

# City of Fayetteville, Arkansas

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



## City Council Final Agenda

**Tuesday, October 4, 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](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. 2021-1089**

MONTHLY FINANCIAL REPORT

**Proposed Agenda Additions**

**A. Consent**

**A.1 2021-1059**

APPROVAL OF THE SEPTEMBER 6, 2022 CITY COUNCIL MEETING MINUTES

**A.2 2022-0851**

**FOOD RECYCLING SOLUTIONS, LLC:**

A RESOLUTION TO APPROVE AN AGREEMENT WITH FOOD RECYCLING SOLUTIONS, LLC FOR THE HAULING OF ORGANIC COMPOSTABLES AND RECYCLABLE MATERIAL IN THE CITY OF FAYETTEVILLE

**A.3 2022-0868****HAWKINS-WEIR ENGINEERS, INC. AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$32,240.00 FOR CONSTRUCTION MANAGEMENT SERVICES RELATED TO RECYCLING AND TRASH FACILITY IMPROVEMENTS

**A.4 2022-0853****J.A. RIGGS TRACTOR COMPANY D/B/A RIGGS POWER SYSTEMS, STATION W1:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR GENERATOR FROM J.A. RIGGS TRACTOR COMPANY D/B/A RIGGS POWER SYSTEMS IN THE AMOUNT OF \$74,265.00 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, FOR USE AT THE SOUTH MOUNTAIN PUMP STATION

**A.5 2022-0854****J.A. RIGGS TRACTOR COMPANY DBA RIGGS POWER SYSTEMS, STATION W18:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR GENERATOR FROM J.A. RIGGS TRACTOR COMPANY D/B/A RIGGS POWER SYSTEMS IN THE AMOUNT OF \$55,990.00 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, FOR USE AT THE GULLEY ROAD WATER PUMP STATION

**A.6 2022-0882****ALLTEL CORPORATION DBA VERIZON WIRELESS FIFTH AMENDMENT:**

A RESOLUTION TO APPROVE THE FIFTH AMENDMENT TO THE WATER TOWER ATTACHMENT COMMUNICATIONS SITE AGREEMENT WITH ALLTEL CORPORATION D/B/A VERIZON WIRELESS TO ALLOW VERIZON TO REPLACE THE CELLULAR COMMUNICATIONS EQUIPMENT ON THE OLDER OF THE TWO GULLEY ROAD ELEVATED WATER STORAGE TANKS

**A.7 2022-0858****CRAFTON, TULL & ASSOCIATES, INC.:**

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH CRAFTON, TULL & ASSOCIATES, INC., PURSUANT TO RFQ 22-01 SELECTION #12, IN AN AMOUNT NOT TO EXCEED \$146,780.00 FOR DESIGN SERVICES ASSOCIATED WITH THE LAKE FAYETTEVILLE BALLFIELD RENOVATION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,340.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 PARK IMPROVEMENT BOND PROJECT

**A.8 2022-0862****RECOGNIZE INTEREST REVENUE FOR SALES & USE TAX CAPITAL IMPROVEMENT AND REFUNDING BONDS SERIES 2019:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING INTEREST REVENUE GENERATED FROM THE SALES & USE TAX CAPITAL IMPROVEMENT AND REFUNDING BONDS SERIES 2019

**A.9 2022-0872****BEAVER WATER DISTRICT:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$800,000.00 FOR THE PURCHASED WATER ACCOUNT DUE TO INCREASED WATER USAGE

**A.10 2022-0864****RIGHTSEAT, LLC AGREEMENT:**

A RESOLUTION TO APPROVE A THIRTY (30) YEAR GROUND LEASE AGREEMENT WITH RIGHTSEAT, LLC FOR AIRPORT PROPERTY LOCATED NORTH OF THE DRAKE FIELD TERMINAL BUILDING AT 4200 SOUTH SCHOOL AVENUE FOR THE CONSTRUCTION OF A 80' X 70' HANGAR, WITH AN OPTION TO EXTEND THE GROUND LEASE FOR AN ADDITIONAL TEN (10) YEARS

**A.11 2022-0860****PURCHASE ADDITIONAL LOADS OF FUEL:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$579,000.00 FOR THE PURCHASE OF ADDITIONAL LOADS OF JET FUEL AND AVGAS DUE TO INCREASING FUEL SALES AND RISING FUEL COSTS

**A.12 2022-0867****WT EQUIPMENT OF SPRINGDALE:**

A RESOLUTION TO APPROVE THE PURCHASE OF A BOBCAT E42 COMPACT EXCAVATOR WITH ATTACHMENTS AND TRAILER FROM WT EQUIPMENT OF SPRINGDALE IN THE AMOUNT OF \$101,205.00, PLUS ANY APPLICABLE SALES TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

**A.13 2022-0870****BID #22-43 LEGACY CONSTRUCTION MANAGEMENT, INC.:**

A RESOLUTION TO AWARD BID #22-43 AND AUTHORIZE A CONTRACT WITH LEGACY CONSTRUCTION MANAGEMENT, INC. IN THE AMOUNT OF \$279,684.69 FOR IMPROVEMENTS TO THE RECYCLING AND TRASH COLLECTIONS TRANSFER STATION FLOOR, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$50,000.00

**A.14 2022-0874****CARBON REDUCTION PROGRAM FEDERAL-AID FUNDS:**

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO APPLY FOR AND UTILIZE CARBON REDUCTION PROGRAM FEDERAL-AID FUNDS IN AN AMOUNT OF UP TO \$500,000.00 FOR STREET LIGHTING IMPROVEMENT PROJECTS

**A.15 2022-0884****RAILROAD CROSSING UPGRADE COST AND MAINTENANCE AGREEMENT:**

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE A RAILROAD CROSSING UPGRADE COST AND MAINTENANCE AGREEMENT WITH THE ARKANSAS AND MISSOURI RAILROAD IN THE AMOUNT OF \$839,774.60 FOR MODIFICATIONS REQUIRED FOR THE RAZORBACK ROAD AND 15TH STREET INTERSECTION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$80,000.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND PROJECT

**A.16 2022-0865****U.S. GEOLOGICAL SURVEY JOINT FUNDING AGREEMENT:**

A RESOLUTION TO APPROVE A JOINT FUNDING AGREEMENT WITH THE U.S. GEOLOGICAL SURVEY FOR STREAM GAUGE OPERATION AND MAINTENANCE AND WATER QUALITY SAMPLING AND MONITORING AT VARIOUS LOCATIONS IN THE CITY OF FAYETTEVILLE IN 2022 WITH THE AMOUNT PAID BY THE CITY NOT TO EXCEED \$61,582.00

**A.17**     [2022-0766](#)**RFQ 22-01 OLSSON, INC.:**

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC., PURSUANT TO RFQ #22-01, IN THE AMOUNT OF \$89,900.00 TO PROVIDE AN ASSESSMENT OF LANDS WITH HIGH ECOLOGICAL VALUE AND TO DEVELOP AN ECOSYSTEMS SERVICES PLAN, AND TO APPROVE A PROJECT CONTINGENCY OF \$8,990.00

At the September 6, 2022 City Council Meeting, this resolution was pulled for further discussion and tabled to the October 4, 2022 City Council Meeting.

**A.18**     **2022-0920****RAILROAD CROSSING IMPROVEMENTS APPLICATION GRANT:**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A 80/20 MATCHING GRANT IN THE AMOUNT OF \$312,000.00 FOR RAILROAD CROSSING IMPROVEMENTS THROUGH THE RAILROAD CROSSING ELIMINATION PROGRAM

**B. Unfinished Business****B.1**     [2022-0557](#)**RAZE AND REMOVAL OF STRUCTURE AT 2860 E. WYMAN RD.:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY LEROY H. SCHARFENBERG LOCATED AT 2860 EAST WYMAN ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$17,800.00

At the July 5, 2022 City Council meeting, this resolution was tabled to the August 2, 2022 City Council Meeting. At the August 2, 2022 City Council meeting, this resolution was tabled to the October 4, 2022 City Council meeting.

**B.2**      [2022-0757](#)**VAC 22-018 (W. SLIGO ST AND S. RAZORBACK RD/MEADOW VALE DEVELOPMENT, LLC):**

AN ORDINANCE TO APPROVE VAC 22-018 FOR PROPERTY LOCATED AT WEST SLIGO STREET AND SOUTH RAZORBACK ROAD IN WARD 1 TO VACATE A PORTION OF STREET RIGHT-OF-WAY

At the September 6, 2022 City Council Meeting, this Ordinance was left on the first reading and tabled to the October 4, 2022 City Council Meeting.

**B.3**      [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

At the September 20, 2022 City Council meeting, this resolution was tabled to the October 4, 2022 City Council meeting.

**B.4**      **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

At the September 20, 2022 City Council meeting, this ordinance was left on a first reading.

**C. New Business**

**C.1 2022-0932****REPEAL REDUCTION OF ELECTION STANDARD ALLOWANCE:**

A RESOLUTION TO REPEAL RESOLUTION 89-22 AND TO AUTHORIZE THE REDUCTION OF THE ELECTION OF THE STANDARD ALLOWANCE OF \$10,000,000.00 IN REVENUE LOSSES DUE TO THE PUBLIC HEALTH EMERGENCY CREATED BY THE COVID-19 PANDEMIC FROM THE PREVIOUSLY AWARDED AMERICAN RESCUE PLAN ACT FUNDS TO THE CALCULATED LOSS OF \$6,914,393.00

**C.2 2022-0878****AMEND §118.01 APPLICABILITY, §151.01 DEFINITIONS AND §163.18 SHORT-TERM RENTALS:**

AN ORDINANCE TO AMEND §118.01 **APPLICABILITY** OF THE *FAYETTEVILLE CITY CODE*, AND § 151.01 **DEFINITIONS** AND §163.18 **SHORT-TERM RENTALS** OF THE *UNIFIED DEVELOPMENT CODE* TO REMOVE THE CONDITIONAL USE PERMIT REQUIREMENT FOR TYPE 2 SHORT-TERM RENTALS, AND TO REPEAL THE SUNSET PROVISION

**C.3 2022-0861****VAC 22-021 (927 E. ROCKWOOD TRAIL/THOMPSON):**

AN ORDINANCE TO APPROVE VAC 22-021 FOR PROPERTY LOCATED AT 927 EAST ROCKWOOD TRAIL IN WARD 1 TO VACATE A PORTION OF A UTILITY EASEMENT

**C.4 2022-0866****VAC 22-020 (1070 N. MARINONI DR/MARINONI INC.):**

AN ORDINANCE TO APPROVE VAC 22-020 FOR PROPERTY LOCATED AT 1070 NORTH MARINONI DRIVE IN WARD 4 TO VACATE A PORTION OF A UTILITY EASEMENT

**C.5 2022-0869****RZN 22-041 (1453 SOUTH ROOT LN./HOLT):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-041 LOCATED AT 1453 SOUTH ROOT LANE IN WARD 1 FOR APPROXIMATELY 2.50 ACRES FROM R-A, RESIDENTIAL-AGRICULTURAL TO RSF-1, RESIDENTIAL SINGLE-FAMILY, 1 UNIT PER ACRE

**C.6 2022-0873****RZN 22-042 (N. GREGG AVE AND N. FUTRALL DR/WASHINGTON REGIONAL MEDICAL CENTER):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-042 LOCATED AT THE SOUTHWEST CORNER OF NORTH GREGG AVENUE AND NORTH FUTRALL DRIVE IN WARD 2 FOR APPROXIMATELY 4.05 ACRES FROM C-3, CENTRAL COMMERCIAL TO UT, URBAN THOROUGHFARE

**C.7 2022-0875****RZN 22-034 (113 E. DAVIDSON ST/GRAVES):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-034 LOCATED AT 113 EAST DAVIDSON STREET IN WARD 2 FOR APPROXIMATELY 0.14 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO NS-L, NEIGHBORHOOD SERVICES - LIMITED

**C.8 2022-0876****RZN 22-040 (2255 E. HUNTSVILLE RD/BROOMFIELD):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-040 LOCATED AT 2255 EAST HUNTSVILLE ROAD IN WARD 1 FOR APPROXIMATELY 1.16 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL AND RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES - GENERAL

**C.9 2022-0877****RZN 22-043 (560 W. VAN ASCHE DR./TUNE & TUNE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-043 LOCATED AT 560 WEST VAN ASCHE DRIVE IN WARD 2 FOR APPROXIMATELY 13.56 ACRES FROM R-A, RESIDENTIAL-AGRICULTURAL TO UT, URBAN THOROUGHFARE

**C.10 2022-0879****VAC 22-010 (2015 S. VALE AVENUE/ TITAN VALE, LLC):**

AN ORDINANCE TO APPROVE VAC 22-010 FOR PROPERTY LOCATED AT 2015 SOUTH VALE AVENUE IN WARD 1 TO VACATE A PORTION OF AN ALLEY RIGHT-OF-WAY

**C.11 2022-0880****APPEAL CUP 22-039 (2992 N. OAK BAILEY DR./OAK BAILEY CLUSTER DEVELOPMENT):**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH BUNCH, TERESA TURK, AND SLOAN SCROGGIN TO DENY CONDITIONAL USE PERMIT CUP 2022-039 FOR A CLUSTER HOUSING DEVELOPMENT FOR PROPERTY LOCATED AT 2992 NORTH OAK BAILEY DRIVE IN WARD 3, AND TO DENY A VARIANCE TO § 164.22(D) OF THE UNIFIED DEVELOPMENT CODE TO EXCEED THE MAXIMUM NUMBER OF DWELLING UNITS PERMITTED

**D. City Council Agenda Session Presentations****D.1 2021-1090**

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

**D.2 2022-0806**

AGENDA SESSION PRESENTATION: SUPPORTING LIFELONG SUCCESS (SLS)  
COMMUNITY UPDATE - DEVIN HOWLAND

**E. City Council Tour:**

**Date: October 3rd, 2022, Time: 4:00 PM, Address: 2992 N. Oak Bailey Dr., Parking: Parking is available on-street on Oak Bailey and on the extended driveway apron in to the property from Oak Bailey, Request: Appeal by Council Members Bunch, Scroggin, and Turk on behalf of a resident from the Planning Commission's Conditional Use Permit approval for a 19-unit cluster housing development.**

**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](http://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.