

Next scheduled Committee Meeting will be held in the Council Chambers/Zoom Remote, 201 Spring Street, Springdale, Arkansas.

- The next Committee Meeting - Monday, May 4, 2020
- Committee agendas will be available on Friday, May 1, 2020.

**SPRINGDALE CITY COUNCIL  
REGULAR MEETING  
COUNCIL CHAMBERS  
ZOOM REMOTE  
TUESDAY, April 28<sup>th</sup>, 2020**

5:55 p.m. Pre Meeting Activities

Pledge of Allegiance  
Invocation – Amelia Williams

6:00 p.m. **OFFICIAL AGENDA**

1. *Large Print* agendas are available.
2. Call to Order – Mayor Doug Sprouse
3. Roll Call – Denise Pearce, City Clerk  
Recognition of a Quorum.
4. Comments from Citizens  
The Council will hear brief comments from citizens present at the meeting during this period on issues not on the Agenda. No action will be taken tonight. All comments will be taken under advisement.
5. Approval of Minutes – April 14<sup>th</sup>, 2020 **Pgs. 3 - 10**
6. Procedural Motions
  - A. Entertain Motion to read all Ordinances and Resolutions by title only.
  - B. Entertain Motion to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for ordinances listed on this agenda as *item number(s) **7A & B***. Motion must be approved by two-thirds (2/3) of the council members).
7. Planning Commission Report and Recommendation by Patsy Christie, Director of Planning and Community Development:
  - A. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands (R20-14, 0.66 acres at 1641 Butterfield Coach Road, corner of Green Acres Rd. and Butterfield Coach) from Agricultural District (A-1) to Neighborhood Commercial District (C-1) downgraded to Neighborhood Office District O1 and declaring an emergency as petitioned by Adams Family Properties, LLC. **Pgs. 11- 13**
  - B. **An Ordinance** amending Ordinance No. 3307 the same being the Zoning Ordinance of the City of Springdale, Arkansas, and the plat pertaining thereto by rezoning certain lands (R20-15, 3.81 acres at 1509 S. West End Street) from Medium Density Multi-Family Residential District (MF-12) to Medium/High Density Multi-Family Residential District (Mf-16) and declaring an emergency as petitioned by C&K Karrington, LLC. **Pgs. 14 - 16**
  - C. **A Resolution** approving a Conditional Use at 106 Main as set forth in Ordinance No. 4030 as requested by The Pits Meatery (Mobile Vending) in the Downtown Form Based code, Neighborhood Center Type 1 District (NC-1). Property located on the corner W. Meadow Ave. and S. Main St. **Pgs. 17 - 19**

- D. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Pure Springdale in Connection with L20-08 a Large Scale Development. Said property bordered on the south by Dearing Road and on the east by S. Gene George Blvd. **Pgs. 20 & 21**
  - E. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Chris Elder in connection with L20-10 at Large Scale Development. Property bordered on the west by S. West End Street. **Pgs. 22 & 23**
  - F. **A Resolution** approving a waiver of street improvements, drainage, curbs, gutters and sidewalks as set forth in Ordinance No. 3725 to Mill Creek Nursing Center in connection with L20-13 a Large Scale Development. Property bordered on the south by Allison Ln. and on the east by S. 48<sup>th</sup> St. **Pgs. 24 & 25**
8. Streets and Capital Improvements Committee by Chairman Rick Evans
- A. **A Resolution** authorizing the expenditure of funds to acquire a portion of land from Sherman Partners, LLC., for the Dean's Trail Phase II Project (Project No. ST1801). Resolution forwarded from Committee with recommendation for approval. **Pg. 26**
  - B. **A Discussion** regarding modifications to bike trails on Maple Ave. and Holcomb Street. **Pgs. 27 - 29**
9. Committee of the Whole
- A Resolution** appointing Jim Reed to the unexpired term of office for Springdale City Council, Ward 1, Position 2, Pursuant to ARK. CODE ANN. §14-43-411. Forwarded from Committee with recommendation for approval. **Pg. 30**
10. Police and Fire Committee, Chairman Brian Powell
- A Resolution** adopting the Department Manual of the Springdale Police Department, pursuant to ARK. CODE ANN. §14-51-302. and repealing and replacing all prior resolutions pertaining thereto. Resolution forwarded from Committee with recommendation for approval. **Pg. 31**
11. Public Vehicle Commission, Chairman Kathy Jaycox
- A. **Public Hearing** on a taxicab operator permit for NWA Taxi, LLC.
  - B. **A Resolution** approving an application for a taxicab operator permit filed by Joe Washington on behalf of NWA Taxi, LLC." **Pg. 32**
12. Comments from Council Members.
13. Comments from City Attorney.
14. Adjournment.

SPRINGDALE CITY COUNCIL  
APRIL 14, 2020

The City Council of the City of Springdale met in regular session on Tuesday, April 14, 2020, in the City Council Chambers, City Administration Building. Mayor Doug Sprouse called the meeting to order at 6:00 p.m.

Roll call was answered by:

Doug Sprouse	Mayor
Amelia Williams	Ward 3
Jeff Watson	Ward 3
Mike Overton	Ward 2
Mike Lawson	Ward 4
Rick Evans	Ward 2
Brian Powell	Ward 1 (Late)
Kathy Jaycox	Ward 4
Ernest Cate	City Attorney
Denise Pearce	City Clerk/Treasurer

Department heads present:

Mike Irwin	Fire Chief
Mike Peters	Police Chief
Wyman Morgan	Director of Financial Services
Patsy Christie	Planning & Comm. Dev. Director
Chad Wolf	Parks & Recreation Director

APPROVAL OF MINUTES

Council Member Evans moved the minutes of the March 24, 2020 City Council meeting be approved as presented. Council Member Jaycox made the second.

There was a voice vote of all ayes and no nays.

ORDINANCES AND RESOLUTIONS READ BY TITLE ONLY

Council Member Evans made the motion to read all Ordinances and Resolutions by title only and to dispense with the rule requiring that ordinances be fully and distinctly read on three (3) different days for all items listed on this agenda. Council Member Williams made the second.

The vote:

Yes: Lawson, Evans, Jaycox, Williams, Watson, Overton

No: None

BOY SCOUT TROOP 107 RECOGNIZED

Mayor Sprouse recognized Boy Scout Troop 107, sponsored by Springdale First United Methodist Church, who were attending the City Council meeting via Zoom in order to fulfill requirements for the Citizenship in Community Badge, a prerequisite for Eagle Scout.

RESOLUTION NO. 39-20 – REAPPOINTING BOB DOWNUM TO THE SPRINGDALE CIVIL SERVICE COMMISSION

Mayor Doug Sprouse presented a Resolution reappointing Bob Downum to the Springdale Civil Service Commission.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION MAKING A RE-APPOINTMENT TO THE  
SPRINGDALE CIVIL SERVICE COMMISSION**

**WHEREAS**, Bob Downum has been serving on the Springdale Civil Service Commission and his term expired April 1, 2020.

**WHEREAS**, the City council for the City of Springdale finds that Bob Downum should be re-appointed to the Springdale Civil Service Commission for a six year term from April 1<sup>st</sup>, 2020 to April 1<sup>st</sup>, 2026;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Bob Downum is hereby re-appointed to the Springdale Civil Service Commission for a six year term running from April 1, 2020 to April 1, 2026.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Council Member Overton moved the Resolution be adopted. Council Member Evans made the second.

The vote:

Yes: Evans, Jaycox, Watson, Overton, Fulfer, Lawson

No: None

The Resolution was numbered 39-20.

(Council Member Powell joined the meeting at this time).

ORDINANCE NO. 5468 – AMENDING SECTION 112 OF THE CODE OF ORDINANCES OF THE CITY OF SPRINGDALE, ARKANSAS, AND FOR OTHER PURPOSES (CONTAINS PROCEDURES FOR THE SUBDIVISION OF LAND IN THE CITY OF SPRINGDALE)

Planning Director Patsy Christie presented an Ordinance amending Section 112 of the Code of Ordinances of the City of Springdale and for other purposes; and declaring an emergency.

Chapter 112 of the Code of Ordinances of the City of Springdale, Arkansas, contains the procedures for the subdivision of land in the City of Springdale and needs to be amended to include a definition of replat.

Section 112-3 of the Code of Ordinances of the City of Springdale, Arkansas, needs to be amended regarding submission requirements for plats; and adding procedures for the submittal of replats.

A public hearing was held at the April 7, 2020 Planning Commission meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance "Do Pass". Council Member Jaycox made the second.

The vote:

Yes: Jaycox, Williams, Watson, Overton, Lawson, Evans, Powell

No: None

The Ordinance was numbered 5468.

ORDINANCE NO. 5469 – ACCEPTING THE REPLAT OF LOT 7 AND ADDING LOTS 8 AND 9 TO OAKWOOD PARK SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS AND DECLARING AN EMERGENCY

Planning Director Patsy Christie presented an Ordinance accepting the Replat of Lot 7 and adding Lots 8 and 9 to Oakwood Park Subdivision to the City of Springdale, Arkansas and declaring an emergency. The property is located east of E. Steele Road and north of Greathouse Springs Road.

A public hearing was held at the April 7, 2020 Planning Commission meeting.

After reading the title of the Ordinance, Council Member Evans moved the Ordinance "Do Pass". Council Member Jaycox made the second.

The vote:

Yes: Williams, Watson, Overton, Lawson, Evans, Powell, Jaycox

No: None

Council Member Evans moved the Emergency Clause be adopted. Council Member Jaycox made the second.

The vote:

Yes: Watson, Overton, Lawson, Evans, Powell, Jaycox, Williams

No: None

The Ordinance was numbered 5469.

RESOLUTION NO. 40-20 – AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ENGINEERING SERVICES CONTRACT WITH GARVER, LLC FOR DESIGNING TWO INTERSECTIONS ON PARK STREET

Council Member Rick Evans presented a Resolution authorizing the execution of an amendment to an engineering services contract with Garver, LLC for two intersections at Park/Caudle/Powell Streets and Park/Berry Streets.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO AN ENGINEERING SERVICES CONTRACT**

**WHEREAS**, Garver, LLC and the City of Springdale entered into a contract on June 19, 2019 for designing the realignment of two intersections on Park Street, and

**WHEREAS**, it has been determined that the scope of the project needs to be changed to include some modifications the water and waste water systems in the area of these intersections, and

**WHEREAS**, Garver, LLC has proposed an amendment to the contract for this additional service that increases their compensation by \$34,250.00;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Mayor is authorized to execute amendment No. 1 with Garver, LLC for \$34,250.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Lawson made the second.

The vote:

Yes: Overton, Lawson, Evans, Powell, Jaycox, Williams, Watson

No: None

The Resolution was numbered 40-20.

RESOLUTION NO. 41-20 – APPROPRIATING FUNDS FOR THE REMODEL OF THE OFFICE PORTION OF THE NEWLY ACQUIRED RECREATION CENTER AT 1906 CAMBRIDGE STREET (PROJECT NO. CP1904)

Council Member Mike Lawson presented a Resolution appropriating funds for the remodel of the office portion of the newly acquired recreation center at 1906 Cambridge Street (Project No. CP1904).

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION APPROPRIATING FUNDS FOR THE PARKS & RECREATION DEPARTMENT (CP1904)**

**WHEREAS**, the City of Springdale is planning to remodel the office portion of the newly acquired Recreation Center at 1906 Cambridge Street and

**WHEREAS**, we have a set of plans prepared by Hight Jackson Associates, Inc., and

**WHEREAS**, the Parks Director has requested the appropriation of \$300,000 for this project;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, there is hereby appropriated

\$300,000 from the funds in the CIP Fund reserved for park land acquisition for this project.

**PASSED AND APPROVED** this \_\_\_\_\_ day of April, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Lawson, Evans, Powell, Jaycox, Williams, Watson, Overton

No: None

The Resolution was numbered 41-20.

RESOLUTION NO. 42-20 – ACCEPTING THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF SPRINGDALE FIRE STATION #9 (PROJECT #18BPF3)

Council Member Brian Powell presented a Resolution accepting the guaranteed maximum price for the construction of Springdale Fire Station #9 (Project #18BPF3). This fire station will be located on the northwest corner of Shaw Family Park located at Downum and Ball Streets.

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION ACCEPTING THE GUARANTEED MAXIMUM PRICE FOR THE CONSTRUCTION OF SPRINGDALE FIRE STATION #9 - PROJECT # 18BPF3**

**WHEREAS**, Arkansas Statute 19-11-801 provides for the employment of a construction manager for public improvement projects, and

**WHEREAS**, fire station #9 has been designed and bids taken from sub-contractors, and

**WHEREAS**, Milestone Construction Company, LLC has proposed a guaranteed maximum price of \$2,994,000.00 for the construction of fire station number 9.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS, that**

1. The City Council accepts the guaranteed maximum price of \$2,994,000.00 submitted by Milestone Construction for the construction of fire station number 9.
2. The Mayor is authorized to approve construction change orders as long as the cumulative total of the change orders do not exceed 10% of the guaranteed maximum price.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Council Member Jaycox moved the Resolution be adopted. Council Member Evans made the second.

The vote:

Yes: Evans, Powell, Jaycox, Williams, Watson, Overton, Lawson

No: None

The Resolution was numbered 42-20.

RESOLUTION NO. 43-20 – AUTHORIZING THE PAYMENT OF AN INVOICE FOR  
PROJECT NO. 18BPC1, SPRINGDALE MUNICIPAL CAMPUS

Council Member Jeff Watson presented a Resolution authorizing the payment of an invoice for Project No. 18BPC1, Springdale Municipal Campus, in the amount of \$1,201,123.87.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION AUTHORIZING PAYMENT OF AN INVOICE  
PROJECT NO. 18BPC1**

**WHEREAS**, Springdale municipal code sec. 2-158 requires approval of the governing body before paying any bill that exceeds \$1,000,000, and

**WHEREAS**, the City of Springdale has contracted with Milestone Construction Company, LLC to construct/renovate the Springdale Municipal Campus, and

**WHEREAS**, The City has received an invoice for \$1,201,123.87 for construction expenses for March 2020.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the Mayor and City Clerk are hereby authorized to pay Milestone Construction Company, LLC \$1,201,123.87 with funds from the 2018 Bond Construction Fund.

**PASSED AND APPROVED** this \_\_\_\_ day of April, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

Council Member Evans moved the Resolution be adopted. Council Member Jaycox made the second.

The vote:

Yes: Powell, Jaycox, Williams, Watson, Overton, Lawson, Evans

No: None

The Resolution was numbered 43-20.

PROPOSED RESOLUTION AUTHORIZING THE CREATION OF A NEW POSITION AND APPROPRIATING FUNDS FOR THE NEW POSITION

Mayor Sprouse presented a Resolution authorizing the creation of a new position and appropriating funds for the new position. He explained there is a need for a planned transition from senior members planning to retire to new staff members. He is recommending the position of Assistant to the Mayor to start this transition at a pay scale Grade 96, therefore, \$54,300 for salary and benefits for this position for the remainder of the year. A full year's salary is \$60,000 plus benefits.

Wyman Morgan, Director of Finance and Administration Services, plans to retire in early 2022.

Mayor Sprouse explained he knows this is not perfect timing but feels like this is important to plan for the future. He is recommending former Council Member Colby Fulfer for this position.

Council Member Watson read the title of the Resolution.

Council Member Jaycox moved the Resolution be adopted. Council Member Powell made the second.

Council Members Powell and Williams agreed with this transitional position.

Council Members Lawson, Overton, and Jaycox agreed this is a key position but the timing is not good right now with the Covid 19 Virus and the unknown of how it will affect our revenues.

Council Member Jaycox said she has received e-mails asking about the law regarding a former council member resigning and then being hired by the city. She was also asked about why this would not be an open position and posted where people could apply and why couldn't this wait for another 60 to 90 days.

City Attorney Ernest Cate said there is a state statute that provides that an elected city council member cannot be appointed to any municipal office until after they have been off the city council for one year. This job description for the new position is Assistant to the Mayor and the description has been written such that it is in his opinion and the opinion of Arkansas Municipal League that this does not rise to the level of a municipal office. Not every city employee is considered a municipal office.

Mayor Sprouse responded to the questions Council Member Jaycox had.

Discussion was held on the position being a consultant position or a temporary position.

Mayor said City Council can make the decision to make it a temporary position or a full time position with passage of the budget.

After discussion, the vote was taken:

Yes: Williams, Evans, Powell

No: Jaycox, Watson, Overton, Lawson

The Resolution did not pass.

PUBLIC HEARING – PROPOSED RESOLUTION APPROVING AN APPLICATION FOR A TAXICAB OPERATOR PERMIT FILED BY KYLE EMPSALL ON BEHALF OF PAYLESS CAB COMPANY

A public hearing was held on a request by Kyle Empsall, owner of Payless Cab Company, to operate a taxicab business in the City of Springdale.

Mr. Empsall would like to offer another cab service to the City of Springdale. He would take city vouchers. He said he gets a lot of calls from residents of the City of Springdale. He was not aware he should have had a permit in the City of Springdale because he was already permitted in the City of Fayetteville. The Springdale Police issued him a ticket for operating illegally in the City of Springdale which is what brought him to Council tonight. He stated he was in the wrong and wants to be able to run his business in the City of Springdale legally.

When asked by Council Member Watson if he had any documentation from the City of Fayetteville giving reviews or recommendations on his business, Mr. Empsall said he had a copy of his permit.

Jerry Burnett, co-owner of Payless Taxi, commented on Mr. Empsall's google reviews and how professional he is.

A couple of people were present at the meeting and commented on Mr. Empsall's service.

Stuart Larrabee from Fayetteville Taxi gave his opinion about Mr. Empsall's reputation. He does not support Mr. Empsall in getting a taxi permit.

Sergeant Mike Bell said he thinks we need another taxi company in the City of Springdale but his concern is how Mr. Empsall would treat some of his customers if he was upset about anything. He was confrontational with Springdale Police Officers a couple of times in the past over his taxi service.

The Public Hearing was closed.

Council Member Jaycox read the title of the Resolution.

There was no motion. The permit was not approved.

ADJOURNMENT

Council Member Jaycox made the motion to adjourn. Council Member Evans made the second.

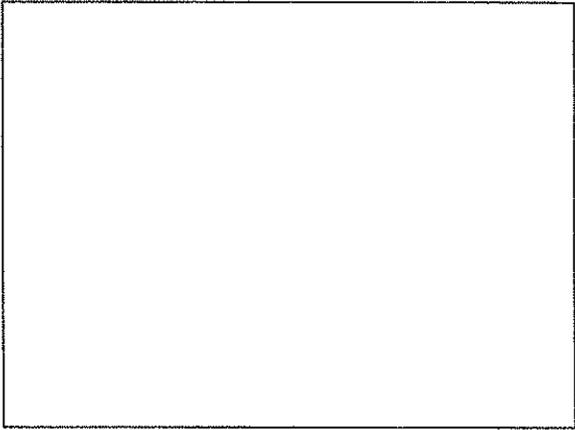
After a voice vote of all ayes and no nays, the meeting adjourned at 7:30 p.m.

---

Doug Sprouse, Mayor

---

Denise Pearce, City Clerk/Treasurer



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM AGRICULTURAL DISTRICT (A-1) TO NEIGHBORHOOD COMMERCIAL DISTRICT (C-1) DOWNGRADED TO NEIGHBORHOOD OFFICE DISTRICT (O1) AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 7, 2020 for hearing the matter of a petition of Adams Family Properties, LLC, requesting that the following described tract of real estate to be zoned from Agricultural District (A-1) to General Commercial District (C-1) downgraded to Neighborhood Office District (O-1) per applicant

**Layman's Description: 1641 Butterfield Coach Road**

**Legal Description:** LOT 3, GREEN ACRES ESTATES SUBDIVISION TO THE CITY OF SPRINGDALE, ARKANSAS, AS SHOWN IN PLAT RECORD 8 AT PAGE 51 OF THE WASHINGTON COUNTY RECORDS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A SET 5/8" REBAR PLS 1845 FOR THE SOUTHEAST CORNER OF SAID LOT 3, ; THENCE N87° 19' 31" W A DISTANCE OF 150.00 FEET TO A SET CHISELED X IN CONCRETE; THENCE N02° 87' 26" E A DISTANCE OF 191.56 FEET TO A SET 5/8" REBAR PLS 1845; THENCE S02° 37' 32" W A DISTANCE OF 191.24 FEET TO THE POINT OF BEGINNING; CONTAINING 0.66 ACRES, MORE OR LESS

**AND WHEREAS**, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Agricultural District (A-1) to General Commercial District (C-1) downgraded to Neighborhood Office District (O-1) per applicant for the purposes of that Zoning Ordinance would be more properly carried out by such rezoning, and that unless

granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:**

**SECTION 1:** That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Agricultural District (A-1) to General Commercial District (C-1) downgraded to Neighborhood Office District (O-1) per applicant

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3: EMERGENCY CLAUSE:** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



Public Hearing Sign Posted By: RB

**S** Public Hearing Sign Location



0 30 60 120 180 240 Feet  
 For Location Reference Only

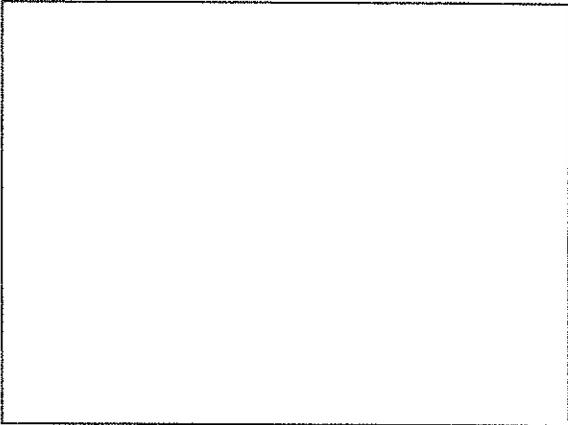
**FILE NO. R20-14**

**APPLICANT: Adams Family Properties, LLC**

**REQUEST: Rezone parcel from A-1 to C-1**

PLANNING COMMISSION MEETING

April 7, 2020



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 3307 THE SAME BEING THE ZONING ORDINANCE OF THE CITY OF SPRINGDALE, ARKANSAS, AND THE PLAT PERTAINING THERETO BY REZONING CERTAIN LANDS FROM MEDIUM DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-12) TO MEDIUM/HIGH DENSITY MULTI-FAMILY RESIDENTIAL DISTRICT (MF-16) AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Planning Commission of the City of Springdale, Arkansas, Washington County, gave notice required by law and set a hearing date of April 7, 2020 for hearing the matter of a petition of C & K Karrington, LLC requesting that the following described tract of real estate to be zoned from Medium Density Multi-family Residential District (MF-12) to Medium/High Density Multi-family Residential District (MF-16)

**Layman's Description: 1509 S. West End Street**

**Legal Description:** A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 2, TOWNSHIP 17 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT AN EXISTSING REBAR WHICDH IS S87° 53' 31" E 30.00' FROM THE NORTHWEST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE S87° 53' 31" E 631.58' TO AN EXISTING REBAR, THENCE S03° 02' 37" W 263.81 TO AN EXISTING REBAR, THENCE N87° 53' 49" W 627.15 TO AN EXISTING REBAR, THENCE N02° 04' 54" E 263.83' TO THE POINT OF BEGINNING, CONTAINING 3.81 ACRES, MORE OR LESS, SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

**AND WHEREAS**, after notice as required by law, the Springdale Planning Commission held a hearing and after hearing arguments for and against such rezoning, recommends to the Springdale City Council that the area described herein should be rezoned from Medium Density Multi-family residential District (MF-12) to Medium/High Density Multi-family Residential District (MF-16) for the purposes of that Zoning

Ordinance would be more properly carried out by such rezoning, and that unless granted, citizens of Springdale will suffer irreparable harm and damage, and will be substantially deprived of the use of their property.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE, ARKANSAS:**

**SECTION 1:** That Ordinance No. 3307, the Amendments thereto, and the Zoning Plat pertaining thereto of the City of Springdale, Arkansas, should be and the same is amended as follows:

From Medium Density Multi-family Residential District (MF-12) to Medium/High Density Multi-family Residential District (MF-16).

**SECTION 2:** That all ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 3: EMERGENCY CLAUSE:** It is hereby declared that an emergency exists and this ordinance, being necessary for the preservation of the health, safety and welfare of the citizens of Springdale, Arkansas shall be in effect immediately upon its passage and approval.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

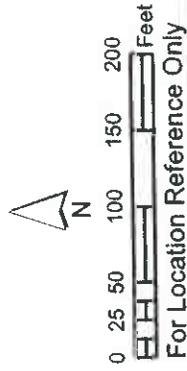
APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



PLANNING COMMISSION MEETING  
 April 7, 2020

**FILE NO. R20-15**  
**APPLICANT: C & K Karrington, LLC**  
**REQUEST: Rezone parcel from MF-12 to MF-16**



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A CONDITIONAL USE AT  
106 MAIN AS SET FORTH IN ORDINANCE NO. 4030**

**WHEREAS**, Ordinance #4030 amending Chapter 130 (Zoning Ordinance) of the Springdale Code of Ordinance provides that an application for a conditional use on appeal must be heard first by the Planning Commission and a recommendation made to the City Council; and

**WHEREAS**, the Planning Commission held a public hearing on April 7, 2020 on a request by The Pits Meatery for a conditional use for a Use Unit 44 (Mobile Vending) in the Downtown Form Based code, Neighborhood Center Type 1 District (NC-1) at 106 Main; and

**WHEREAS**, following the public hearing the Planning Commission by a vote of seven (7) yes and zero (0) no recommends that a conditional use be granted to The Pits Meatery Use Unit 44 (Mobile Vending) in the Downtown Form Based code, Neighborhood Center Type 1 District (NC-1) at 106 Main with the following conditions –

1. **Designation of parking spaces for use on this site**
2. **May not operate between the hours of 10:00 p.m. and 7:00 a.m.**
3. **If a health certificate is required, display the health certificate in a manner visible to customers.**
4. **No obstruction of pedestrian or motor vehicle traffic flow.**
5. **No obstruction of traffic signals or regulatory signs.**
6. **No vending upon a public way.**
7. **No sound device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.**
8. **Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating with twenty (20) feet of any vending stand to be collected and deposited into a trash container.**

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE**, that the City Council hereby grants a conditional use to The Pitts Meatery, for a Use Unit 44 (Mobile Vending) in the Downtown Form Based code, Neighborhood Center Type 1 District (NC-1) at 106 Main with the following conditions –

1. **Designation of parking spaces for use on this site**
2. **May not operate between the hours of 10:00 p.m. and 7:00 a.m.**
3. **If a health certificate is required, display the health certificate in a manner visible to customers.**
4. **No obstruction of pedestrian or motor vehicle traffic flow.**
5. **No obstruction of traffic signals or regulatory signs.**
6. **No vending upon a public way.**
7. **No sound device that produces a loud and raucous noise in violation of city ordinance, or violate any other city ordinances in connection with the vending operation.**
8. **Sites to remain clean and free of paper or refuse of any kind generated from the operation of the business with all trash or debris accumulating with twenty (20) feet of any vending stand to be collected and deposited into a trash container.**

PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO PURE SPRINGDALE IN CONNECTION WITH L20-08 A LARGE SCALE DEVELOPMENT**

**WHEREAS**, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

**WHEREAS**, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-08 a Large Scale Development for Pure Springdale and the Planning Commission recommends approval of the waiver request.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE**, that the City Council hereby:

**Option 1: Grants** a waiver of street improvements to Dearing Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-08, a Large Scale Development for Pure Springdale.

**Option 2: Denies** a waiver of street improvements to Dearing Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-08 a Large Scale Development for Pure Springdale.

**Option 3: Approves** payment in lieu of improvements to Dearing Road in connection with L20-08, a Large Scale Development for Pure Springdale with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

**Option 4: Denies** a waiver and allow a Bill of Assurance for a period not to exceed \_\_\_\_\_ years for street improvements to Dearing Road including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L20-08 a Large Scale Development for Pure Springdale.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO CHRIS ELDER IN CONNECTION WITH L20-10 A LARGE SCALE DEVELOPMENT**

**WHEREAS**, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

**WHEREAS**, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-10 a Large Scale Development for Elder Multi Family and the Planning Commission recommends approval of the waiver request.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE**, that the City Council hereby:

**Option 1: Grants** a waiver of street improvements to South West End Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-10, a Large Scale Development for Elder Multi Family.

**Option 2: Denies** a waiver of street improvements to South West End Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-10 a Large Scale Development for Elder Multi Family.

**Option 3: Approves** payment in lieu of improvements to South West End Street in connection with L20-10, a Large Scale Development for Elder Multi Family with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

**Option 4: Denies** a waiver and allow a Bill of Assurance for a period not to exceed \_\_\_\_\_ years for street improvements to South West End Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L20-10 a Large Scale Development for Elder Multi Family.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

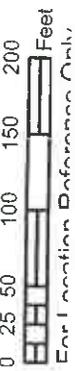
APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



**Waiver of Street Improvements - S. West End St.  
Elder Multifamily**

PLANNING COMMISSION MEETING  
April 7, 2020



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING A WAIVER OF STREET IMPROVEMENTS, DRAINAGE, CURBS, GUTTERS AND SIDEWALKS AS SET FORTH IN ORDINANCE NO. 3725 TO MILL CREEK NURSING CENTER IN CONNECTION WITH L20-13 A LARGE SCALE DEVELOPMENT**

**WHEREAS**, Ordinance #3047 provides for the waiver of street improvements, drainage relating thereto, curbs, gutters and sidewalks to be first heard by the Planning Commission and a recommendation made to the City Council, with any waivers to be granted by the City Council only; and

**WHEREAS**, the Planning Commission reviewed a request for waiver of street improvements to including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-13 a Large Scale Development for Mill Creek Nursing Center and the Planning Commission recommends approval of the waiver request.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SPRINGDALE**, that the City Council hereby:

**Option 1: Grants** a waiver of street improvements to 48th Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-13, a Large Scale Development for Mill Creek Nursing Center.

**Option 2: Denies** a waiver of street improvements to 48<sup>th</sup> Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights in connection with L20-13 a Large Scale Development for Mill Creek Nursing Center.

**Option 3: Approves** payment in lieu of improvements to South West End Street in connection with L20-13, a Large Scale Development for Mill Creek Nursing Center with estimated cost to be submitted by the developer's engineer for confirmation by the Planning Department.

**Option 4: Denies** a waiver and allow a Bill of Assurance for a period not to exceed \_\_\_\_\_ years for street improvements to 48<sup>th</sup> Street including drainage improvements related thereto, curbs, gutters, sidewalks and street lights to be built in connection with L20-13 a Large Scale Development for Mill Creek Nursing Center.

**PASSED AND APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2020.**

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest Cate, City Attorney



0 70 140 280 420 560 Feet  
For Location Reference Only

**Waiver of Street Improvements - S. 48th St.  
Mill Creek Nursing Center**

PLANNING COMMISSION MEETING  
April 7, 2020

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE EXPENDITURE OF FUNDS TO ACQUIRE A PORTION OF LAND FROM SHERMAN PARTNERS, LLC., FOR THE DEAN'S TRAIL PHASE II PROJECT (PROJECT NO. ST1801).**

**WHEREAS**, the City of Springdale is in need of acquiring a portion of a tract of land for the Dean's Trail Phase II Project, Project No. ST1801, Tract 40, said land being owned by Sherman Partners, LLC.;

**WHEREAS**, the City of Springdale has determined by appraisal that the sum of \$33,000.00 is the estimated just compensation for the property needed from Sherman Partners, LLC.;

**WHEREAS**, the property owner has extended a counter-offer that the City pay the sum of \$35,781.00 to acquire the land needed for the project, said amount being based on an increase in the market value of the property since the City's appraisal was conducted;

**WHEREAS**, it is the recommendation of the City Attorney and the Mayor's Office that the City Council approve the additional sum of \$2,781.00 to acquire the property needed from Sherman Partners, LLC., as this amount is reasonable, is justified, and will avoid the cost, expense, and risk of a trial;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that the City is hereby authorized to acquire a portion of a tract of land for the Dean's Trail Phase II Project, Project No. ST1801, Tract 40, said land being owned by Sherman Partners, LLC., for the total sum of \$35,781.00.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY



To: Doug Sprouse, Mayor  
City Council

From: Trail Committee

Date: April 22, 2020

Re: Maple/Holcomb Demonstration Project

The Maple/Holcomb Demonstration Project was a project of BikeNWA and funded by the Walton Family Foundation. BikeNWA and the City of Springdale held two public meetings to gather input for project design and implementation. After evaluating the public input, the City of Springdale agreed to the use of the Maple and Holcomb corridor for the year-long demonstration of on-street bikeway infrastructure and to gather data to inform future projects. The project is now complete, a draft report has been presented to the Trail Committee and the Committee has the following findings:

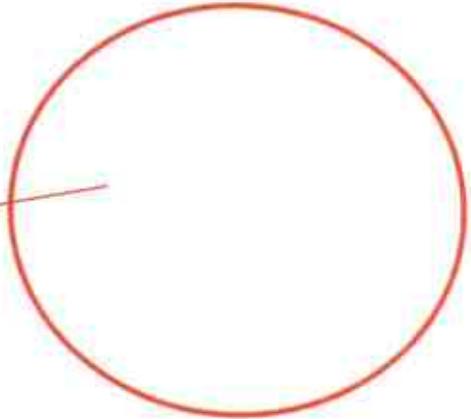
1. The Trail Committee found that the project increased corridor use by cyclists and provided traffic calming for the neighborhood. Use by cyclists was negatively impacted by two factors. First, the lack of current bikeway standards for ArDOT R/W limited use of the project west of Thompson. Second, the delay in construction of the Maple St extension limited eastward access to the Razorback Greenway.
2. The hospital on Maple and the Academy on Holcomb has seen significant traffic calming in their respective areas.
3. While a majority of citizens indicate support for the use of bikeway infrastructure in Springdale, there has been significant public pushback against certain aspects of this project.
4. The Trail Committee believes that the project has important data that can be used in further projects and that this project should continue to be evaluated in the coming year after renovation of the project.

The Trail Committee recommends the following project renovation:

1. Painted bike lanes should remain throughout the project corridor. Public Works should grind up obsolete markings and restripe street center lines

as weather permits.

2. Zebras and flex-posts should be removed throughout the project corridor with two exceptions. The zebras and flex-posts should be retained in the blocks in front the Hospital on Maple and the Academy on Holcomb. Zebras should be replaced with white pavement marking reflectors (picture attached).
3. Public Works should adjust signage at the Hospital and Academy in accordance with current MUTCD to make these areas into traffic calming hospital and school zones.
4. Next year when new MUTCD Bikeway standards are in place, an application for bikeway markings across Thompson at Maple should be requested from ArDOT.
5. Monitoring and evaluation of the project corridor should continue until the Maple St extension project has been completed later this year.



Reflectors Replace Zebras  
Pavement Reflector

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPOINTING JIM REED TO THE UNEXPIRED TERM OF OFFICE FOR SPRINGDALE CITY COUNCIL, WARD 1, POSITION 2, PURSUANT TO ARK. CODE ANN. §14-43-411.**

**WHEREAS**, on February 29, 2020, Colby Fulfer resigned his seat on the Springdale City Council, Ward 1, Position 2, thereby creating a vacancy on the Springdale City Council;

**WHEREAS**, the term of office for Springdale City Council, Ward 1, Position 2, will expire on December 31, 2020, and as such the unexpired term of office for Springdale City Council, Ward 1, Position 2, is less than one (1) year;

**WHEREAS**, given that the unexpired term of office for Springdale City Council, Ward 1, Position 2, is less than one (1) year, a successor to fill the unexpired term shall be chosen by a majority vote of the members of the Springdale City Council, pursuant to Ark. Code Ann. §14-43-411(b)(2);

**WHEREAS**, the City Council for the City of Springdale finds that Jim Reed should be appointed to fill the vacancy for Springdale City Council, Ward 1, Position 2, with the appointment to expire on December 31, 2020;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that Jim Reed be appointed to serve the unexpired term of Springdale City Council, Ward 1, Position 2, effective upon the date of passage of this Resolution, with said term expiring on December 31, 2020.

**PASSED AND APPROVED**, this 28<sup>th</sup> day of April, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED:

\_\_\_\_\_  
Ernest B. Cate

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION ADOPTING THE DEPARTMENT  
MANUAL OF THE SPRINGDALE POLICE  
DEPARTMENT, PURSUANT TO ARK. CODE ANN. §14-51-  
302, AND REPEALING AND REPLACING ALL PRIOR  
RESOLUTIONS PERTAINING THERETO**

**WHEREAS**, on April 9, 1996, the City Council for the City of Springdale, Arkansas, passed Resolution 15-96, adopting the Operations Manual of the Springdale Police Department;

**WHEREAS**, the Operations Manual of the Springdale Police Department was subsequently amended by resolutions passed by the City Council for the City of Springdale, Arkansas;

**WHEREAS**, Ark. Code Ann. §14-51-302 provides that employees in any police department shall be governed by rules and regulations set out by the Chief of Police after rules and regulations have been adopted by the governing body of the municipality;

**WHEREAS**, the Operations Manual of the Springdale Police Department has been completely revised and updated, and the Chief of Police wishes to repeal and replace all prior resolutions pertaining to the Operations Manual of the Springdale Police Department, and to establish the Department Manual for the Springdale Police Department;

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that a document known as the Department Manual for the Springdale Police Department, dated March 1, 2020, is hereby adopted, pursuant to Ark. Code Ann. §14-51-302, the employees of the Springdale Police Department shall be governed by this Department Manual, and all prior resolutions pertaining to the operations manual of the Springdale Police Department are hereby repealed and replaced. Amendments and updates may be made to the Manual by the Mayor and Police Chief.

**PASSED AND APPROVED**, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, City Attorney

RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION APPROVING AN APPLICATION FOR  
A TAXICAB OPERATOR PERMIT FILED BY JOE  
WASHINGTON ON BEHALF OF NWA TAXI, LLC.**

**WHEREAS**, the City of Springdale has received an application for a taxicab operator permit filed by NWA Taxi, LLC.;

**WHEREAS**, Section 122-27 of the Code of Ordinances for the City of Springdale, Arkansas, provides that no taxicab operator permit shall issue unless and until the City Council shall certify a need for the additional service to be rendered by the applicant(s);

**WHEREAS**, after public hearings and public comment on the issue of public transportation within the City of Springdale, and after the Public Vehicle Commission for the City of Springdale met and recommended the Springdale City Council find that need exists for additional taxicab service in the City of Springdale, the Springdale City Council certified a need for additional taxicab services in the City of Springdale; and

**WHEREAS**, pursuant to Section 122-27 of the Code of Ordinances for the City of Springdale, the Springdale City Council conducted a hearing on the application for a taxicab operator permit filed by Joe Washington of NWA Taxi, LLC.;

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF SPRINGDALE, ARKANSAS**, that a need for additional taxicab service exists in the City of Springdale, Arkansas, and the application for a taxicab operator permit filed by Joe Washington of NWA Taxi, LLC. is hereby approved, and such permit shall issue at such time as the applicant complies with all requirements and provisions of Chapter 122 of the Code of Ordinances for the City of Springdale, Arkansas.

**PASSED AND APPROVED** this \_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Doug Sprouse, Mayor

ATTEST:

\_\_\_\_\_  
Denise Pearce, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
Ernest B. Cate, CITY ATTORNEY