATIONS POSITION, IN THE CITY CLERK TREASURER'S OFFICE (2023-1137)

**C.4. FAYETTEVILLE YOUTH ADVISORY COUNCIL (ORDINANCE):**

AN ORDINANCE TO ENACT ARTICLE XXVI FAYETTEVILLE YOUTH ADVISORY COUNCIL IN §33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE (2023-1134)

**C.5. REINDL PROPERTIES, INC. (PURCHASE CONTRACT):**

A RESOLUTION TO AUTHORIZE THE MAYOR TO SIGN A REAL ESTATE

PURCHASE CONTRACT WITH REINDL PROPERTIES, INC. FOR THE SALE OF APPROXIMATELY 0.5 ACRES OF CITY PROPERTY IN THE SOUTH END OF THE CIVIC PLAZA FOR THE AMOUNT OF \$1,247,455.00 (2023-1171)

**C.6. VACATION-2023-0010: (33 E. 4TH ST./BERQUIST, 523):**

AN ORDINANCE TO APPROVE VAC 23-010 FOR PROPERTY LOCATED AT 33 EAST 4TH STREET IN WARD 1 TO VACATE A 0.19 ACRE PORTION OF UTILITY EASEMENT (2023-1169)

**C.7. VACATION-2023-0008: (4089 N. SHILOH DR/CLAUDE SHILOH LLC, 135):**

AN ORDINANCE TO APPROVE VAC 23-008 FOR PROPERTY LOCATED AT 4089 NORTH SHILOH DRIVE IN WARD 3 TO VACATE THREE UTILITY EASEMENTS TOTALING 0.36 ACRES (2023-1164)

**C.8. VACATION-2023-0009: (280 E 12TH STREET/FHA DEVELOPMENT, 563):**

AN ORDINANCE TO APPROVE VAC 23-009 FOR PROPERTY LOCATED AT 280 EAST 12TH STREET IN WARD 1 TO VACATE A PORTION OF ALLEY RIGHT-OF-WAY (2023-1158)

**C.9. REZONING-2023-0025: (524 S. WILLOW AVE./BWB WILLOW LLC, 524):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-025 FOR APPROXIMATELY 0.22 ACRES LOCATED AT 524 SOUTH WILLOW AVENUE IN WARD 1 FROM NC, NEIGHBORHOOD CONSERVATION TO DG, DOWNTOWN GENERAL (2023-1138)

**C.10. APPEAL - CUP-2023-0096: (426 N. OLIVER AVE/HOGTAILING HOLDINGS LLC, 482):**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, SARAH BUNCH, AND D'ANDRE JONES AND APPROVE A CONDITIONAL USE PERMIT CUP 2023-0096 FOR A SHORT-TERM RENTAL AT 426 NORTH OLIVER AVENUE (2023-1132)

**C.11. ARPA RFP 23-12 RECIPIENT SELECTION (RESOLUTION):**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH \_\_\_\_\_, PURSUANT TO RFP 23-12, IN THE AMOUNT OF \_\_\_\_\_, FOR A PROJECT TO ADDRESS HOUSING INSTABILITY IN FAYETTEVILLE (2023-1176)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

**D.1. RFP 23-12, INTERVIEWS - STEVEN DOTSON, BECCI SISSON, ALLISON QUINLAN**

**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](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.