

City of Fayetteville, Arkansas

*113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323*



City Council Final Agenda

Tuesday, September 20, 2022

5:30 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://us06web.zoom.us/webinar/register/WN_w9xNGhaiRZqR9bxCPNXaIA

Webinar ID: 818 4889 5709

Call To Order

Roll Call

Pledge of Allegiance

Mayor’s Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1 2021-0975

NOMINATING COMMITTEE REPORT

Proposed Agenda Additions

A. Consent

A.1 2021-1058

APPROVAL OF THE AUGUST 16, 2022 CITY COUNCIL MEETING MINUTES

A.2 2022-0804

RECOGNIZING ADDITIONAL REVENUE FOR PARKING FACILITIES AND SERVICES:

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$100,000.00 RECOGNIZING ADDITIONAL REVENUE AND ASSOCIATED EXPENSES FOR CERTAIN PARKING FACILITIES AND SERVICES

A.3 2022-0805**LC JOINT ADVENTURES, LLC TO CREAMER PILOT SERVICES, LLC
AGREEMENT:**

A RESOLUTION TO APPROVE THE AGREEMENT FOR ASSIGNMENT OF A LEASE FOR AIRPORT PROPERTY LOCATED AT 4560 SOUTH SCHOOL AVENUE FROM LC JOINT ADVENTURES, LLC TO CREAMER PILOT SERVICES, LLC

A.4 2022-0812**ARKANSAS DEPARTMENT OF TRANSPORTATION:**

A RESOLUTION TO APPROVE A PAYMENT OF \$48,511.28 TO THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF A SIDE PATH ALONG WEDINGTON DRIVE AT THE INTERSECTION OF INTERSTATE 49, AND TO APPROVE A BUDGET ADJUSTMENT

A.5 2022-0815**EZEST SOLUTIONS, LLC D/B/A DUMPSTER DUDEZ OF NORTHWEST
ARKANSAS:**

A RESOLUTION TO APPROVE AN AGREEMENT WITH EZEST SOLUTIONS, LLC D/B/A DUMPSTER DUDEZ OF NORTHWEST ARKANSAS FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE

A.6 2022-0816**WATER LEAK AND SEWER OVERFLOW DAMAGE CLAIMS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$100,000.00 TO APPROPRIATE ADDITIONAL FUNDS FOR WATER LEAK AND SEWER OVERFLOW DAMAGE CLAIMS THAT MAY OCCUR IN 2022

A.7 2022-0817**WATER AND SEWER DIVISION MINOR EQUIPMENT:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$25,000.00 TO APPROPRIATE FUNDS FOR MINOR EQUIPMENT PURCHASES BY THE WATER AND SEWER DIVISION THAT MAY OCCUR IN 2022

A.8 2022-0768**STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$91,319.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

A.9 2022-0784**AXON ENTERPRISE, INC.:**

A RESOLUTION TO APPROVE A TEN YEAR SERVICE AGREEMENT WITH AXON ENTERPRISE, INC. AND AUTHORIZE THE PURCHASE OF BODY WORN CAMERAS, TASER CONDUCTED ENERGY WEAPONS, INTERVIEW ROOM VIDEO RECORDERS, AND DIGITAL MOBILE VIDEO RECORDER SYSTEMS IN THE TOTAL AMOUNT OF \$4,186,494.72 PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE POLICE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

B. Unfinished Business

B.1 [2022-0781](#)**REALLOCATE CDBG-CV FUNDING FOR COVID-19 OUTREACH, TESTING AND PROTECTION:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$557,298.00 TO REALLOCATE CDBG-CV FUNDING FOR COVID-19 OUTREACH, TESTING AND PROTECTION

At the September 6, 2022 City Council Meeting, this resolution was pulled for further discussion and referred to the CDAP Advisory Board. This resolution was tabled to the September 20, 2022 City Council Meeting.

B.2 **2022-0729****AMEND §157.02 DEVELOPMENT:**

AN ORDINANCE TO AMEND §157.02 **DEVELOPMENT** IN CHAPTER 157 **NOTIFICATION AND PUBLIC HEARINGS** OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE PUBLIC NOTIFICATION OF ADMINISTRATIVE ITEMS AND VARIANCES CONSIDERED BY THE PLANNING COMMISSION

At the September 6, 2022 City Council Meeting, this ordinance was left on the first reading.

B.3 [2022-0721](#)**RENAME ARCHIBALD YELL BOULEVARD TO NELSON HACKETT BOULEVARD:**

A RESOLUTION TO RENAME ARCHIBALD YELL BOULEVARD TO NELSON HACKETT BOULEVARD

At the September 6, 2022 City Council Meeting, this resolution was tabled to the September 20, 2022 City Council Meeting.

C. New Business

C.1 2022-0814**MILLER BOSKUS LACK ARCHITECTS, P.A., D/B/A MBL PLANNING:**

A RESOLUTION TO APPROVE A PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH MILLER BOSKUS LACK ARCHITECTS, P.A., D/B/A MBL PLANNING PURSUANT TO RFQ #21-09, IN THE AMOUNT OF \$212,257.00 FOR THE DEVELOPMENT OF A PRE-APPROVED BUILDING DESIGN PROGRAM, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,613.00, AND TO APPROVE A BUDGET ADJUSTMENT

C.2 2022-0786**2022 MILLAGE LEVY ON REAL AND PERSONAL PROPERTY:**

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2022 FIXING THE RATE THEREOF AT 2.3 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND, 2.5 MILLS FOR FAYETTEVILLE PUBLIC LIBRARY OPERATIONS AND 1.2 MILLS FOR THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

C.3 2022-0787**RZN 22-037: (SE OF W. 18TH ST & W. CUSTER LN/SOUTHERN LIVING CONSTRUCTION LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-037 LOCATED SOUTHEAST OF WEST 18TH STREET AND WEST CUSTER LANE IN WARD 1 FOR APPROXIMATELY 3.10 ACRES FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE AND C-1, NEIGHBORHOOD COMMERCIAL TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

C.4 2022-0788**RZN 22-039 (726 W. TAYLOR ST/BDM REALTY LLC):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-039 LOCATED AT 726 WEST TAYLOR STREET IN WARD 2 FOR APPROXIMATELY 0.70 ACRES FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

C.5 2022-0792**RZN 22-031 (110 S. UNIVERSITY AVE./ROBSON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-031 LOCATED AT 110 SOUTH UNIVERSITY AVENUE IN WARD 2 FOR APPROXIMATELY 0.20 ACRES FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO MSC, MAIN STREET CENTER

C.6 2022-0793**RZN 22-032 (115 & 121 S. UNIVERSITY AVE./ROBSON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-032 LOCATED AT 115 AND 121 SOUTH UNIVERSITY AVENUE IN WARD 2 FOR APPROXIMATELY 0.60 ACRES FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO DG, DOWNTOWN GENERAL

C.7 2022-0794**RZN 22-033 (SE OF S. SMOKEHOUSE TRAIL & W. MARTIN LUTHER KING JR. BLVD./MCNEAL FAMILY INVESTMENTS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-033 LOCATED SOUTHEAST OF SOUTH SMOKEHOUSE TRAIL AND WEST MARTIN LUTHER KING, JR. BOULEVARD IN WARD 1 FOR APPROXIMATELY 2.09 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO UT, URBAN THOROUGHFARE

C.8 2022-0801**RZN 22-036 (6040 W. WEDINGTON DR./HOUSTON):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-036 LOCATED AT 6040 WEST WEDINGTON DRIVE IN WARD 4 FOR APPROXIMATELY 0.39 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE

C.9 2022-0802**RZN 22-038 (201 E. SPRING ST./TEAGUE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-038 LOCATED AT 201 EAST SPRING STREET IN WARD 1 FOR APPROXIMATELY 0.20 ACRES FROM RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

D. City Council Agenda Session Presentations**D.1 2022-0800**

AGENDA SESSION PRESENTATION - PAUL BECKER 2023 LEVY REQUEST AND GENERAL FUND PROJECTED BUDGET

E. City Council Tour:

Southern Living Construction LLC Rezoning Tour (Agenda Item 2022-0787) Date: September 19th, 2022, Time: 4:00 PM, Address: Unaddressed; Four lots south of W. 18th St./W. Custer Ln. on the east side of Custer. Location of prominent overhead electric transmission tower, Parking: Parking is available on-street along the west side of Custer Lane, Request: Rezone the property from RMF-24, Residential Multi-Family, 24 Units per Acre, and C-1, Neighborhood Commercial, to RI-U, Residential Intermediate-Urban.

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.