

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Tentative Agenda

Tuesday, December 27, 2022

4:30 PM

City Hall Room 219

City Council Members

Council Member Sonia Harvey Ward 1

Council Member D'Andre Jones Ward 1

Council Member Mark Kinion Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Sloan Scroggin 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:

Public Registration Link:

https:

Webinar ID:

CALL TO ORDER

- 1. OATHS OF OFFICE:**
KIT WILLIAMS, CITY ATTORNEY
SONIA HARVEY, COUNCIL MEMBER WARD 1
SARAH MOORE, COUNCIL MEMBER WARD 2
SCOTT BERNA, COUNCIL MEMBER WARD 3
TERESA TURK, COUNCIL MEMBER WARD 4

(2022-273)

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS

- 1. ELECTION OF VICE MAYOR (2022-275)**
- 2. 2023 CITY COUNCIL COMMITTEE APPOINTMENTS (2022-276)**
- 3. REPORT OF FIREMEN'S AND POLICEMEN'S PENSION AND RELIEF FUND (2022-277)**
- 4. MONTHLY FINANCIAL REPORT (2022-278)**

A. CONSENT

- A.1. APPROVAL OF DECEMBER 20, 2022 CITY COUNCIL MEETING MINUTES**
(2022-212)

A.2. RECOGNIZING REVENUE FROM THE COURT AUTOMATION FUND:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$20,000.00 RECOGNIZING REVENUE FROM THE COURT AUTOMATION

FUND, TO AUTHORIZE THE PURCHASE OF TEN COURT VIDEO SECURITY CAMERAS, FOUR DESKTOP COMPUTERS AND ONE PRINTER FOR THE COURT OPERATIONS IN THE AMOUNT OF \$13,411.00, WITH THE REMAINING FUNDS TO PURCHASE EQUIPMENT AS NEEDED (2022-229)

A.3. BID #22-55 KUSSER GRANITWORKS USA, INC.:

A RESOLUTION TO AWARD BID #22-55 AND APPROVE THE PURCHASE OF MATERIALS FOR THE CIVIC PLAZA WATER FEATURE FROM KUSSER GRANITWORKS USA, INC. D/B/A KUSSER FOUNTAINWORKS IN THE AMOUNT OF \$1,102,434.00 AND TO APPROVE A BUDGET ADJUSTMENT (2022-223)

A.4. CONSTRUCTION MATERIALS AND BAD DEBT EXPENSE ACCOUNTS:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$325,000.00 FOR THE CONSTRUCTION MATERIALS AND BAD DEBT EXPENSE ACCOUNTS WITHIN THE WATER AND SEWER FUND (2022-239)

A.5. TOMLINSON ASPHALT CO.:

A RESOLUTION TO AWARD BID #22-27 AND AUTHORIZE A CONTRACT WITH TOMLINSON ASPHALT CO. IN THE AMOUNT OF \$2,178,659.65 FOR CONSTRUCTION OF THE INDUSTRIAL DRIVE EXTENSION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$218,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-252)

A.6. MCCLELLAND CONSULTING ENGINEERS, INC.:

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$132,690.00 FOR BIDDING SERVICES, CONSTRUCTION PHASE SERVICES AND MATERIALS TESTING ASSOCIATED WITH THE INDUSTRIAL DRIVE EXTENSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2022-253)

A.7. STRUCTURAL PRESERVATION SYSTEMS, LLC:

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A DESIGN-BUILD CONTRACT WITH STRUCTURAL PRESERVATION SYSTEMS, LLC IN AN AMOUNT NOT TO EXCEED \$2,477,644.00 FOR ENGINEERING AND CONSTRUCTION SERVICES RELATED TO EMERGENCY TRENCHLESS REPAIR OF A 48-INCH DIAMETER SANITARY SEWER UNDER INTERSTATE 49, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$375,000.00 (2022-263)

A.8. RECYCLING GRANT PROGRAM APPLICATION:

A RESOLUTION TO AUTHORIZE AN EPA SOLID WASTE INFRASTRUCTURE

FOR RECYCLING GRANT PROGRAM APPLICATION IN THE TOTAL AMOUNT OF UP TO \$4,000,000.00 FOR IMPROVEMENTS TO THE CITY'S RECYCLING PROCESSING FACILITY (2022-264)

A.9. KRAPFF REYNOLDS CONSTRUCTION CO.:

A RESOLUTION TO APPROVE A ONE YEAR EXTENSION TO THE CONTRACT WITH KRAPFF REYNOLDS CONSTRUCTION COMPANY IN THE AMOUNT OF \$590,789.00 FOR REHABILITATION OF SANITARY SEWER MANHOLES THROUGHOUT FAYETTEVILLE (2022-265)

A.10. OZARK REGIONAL TRANSIT, INC.:

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A ONE YEAR CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND OZARK REGIONAL TRANSIT, INC. IN THE AMOUNT OF \$698,830.00 TO PROVIDE PUBLIC TRANSIT SERVICES FOR FAYETTEVILLE RESIDENTS, WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

(2022-267)

A.11. SEVEN HILLS HOMELESS CENTER:

A RESOLUTION TO APPROVE A CONTRACT WITH SEVEN HILLS HOMELESS CENTER TO PROVIDE FUNDING ASSISTANCE IN THE AMOUNT OF \$40,000.00 FOR MAINTENANCE AND REPAIRS AT THE WALKER FAMILY RESIDENTIAL COMMUNITY COMPLEX IN 2023

(2022-270)

A.12. E.W.I. INC.:

A RESOLUTION TO AWARD BID #22-54 AND AUTHORIZE A CONTRACT WITH E.W.I. INC. IN THE AMOUNT OF \$1,536,980.00 FOR CONSTRUCTION OF THE WILSON PARK PAVILION RESTROOM FACILITIES, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$139,725.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-230)

A.13. SEVEN HILLS HOMELESS CENTER:

AN RESOLUTION TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH SEVEN HILLS HOMELESS CENTER IN THE AMOUNT OF \$113,400.00 FOR SERVICES TO HOMELESS AND NEEDY RESIDENTS IN FAYETTEVILLE IN 2023 (2022-250)

A.14. LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS:

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES FROM JANUARY 1, 2023 THROUGH DECEMBER 31, 2023, IN THE AMOUNT OF \$45.00 FOR EACH DAY THE SPACE IS USED (2022-256)

B. UNFINISHED BUSINESS

B.1. AMEND 130.39 GRAFFITI

AN ORDINANCE TO AMEND §130.39 **GRAFFITI** IN THE *FAYETTEVILLE CODE* TO CREATE A GRAFFITI ABATEMENT PROGRAM (2022-279)

AT THE DECEMBER 6, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS AMENDED TO ADD EXHIBIT A AND OMIT LEASEHOLD TENANT. THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE JANUARY 3, 2023 CITY COUNCIL MEETING.

C. NEW BUSINESS

C.1. ADOPT THE RULES OF ORDER AND PROCEDURE:

A RESOLUTION TO ADOPT THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL FOR 2023 (2022-271)

C.2. DEFER WATER AND SEWER RATE INCREASES FOR 2023:

AN ORDINANCE TO AMEND § 51.136(A)(2), § 51.136(B)(2), § 51.136(C)(2), § 51.137(A)(2), § 51.137(B)(2), AND § 51.137(E)(3) OF THE FAYETTEVILLE CITY CODE TO DEFER WATER AND SEWER RATE INCREASES FOR 2023 UNTIL AFTER THE ADOPTION OF A NEW RATE STUDY, AND TO DECLARE AN EMERGENCY (2022-266)

C.3. REPEAL ORDINANCE NO. 3696:

AN ORDINANCE TO REPEAL ORDINANCE NO. 3696 AND TO AUTHORIZE THE CITY TO WAIVE ANY REQUIREMENT FOR COMPETITIVE BIDDING OR MORE THAN ONE QUOTE TO PURCHASE PLUMBING PIPES, FITTINGS, WATER METERS, FIRE HYDRANTS, MANHOLES AND THEIR COVERS, COATINGS, AND HARDWARE NEEDED BY THE WATER AND SEWER DEPARTMENT THROUGH 2026 (2022-269)

C.4. SUBRECIPIENT AGREEMENT WITH WELCOMEHEALTH:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH WELCOMEHEALTH TO PROVIDE NO-COST MEDICAL AND DENTAL CARE TO LOW INCOME FAYETTEVILLE RESIDENTS UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE

AMOUNT OF \$75,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-240)

C.5. MAGDALENE SERENITY HOUSE, INC.:

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH MAGDALENE SERENITY HOUSE, INC. TO PROVIDE SUPPORTIVE RECOVERY HOUSING FOR FORMERLY INCARCERATED WOMEN UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$128,789.00, AND TO APPROVE A BUDGET ADJUSTMENT (2022-242)

C.6. VAC (MITCHELL ST.):

A RESOLUTION TO APPROVE THE VACATION OF A 16,552.8 SQUARE FOOT PORTION OF A TREE PRESERVATION EASEMENT LOCATED ALONG WEST MITCHELL STREET CONTINGENT ON THE DEDICATION OF TWO REPLACEMENT TREE PRESERVATION EASEMENTS TOTALING APPROXIMATELY 37,519 SQUARE FEET (2022-251)

C.7. AMEND SUBSECTION (B) OF §157.05 CONDITIONAL USE PERMIT:

AN ORDINANCE TO AMEND SUBSECTION (B) OF §157.05 **CONDITIONAL USE PERMIT** IN CHAPTER 157 **NOTIFICATION AND PUBLIC HEARINGS** OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE PUBLIC NOTIFICATION WHEN THE DENIAL OF A CONDITIONAL USE PERMIT BY THE PLANNING COMMISSION IS APPEALED TO THE CITY COUNCIL (2022-255)

C.8. RZN 22-051 (1030 S. HOLLYWOOD AVE.):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-051 LOCATED AT 1030 SOUTH HOLLYWOOD AVENUE IN WARD 1 FOR APPROXIMATELY 0.61 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE AND P-1, INSTITUTIONAL TO CS, COMMUNITY SERVICES (2022-261)

C.9. VAC 22-026 (4267 WEST LIERLY LANE):

AN ORDINANCE TO APPROVE VAC 22-026 FOR PROPERTY LOCATED AT 4267 WEST LIERLY LANE IN WARD 4 TO VACATE A PORTION OF A GENERAL UTILITY EASEMENT (2022-241)

C.10. VAC 22-025 (EAST OF NORTH STORER AVE.):

AN ORDINANCE TO APPROVE VAC 22-025 FOR PROPERTY LOCATED EAST OF NORTH STORER AVENUE IN WARD 2 TO VACATE A PORTION OF A UTILITY EASEMENT (2022-257)

C.11. VAC 22-027 (103 N. PLAINVIEW):

AN ORDINANCE TO APPROVE VAC 22-027 FOR PROPERTY LOCATED AT 103 NORTH PLAINVIEW AVENUE IN WARD 3 TO VACATE A PORTION OF A WATER AND SEWER EASEMENT (2022-258)

C.12. VAC 22-024 (RAZAORBACK RD. MAPLE ST., ETC.):

AN ORDINANCE TO APPROVE VAC 22-024 FOR PROPERTY LOCATED ALONG RAZORBACK ROAD, MAPLE STREET, GARLAND AVENUE, CLEVELAND STREET, HILL AVENUE, MARTIN LUTHER KING JUNIOR BOULEVARD AND LT. COLONEL LEROY POND AVENUE IN WARDS 1 AND 2 TO VACATE PORTIONS OF STREET RIGHTS-OF-WAY (2022-262)

PROPOSED AGENDA ADDITIONS

1. AMERICAN RESCUE PLAN ACT FUNDS FOR ARTS AND CULTURE (2022-286)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. AGENDA SESSION PRESENTATION - SALES TAX REPORT, PAUL BECKER AND ENERGY REPORT, PETER NIERENGARTEN

(2022-280)

E. CITY COUNCIL TOUR

This is a placeholder

F. ANNOUNCEMENTS

G. ADJOURNMENT