

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, November 7, 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: 856 6286 6201**
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_P0OCV0VTSRWGAB-I6YANJA](https://us06web.zoom.us/webinar/register/wn_p0ocv0vtsrwgab-i6yanja)

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

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 OCTOBER 17, 2023 CITY COUNCIL MEETING MINUTES**
(2023-568)

- A.2. TYLER TECHNOLOGIES, INC. (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE AN AGREEMENT WITH TYLER TECHNOLOGIES, INC., FOR A NEW BILLING AND PAYMENT SYSTEM AND PAYMENT PROCESSING MERCHANT ACCOUNT (2023-1221)

- ### A.3. STILWELL CONSULTING (SERVICE CONTRACT):

A RESOLUTION TO APPROVE A CONTRACT WITH STILWELL CONSULTING IN THE AMOUNT OF \$188,900.00 FOR THE CREATION OF AN ARTS AND CULTURE PLAN FOR THE CITY OF FAYETTEVILLE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,600.00 (2023-1179)

- A.4. CRAFTON, TULL & ASSOCIATES, INC. (SERVICE CONTRACT):**

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH CRAFTON, TULL & ASSOCIATES, INC., PURSUANT TO RFQ 23-01 SELECTION #6, IN AN AMOUNT NOT TO EXCEED \$204,275.00 FOR DESIGN SERVICES ASSOCIATED WITH THE DRAKE STREET TRAIL CONNECTION, AND TO APPROVE A PROJECT CONTINGENCY IN THE

AMOUNT OF \$25,000.00 (2023-1204)

A.5. OMNIA PARTNERS (PRODUCTS/SERVICES CONTRACT):

A RESOLUTION TO APPROVE THE PURCHASE OF TECHNOLOGY PRODUCT SOLUTIONS AND RELATED SERVICES FROM CDWG ON AN AS-NEEDED BASIS, PURSUANT TO AN OMNIA PARTNERS COOPERATIVE CONTRACT, THROUGH APRIL 30, 2026, AND ANY FUTURE RENEWAL PERIODS (2023-1206)

A.6. LRS SOUTH, LLC (FRANCHISE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH LRS SOUTH, LLC FOR THE HAULING AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN THE CITY OF FAYETTEVILLE (2023-1215)

A.7. HAMILTON ALLIANCE, INC. (SERVICE CONTRACT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH HAMILTON ALLIANCE, INC. FOR THE HAULING AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL IN THE CITY OF FAYETTEVILLE (2023-1055)

A.8. OUTBOUND WASTE, LLC (SERVICE CONTRACT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH OUTBOUND WASTE, LLC FOR THE HAULING AND DISPOSAL OF SOLID WASTE AND RECYCLABLES IN THE CITY OF FAYETTEVILLE (2023-1088)

A.9. CLABBER CREEK SEWER REPAIR (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$344,960.00 TO FUND THE REPAIR OF A 48-INCH SEWER MAIN IN THE CLABBER CREEK AREA (2023-1211)

A.10. CITY OF FARMINGTON (SANITARY SEWER SERVICE CONTRACT):

A RESOLUTION TO APPROVE A CONTRACT FOR SANITARY SEWER SERVICE BETWEEN THE CITIES OF FARMINGTON AND FAYETTEVILLE IN WHICH FAYETTEVILLE WILL ACCEPT AND TREAT SEWERAGE FROM FARMINGTON IN FAYETTEVILLE'S WASTEWATER TREATMENT FACILITY THROUGH DECEMBER 31, 2032 (2023-1212)

A.11. GARNEY COMPANIES, INC. (WEST WATER TRANSMISSION MAIN):

A RESOLUTION TO AUTHORIZE A CONSTRUCTION MANAGER AT RISK CONTRACT WITH GARNEY COMPANIES, INC., PURSUANT TO RFQ 23-05, FOR THE WEST TRANSMISSION WATER MAIN PROJECT IN THE INITIAL AMOUNT OF \$690,329.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1210)

A.12. MISTY SIMPSON WATER DAMAGE CLAIM (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$80,039.00 TO FUND THE MISTY SIMPSON WATER DAMAGE CLAIM AT 2425 EAST SHARON STREET (2023-1220)

A.13. ARKANSAS ONE-CALL SYSTEM, INC. (UTILITY LOCATING SERVICES):

A RESOLUTION TO APPROVE THE PURCHASE OF UTILITY LOCATING SERVICES FOR 2023 FROM ARKANSAS ONE-CALL SYSTEM, INC. IN AN AMOUNT NOT TO EXCEED \$45,000.00 (2023-1205)

A.14. WATER & SEWER VEHICLE AND TRAILER REPAIR (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$20,000.00 TO COVER THE REPAIR AND REPLACEMENT COSTS FOR TWO UNITS USED BY THE WATER & SEWER OPERATIONS DIVISION (2023-1214)

A.15. SELECTIVE TRAFFIC ENFORCEMENT PROJECT (GRANT AWARD):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2023 SELECTIVE TRAFFIC ENFORCEMENT PROJECT GRANT AWARD IN THE AMOUNT OF \$72,700.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1166)

A.16. BULLETPROOF VEST PARTNERSHIP GRANT PROGRAM (GRANT AWARD):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A MATCHING GRANT AWARD FROM THE 2023 BULLETPROOF VEST PARTNERSHIP PROGRAM IN THE AMOUNT OF \$11,990.00 FOR THE REPLACEMENT OF BODY ARMOR VESTS AND OUTFITTING NEW OFFICERS, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1175)

A.17. LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT (GRANT AWARD):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A NON-MATCHING GRANT AWARD IN THE AMOUNT OF \$200,000.00 FOR THE EXPANSION OF THE POLICE DEPARTMENT'S WELLNESS AND RESILIENCY PROGRAM FUNDED THROUGH THE 2023 LAW ENFORCEMENT MENTAL HEALTH AND WELLNESS ACT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1207)

A.18. RESOLUTION 230-23 AND AUTHORIZE CONDEMNATION OF PROPERTY OWNED BY PARTI INVESTMENTS (AMENDMENT):

A RESOLUTION TO AMEND RESOLUTION 230-23 AND AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY PARTI INVESTMENTS, LLC NEEDED FOR THE

HIGHWAY 71B CORRIDOR PROJECT (2023-1260)

B. UNFINISHED BUSINESS

B.1. 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)

AT THE OCTOBER 17, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED TO THE NOVEMBER 7, 2023 CITY COUNCIL MEETING.

B.2. 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)

AT THE OCTOBER 17, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE FIRST READING.

C. NEW BUSINESS

C.1. CROWN HOOKAH LOUNGE, INC. (PRIVATE CLUB PERMIT APPLICATION):

AN ORDINANCE TO APPROVE THE APPLICATION OF HANA CHEFKE, ON BEHALF OF CROWN HOOKAH LOUNGE, INC. FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 550 WEST DICKSON STREET, SUITE NUMBER 2 (2023-1183)

C.2. §33, ARTICLE III - DEPARTMENT OF PARKS AND RECREATION (AMENDMENT):

AN ORDINANCE TO AMEND ARTICLE III DEPARTMENT OF PARKS AND RECREATION IN §33 DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE FAYETTEVILLE CITY CODE TO UPDATE THE NAME AND REVISE THE DUTIES OF THE DEPARTMENT AND ITS ADVISORY BOARD (2023-1180)

C.3. §97 - PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS (AMENDMENT):

AN ORDINANCE TO AMEND §97, PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS OF THE CITY CODE TO ADDRESS EVOLVING RECREATION TRENDS, SAFETY CONCERNS, PROTECTION OF NATURAL AND CULTURAL RESOURCES, AND TO CLARIFY AND SIMPLIFY

LANGUAGE (2023-1181)

C.4. §71.170 AND §71.171 CITY CODE UPDATE (AMENDMENT):

AN ORDINANCE TO AMEND §71.170 VEHICLE RESTRICTIONS FOR SHARED-USE PAVED TRAILS AND §71.171 RULES OF THE ROAD FOR FAYETTEVILLE TRAILS OF THE FAYETTEVILLE CITY CODE TO UPDATE THE TYPES OF VEHICLES ALLOWED ON THE CITY'S SHARED-USE PAVED TRAILS (2023-1186)

C.5. VACATION-2023-0012: (546 W. CENTER ST/CAMPBELL FAMILY TRUST, 484):

AN ORDINANCE TO APPROVE VAC 23-12 FOR PROPERTY LOCATED AT 546 WEST CENTER STREET IN WARD 2 TO VACATE A 0.04 ACRE PORTION OF UTILITY EASEMENT (2023-1217)

C.6. VACATION-2023-0005: (612 W. CENTER ST/TRINITAS VENTURES, 483):

AN ORDINANCE TO APPROVE VAC 23-05 FOR PROPERTY LOCATED AT 612 WEST CENTER STREET IN WARD 2 TO VACATE A 0.15 ACRE PORTION OF ALLEY RIGHT-OF-WAY (2023-1209)

C.7. REZONING-2023-0026: (5839 W. DOT TIPTON RD./MARTINEZ, 475):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-026 FOR APPROXIMATELY 5.27 ACRES LOCATED AT 5839 WEST DOT TIPTON ROAD IN WARD 4 FROM R-A, RESIDENTIAL-AGRICULTURAL, TO RSF-2, RESIDENTIAL SINGLE-FAMILY, TWO UNITS PER ACRE (2023-1182)

C.8. REZONING-2023-0028: (150 N. SKYLINE DR, UNIT 22/MOUNT SEQUOYAH CENTER INC, 486):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-028 FOR APPROXIMATELY 0.14 ACRES LOCATED AT 150 NORTH SKYLINE DRIVE IN WARD 1 FROM P-1, INSTITUTIONAL TO NS-G, NEIGHBORHOOD SERVICES-GENERAL (2023-1208)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. SALES TAX REPORT - PAUL BECKER AND ENERGY REPORT - PETER NIERENGARTEN

D.2. FAYETTEVILLE HOUSING REPORT 3 OF 3 - BRITIN BOSTICK

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.