

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, September 19, 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: 858 8330 9492**
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/JOB/9781860500?pwd=QkZkdjRlYUJwZWdScE9lTGZkdzF0QT09](https://us06web.zoom.us/join/9781860500?pwd=QkZkdjRlYUJwZWdScE9lTGZkdzF0QT09)

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

- ## 1. NOMINATING COMMITTEE REPORT - COMMITTEE CHAIR

PROPOSED AGENDA ADDITIONS

A. CONSENT

- A.1. APPROVAL OF THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING MINUTES (2023-562)**

- A.2. CROSSLAND HEAVY CONTRACTORS, INC. (CHANGE ORDER NO. 1):**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO RFQ # 22-07 CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. FOR THE MIDTOWN CORRIDOR PROJECT PHASE 2 IN THE AMOUNT OF \$14,600,772.00, APPROVE A PROJECT CONTINGENCY OF \$300,000.00, AND APPROVE A BUDGET ADJUSTMENT FOR THIS 2019 TRANSPORTATION BOND PROJECT (2023-1026)

- ### A.3. CARBON REDUCTION PROGRAM FUNDING (RESOLUTION):

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID CARBON REDUCTION PROGRAM FUNDS IN THE AMOUNT OF \$400,000.00 FOR THE LED LIGHTING AND VIDEO DETECTION IMPROVEMENTS PROJECT, TO APPROVE A CITY MATCH OF \$100,000.00 FOR THE PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1052)

- A.4. RECOGNIZE PARKING FACILITIES REVENUE AND EXPENSES (BUDGET ADJUSTMENT):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$86,500.00 RECOGNIZING ADDITIONAL REVENUE AND ASSOCIATED EXPENSES FOR CERTAIN PARKING FACILITIES AND SERVICES (2023-1048)

A.5. DULTMEIER SALES, LLC (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID NO. 23-28 AND AUTHORIZING THE PURCHASE OF SALT BRINE MAKING EQUIPMENT FROM DULTMEIER SALES IN THE AMOUNT OF \$78,000.00 PLUS SALES TAX (2023-1025)

A.6. FLINTCO, LLC (CHANGE ORDER NO. 10):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 10 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH FLINTCO, LLC FOR THE POLICE HEADQUARTERS PROJECT IN THE AMOUNT OF \$29,624.00, AND TO APPROVE A BUDGET ADJUSTMENT – POLICE HEADQUARTERS BOND PROJECT (2023-1050)

A.7. 2023 CDBG & HOME (MAYOR'S SIGNATURE AUTHORITY):

A RESOLUTION TO APPROVE THE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN AND HOME INVESTMENT PARTNERSHIPS PROGRAM (HOME) AGREEMENTS, AND TO AUTHORIZE MAYOR JORDAN TO EXECUTE THESE AGREEMENTS FOR 2023 WHEN RECEIVED IN THE AMOUNT OF \$1,277,184.00 (2023-1054)

A.8. OZARKSGO, LLC. (CONSTRUCTION AGREEMENT / BID WAIVER):

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH OZARKSGO, LLC FOR THE CONSTRUCTION AND INSTALLATION OF FIBER OPTIC CONDUIT AND FIBER OPTIC CABLE FOR AN AMOUNT NOT TO EXCEED \$576,000.00 (2023-1055)

B. UNFINISHED BUSINESS

B.1. 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 AUGUST 15, 2023 CONTACT THE OFFICE OF THE CITY CLERK TREASURER.

AT THE AUGUST 15, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE SECOND READING AND TABLED TO THE SEPTEMBER 19, 2023

CITY COUNCIL MEETING.

B.2. REZONING - 2023-0017: (N. TRUCKERS DR./THE LENNON, 208):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-017 LOCATED NEAR NORTH TRUCKERS DRIVE IN WARD 2 FOR APPROXIMATELY 20.23 ACRES FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE (2023-952)

AT THE AUGUST 15, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE FIRST READING.

AT THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE SECOND READING.

C. NEW BUSINESS

C.1. FAYETTEVILLE FIRE DEPARTMENT ESTABLISHMENT (ORDINANCE):

AN ORDINANCE TO ENACT SECTION 33.044 ESTABLISHMENT OF FIRE DEPARTMENT WITHIN ARTICLE V FIRE DEPARTMENT IN §33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE (2023-1047)

C.2. ORDINANCE TO AMEND §39.10 WATER AND WASTEWATER DAMAGE CLAIMS (AMENDMENT):

AN ORDINANCE TO AMEND §39.10 WATER AND WASTEWATER DAMAGE CLAIMS OF THE FAYETTEVILLE CODE TO ENABLE THE CITY COUNCIL TO EXCEED THE \$50,000.00 LIMITATION ON COMPENSATION WHEN LARGE, PRESSURIZED WATER TRANSMISSION LINES FAIL AND CAUSE CATASTROPHIC DAMAGE AND TO DECLARE AN EMERGENCY (2023-1024)

C.3. HOUSING AND URBAN DEVELOPMENT PRO HOUSING GRANT (RESOLUTION):

A RESOLUTION TO ADDRESS WITH URGENCY THE AFFORDABLE HOUSING CRISIS AND TO REQUEST THAT MAYOR JORDAN APPLY FOR A HOUSING AND URBAN DEVELOPMENT PRO HOUSING GRANT OF UP TO FOUR MILLION DOLLARS TO FUND HOUSING-SUPPORTIVE CHANGES TO FAYETTEVILLE'S LAND-USE AND ZONING ORDINANCES (2023-1085)

THIS ITEM WAS PROPOSED AT THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING.

C.4. VACATION - 2023-0006: (N. SHILOH DR/JUNCTION AT SHILOH, 363):

AN ORDINANCE TO APPROVE VAC 23-06 FOR PROPERTY LOCATED NEAR

N. SHILOH DR./JUNCTION AT SHILOH, 363 IN WARD 4 TO VACATE A 0.39-ACRE PORTION OF A MULTI-USE TRAIL EASEMENT (2023-1051)

C.5. REZONING - 2023-0020: (741 E. HUNTSVILLE RD/JONES, 564):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0020 FOR APPROXIMATELY 1.34 ACRES LOCATED AT 741 EAST HUNTSVILLE ROAD IN WARD 1 FROM RSF-4 RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO CS, COMMUNITY SERVICES (2023-1056)

C.6. OZARK REGIONAL TRANSIT LINE EXPANSION (RESOLUTION):

A RESOLUTION TO APPROVE AN OZARK REGIONAL TRANSIT LINE EXPANSION FOR AN ADDITIONAL ON DEMAND TRANSIT SERVICE FOR SOUTH FAYETTEVILLE DURING THE FOURTH QUARTER OF 2023 (2023-1090)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. HOUSING SOLUTIONS AND CASE MANAGEMENT (RFP 23-12) - STEVEN DOTSON

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 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.