

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, January 2, 2024

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford 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 ID: 88941472677**
PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_1MINILWXQD6FO9H5T-YS4G](https://us06web.zoom.us/join/88941472677)

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

1. **FIREMEN'S AND POLICEMEN'S PENSION AND RELIEF FUND - MAYOR JORDAN**

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 DECEMBER 19, 2023 CITY COUNCIL MEETING MINUTES**

- A.2. **RAILROAD CROSSING ELIMINATION GRANT (ADMINISTRATION AGREEMENT):**

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, THE CITY OF SPRINGDALE, AND THE ARKANSAS & MISSOURI RAILROAD FOR THE ADMINISTRATION OF A RAILROAD CROSSING ELIMINATION GRANT (2023-1511)

- A.3. **LITTER ABATEMENT PROGRAM (CONTRACT AMENDMENT):**

A RESOLUTION TO APPROVE AMENDMENT 2 TO THE MEMORANDUM OF AGREEMENT WITH GENESIS CHURCH OF FAYETTEVILLE FOR CONTINUATION OF A LITTER ABATEMENT PROGRAM THROUGH 2024 IN AN AMOUNT NOT TO EXCEED \$100,000.00 (2023-1510)

- A.4. **SEVEN HILLS HOMELESS CENTER (SERVICE CONTRACT):**

A RESOLUTION TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH SEVEN HILLS

HOMELESS CENTER IN THE AMOUNT OF \$119,400.00 FOR SERVICES TO HOMELESS AND NEEDY RESIDENTS IN FAYETTEVILLE IN 2024 (2023-1539)

A.5. FIRE PENSION FUND (NUMBER CHANGE AND LOAN AUTHORIZATION):

A RESOLUTION TO CHANGE THE ASSIGNED FIRE PENSION FUND NUMBER IN THE 2024 BUDGET, TO AUTHORIZE THE MAYOR OR THE MAYOR'S DESIGNEE TO LOAN CASH FROM THE GENERAL FUND TO THE FIRE PENSION FUND FOR MONTHLY BENEFIT PAYMENTS, AND TO AUTHORIZE THE MAYOR OR THE MAYOR'S DESIGNEE TO REIMBURSE THE GENERAL FUND WHEN FIRE PENSION TAXES ARE RECEIVED (2023-1548)

A.6. ARKANSAS ONE-CALL SYSTEM, INC. (SERVICE AGREEMENT):

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF UTILITY LOCATING SERVICES FROM ARKANSAS ONE-CALL SYSTEM, INC. IN AN AMOUNT NOT TO EXCEED \$50,000.00 PER YEAR FOR ALL CITY DEPARTMENTS ON AN AS-NEEDED BASIS THROUGH DECEMBER 31, 2029 (2023-1478)

A.7. MCCLELLAND CONSULTING ENGINEERS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$48,000.00 FOR ADDITIONAL SERVICES ASSOCIATED WITH THE GREENLAND SEWER COST SHARE PROJECT (2023-1542)

A.8. CITY OF GREENLAND, ARKANSAS (SEWER COST SHARE AGREEMENT):

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE CITY OF GREENLAND IN AN AMOUNT NOT TO EXCEED \$954,000.00 FOR UPSIZING A PORTION OF 12-INCH SANITARY SEWER LINE TO 18-INCH, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$100,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1540)

A.9. HAWKINS-WEIR ENGINEERS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$294,800.00 FOR PROFESSIONAL SERVICES ASSOCIATED WITH UTILITY RELOCATIONS ALONG MARTIN LUTHER KING JR. BLVD. AT THE I-49/HWY-62 INTERCHANGE (2023-1543)

A.10. BROTHERS CONSTRUCTION, INC. (CONSTRUCTION AGREEMENT):

A RESOLUTION TO AWARD BID #23-44 AND AUTHORIZE A CONTRACT

WITH BROTHERS CONSTRUCTION, INC. IN THE AMOUNT OF \$3,963,291.00 FOR CONSTRUCTION OF UTILITY RELOCATIONS ASSOCIATED WITH THE INTERSTATE 49 & MARTIN LUTHER KING, JR. BOULEVARD INTERCHANGE PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$250,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1544)

A.11. HIGHWAY 16 UTILITY RELOCATIONS (CONDEMNATIONS):

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY INDIVIDUALS NEEDED FOR THE HIGHWAY 16 UTILITY RELOCATIONS PROJECT (2023-1547)

A.12. AF&G, LLC (SERVICE AGREEMENT):

A RESOLUTION TO AWARD BID NO. 24-01 AND AUTHORIZE THE PURCHASE OF PAVEMENT MARKING INSTALLATION FROM AF&G, LLC IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1462)

A.13. BUILDING EXTERIORS (SERVICE AGREEMENT):

A RESOLUTION TO AWARD BID #24-03 AND AUTHORIZE THE PURCHASE OF TREE PLANTING SERVICES FROM BUILDING EXTERIORS, INC. IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1463)

A.14. EMERY SAPP & SONS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO AWARD BID #24-04 AND AUTHORIZE THE PURCHASE OF ASPHALT PAVING SERVICES FROM EMERY SAPP & SONS IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1464)

A.15. TUNE CONCRETE (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-05 AND AUTHORIZE THE PURCHASE OF CONCRETE MATERIALS FROM TUNE CONCRETE AS PRIMARY SUPPLIER IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AND TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF 2024 (2023-1498)

A.16. GREEN DREAM INTERNATIONAL, LLC. (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-06 AND AUTHORIZE THE PURCHASE OF AGGREGATE MATERIALS FROM GREEN DREAM INTERNATIONAL, LLC AS PRIMARY SUPPLIER IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AND TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF 2024 (2023-

1499)

A.17. ASPHALT MATERIALS (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF ASPHALT MATERIALS FOR USE BY THE TRANSPORTATION DIVISION ON AN AS NEEDED BASIS THROUGH THE END OF 2024 (2023-1500)

A.18. NORTHWEST ARKANSAS WINWATER (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-08 AND AUTHORIZE THE PURCHASE OF DRAINAGE PIPE FROM NORTHWEST ARKANSAS WINWATER AS PRIMARY SUPPLIER AND FOR VARYING UNIT PRICES AND TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF 2024 (2023-1501)

A.19. SCURLOCK INDUSTRIES (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-09 AND AUTHORIZE THE PURCHASE OF PRECAST DRAINAGE PIPE & STRUCTURES FROM SCURLOCK INDUSTRIES OF FAYETTEVILLE IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1502)

A.20. PRECAST, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-10 AND AUTHORIZE THE PURCHASE OF PRECAST MODULAR BLOCK RETAINING WALL UNITS FROM INDUSTRIAL PRECAST, INC. AS PRIMARY SUPPLIER IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AND TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF 2024 (2023-1503)

A.21. EMERY SAPP & SONS, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-11 AND AUTHORIZE THE PURCHASE OF HIGH PERFORMANCE COLD MIX FROM EMERY SAPP & SONS, INC. IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1504)

A.22. GEVEKO MARKINGS, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-13 AND AUTHORIZE THE PURCHASE OF PREFORMED THERMOPLASTIC PAVEMENT MARKINGS FROM GEVEKO MARKINGS, INC. AS PRIMARY SUPPLIER IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AND TO AUTHORIZE OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF 2024 (2023-1505)

A.23. PREMIER LIGHTING GROUP (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-14 AND AUTHORIZE THE PURCHASE OF LIGHTS, FIXTURES, AND POLES FROM PREMIER LIGHTING GROUP IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1506)

A.24. JUS EWEN TRANSPORT, LLC. (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID #24-15 AND AUTHORIZE THE PURCHASE OF TRUCK HAULING SERVICES FROM JUS EWEN TRANSPORT, LLC IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1507)

A.25. BLUE RIBBON SITE SERVICES (PURCHASE AGREEMENT - SCREENED TOPSOIL):

A RESOLUTION TO AWARD BID #24-16 AND AUTHORIZE THE PURCHASE OF DELIVERED SCREENED TOPSOIL FROM BLUE RIBBON SITE SERVICES AND THE PURCHASE OF PICKED UP SCREENED TOPSOIL FROM KEITH AUSTIN CONSTRUCTION COMPANY LLC IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2024 (2023-1508)

A.26. BLUE RIBBON SITE SERVICES (PURCHASE AGREEMENT - UNSCREENED TOPSOIL):

A RESOLUTION TO AWARD BID #24-18 AND AUTHORIZE THE PURCHASE OF UNSCREENED TOPSOIL FROM BLUE RIBBON SITE SERVICES IN VARIABLE AMOUNTS AS NEEDED THROUGH THE END OF 2024 (2023-1509)

A.27. 2024 PROJECT SAFE NEIGHBORHOODS (GRANT SUBAWARD):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A PROJECT SAFE NEIGHBORHOOD GRANT AWARD IN THE AMOUNT OF \$2,862.00 FOR THE FAYETTEVILLE POLICE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1512)

B. UNFINISHED BUSINESS**C. NEW BUSINESS****C.1. CITY COUNCIL RULES OF ORDER AND PROCEDURE (RESOLUTION):**

A RESOLUTION TO ADOPT THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL FOR 2024 (2023-1323)

C.2. REZONING-2023-0033: (NORTH OF 3420 W. MOUNT COMFORT RD./WIESE-

GODDARD SCHOOL, 323):

A ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-033 FOR APPROXIMATELY 3.23 ACRES LOCATED NORTH OF 3420 WEST MOUNT COMFORT ROAD IN WARD 4 FROM R-A, RESIDENTIAL-AGRICULTURAL TO CS, COMMUNITY SERVICES (2023-1545)

C.3. PER CAPITA JAIL FEE AGREEMENT (RESOLUTION):

A RESOLUTION TO APPROVE THE PER CAPITA JAIL FEE AGREEMENT WITH WASHINGTON COUNTY FOR JAIL SERVICES IN 2024 IN THE AMOUNT OF \$76,421.40 (2023-1472)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**D.1. 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.