

# City of Fayetteville, Arkansas

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



## City Council Final Agenda

**Tuesday, December 6, 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:**

**Webinar ID: 818 4889 5709**

**Public Registration Link:**

**[https://us06web.zoom.us/webinar/register/WN\\_w9xNGhaiRZqR9bxCPNXaIA](https://us06web.zoom.us/webinar/register/WN_w9xNGhaiRZqR9bxCPNXaIA)**

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items**

**1. 2021-1093**

MONTHLY FINANCIAL REPORT

**Proposed Agenda Additions**

**A. Consent**

**A.1 2021-1063**

APPROVAL OF THE NOVEMBER 15, 2022 CITY COUNCIL MEETING MINUTES

**A.2 2022-1032**

**NORTH AMERICA FIRE EQUIPMENT COMPANY, INC.:**

A RESOLUTION TO APPROVE THE PURCHASE OF LIFESAVING BAILOUT SYSTEM FIREFIGHTING EQUIPMENT FOR THE FIRE DEPARTMENT FROM NORTH AMERICA FIRE EQUIPMENT COMPANY, INC., PURSUANT TO AN NPPGOV COOPERATIVE PURCHASING CONTRACT IN THE AMOUNT OF \$82,915.58 PLUS ANY APPLICABLE TAX AND SHIPPING CHARGES

**A.3 2022-1055****INTERLOCAL AGREEMENT FOR CONTINUATION OF AMBULANCE SERVICES:**

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION OF AMBULANCE SERVICES THROUGH THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICE AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

**A.4 2022-1035****INDUSTRIAL PRECAST, INC., MISSION BOULEVARD TRAIL:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF RETAINING WALL BLOCKS FROM INDUSTRIAL PRECAST, INC., PURSUANT TO RESOLUTION NO. 323-21, IN THE AMOUNT OF \$88,217.05 FOR THE MISSION BOULEVARD TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT - TRAIL IMPROVEMENT BOND PROJECT

**A.5 2022-1034****PREMIER LIGHTING GROUP, MISSION BOULEVARD TRAIL:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF 90 LIGHT POLES AND FIXTURES FROM PREMIER LIGHTING GROUP, PURSUANT TO RESOLUTION NO. 328-21, IN THE AMOUNT OF \$318,549.38 FOR THE MISSION BOULEVARD TRAIL, AND TO APPROVE A BUDGET ADJUSTMENT - TRAIL IMPROVEMENT BOND PROJECT

**A.6 2022-1004****ENERGY SAVINGS PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC. CHANGE ORDER 1:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE ENERGY SAVINGS PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC. IN THE AMOUNT OF \$407,185.00 FOR THE INSTALLATION OF SOLAR PANEL ON THE TOWN CENTER ROOF, AND TO APPROVE A BUDGET ADJUSTMENT, CONTINGENT ON APPROVAL OF THE REPAYMENT CONTRACT WITH ADVERTISING AND PROMOTION COMMISSION

**A.7 2022-1008****FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION SOLAR CONTRACT:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A CONTRACT WITH THE FAYETTEVILLE ADVERTISING AND PROMOTION COMMISSION FOR THE REPAYMENT OF SOLAR ARRAY INSTALLATION COSTS AT THE FAYETTEVILLE TOWN CENTER, AND TO AUTHORIZE A CHANGE ORDER TO THE CITY'S ENERGY SAVINGS PERFORMANCE CONTRACT WITH JOHNSON CONTROLS, INC.

**A.8 2022-1053****CERTIFIED LOCAL GOVERNMENT GRANT APPLICATION, ARKANSAS HISTORIC PRESERVATION PROGRAM:**

A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$20,370.00 THROUGH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR A HISTORIC CONTEXT STATEMENT FOR THE UNIVERSITY HEIGHTS AND HASKELL HEIGHTS NEIGHBORHOODS AND HISTORIC DISTRICT COMMISSION TRAINING WITH A CITY MATCH OF \$5,000.00, AND TO APPROVE A BUDGET ADJUSTMENT CONTINGENT UPON APPROVAL OF THE GRANT

**A.9 2022-1054****INCREASED UTILITY COSTS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$180,000.00 FOR INCREASED UTILITY COSTS

**A.10 2022-1059****SOUTH CATO SPRINGS HOLDINGS, LLC ECONOMIC DEVELOPMENT PROJECT CONTRACT:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN AN ECONOMIC DEVELOPMENT PROJECT CONTRACT WITH SOUTH CATO SPRINGS HOLDINGS, LLC; TO ACCEPT AND APPROVE AN ECONOMIC IMPACT ANALYSIS OF THE PROJECT FROM THE ARKANSAS ECONOMIC DEVELOPMENT INSTITUTE; TO APPROVE THE USE OF \$3,480,000.00 OF ECONOMIC DEVELOPMENT AND STREET FUNDS FOR THE PROJECT; TO AUTHORIZE MAYOR JORDAN TO SIGN A GRANT AGREEMENT WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT AND ACCEPT A \$3,000,000.00 COMMUNITY PROJECT FUND AWARD; AND TO APPROVE A BUDGET ADJUSTMENT

**A.11 2022-1058****CH2M HILL ENGINEERS, INC. AMENDMENT NO. 14:**

A RESOLUTION TO APPROVE AMENDMENT NO. 14 TO THE AGREEMENT FOR OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$8,012,791.00 FOR SERVICES IN 2023, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$380,735.55

**A.12 2022-1068****OLSSON, INC. AMENDMENT NO. 1:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC. IN THE AMOUNT OF \$7,500.00 FOR ADDITIONAL ENGINEERING SERVICES RELATED TO THE MARKHAM ELEVATED WATER STORAGE TANK REHABILITATION PROJECT

**A.13 2022-1073****FRANKLIN EVARTS WATER DAMAGE CLAIM:**

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE AMOUNT OF \$5,682.50 TO FRANKLIN EVARTS FOR WATER MAIN BREAK DAMAGE AT 11 WEST SOUTH STREET

**A.14 2022-1076****WILLIAM BRADLEY WATER DAMAGE CLAIM:**

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE AMOUNT OF \$20,598.34 TO A CLEAN CUT LAWN CARE ON BEHALF OF WILLIAM BRADLEY FOR WATER MAIN BREAK DAMAGE AT 1738 WEST PRATT DRIVE

**A.15 2022-1080****CITY OF GREENLAND SEWER EASEMENT:**

A RESOLUTION TO APPROVE THE CONVEYANCE OF EASEMENTS TO THE CITY OF GREENLAND ACROSS PORTIONS OF CITY OF FAYETTEVILLE PROPERTY LOCATED WEST OF DRAKE FIELD FOR THE INSTALLATION OF SEWER LINES

**A.16 2022-1056****AMERICAN RESCUE PLAN ACT REVENUE LOSS:**

A RESOLUTION TO APPROVE REIMBURSEMENT TO THE CITY'S GENERAL FUND OF THE REMAINING CALCULATED AMERICAN RESCUE PLAN GRANT TO OFFSET REVENUE LOSS INCURRED IN 2021 IN THE AMOUNT OF \$5,095,114.00, AND TO APPROVE A BUDGET ADJUSTMENT

**A.17 2022-1052****GARVER, LLC TASK ORDER NO. 5 WILDLIFE FENCE REHABILITATION PROJECT:**

A RESOLUTION TO APPROVE TASK ORDER NO. 5 WITH GARVER, LLC IN THE AMOUNT OF \$54,000.00 FOR DESIGN, BIDDING AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE WILDLIFE FENCE REHABILITATION PROJECT AT DRAKE FIELD, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,400.00, AND TO APPROVE A BUDGET ADJUSTMENT

**A.18 2022-1063****TERRA FIRMA PROJECT, LLC:**

A RESOLUTION TO APPROVE A THIRTY (30) YEAR GROUND LEASE AGREEMENT WITH TERRA FIRMA PROJECT, LLC FOR AIRPORT PROPERTY LOCATED ON THE EAST SIDE OF DRAKE FIELD OFF OF TAXIWAY E FOR THE CONSTRUCTION OF A 100' X 100' HANGAR, WITH AN OPTION TO EXTEND THE GROUND LEASE FOR AN ADDITIONAL TEN (10) YEAR TERM

**A.19 2022-1098****CITY OF JOHNSON REZONING EAST OF SOUTH BALL STREET:**

A RESOLUTION TO APPROVE THE CITY OF JOHNSON'S REZONING OF THAT PROPERTY DESCRIBED IN REZONING PETITION #2022-21 FOR APPROXIMATELY 10 ACRES LOCATED EAST OF SOUTH BALL STREET FROM A, AGRICULTURAL TO LI, LIGHT INDUSTRIAL

**A.20 2022-1096****AMEND THE RULES OF ORDER AND PROCEDURE:**

A RESOLUTION TO AMEND THE *RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL* CONCERNING PUBLIC COMMENTS

**B. Unfinished Business****B.1 [2022-0517](#)****AN ORDINANCE TO AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES TO CHANGE WATER AND SEWER RATES:**

AN ORDINANCE TO AMEND §51.136 **MONTHLY WATER RATES** AND §51.137 **MONTHLY SEWER RATES** TO CHANGE WATER AND SEWER RATES AS RECOMMENDED BY THE COST OF SERVICE STUDY CONDUCTED BY BLACK & VEATCH

*At the June 21, 2022 City Council meeting, this ordinance was left on the first reading and tabled to the July 19, 2022 City Council meeting.*

*At the July 19, 2022 City Council meeting, this ordinance was left on the first reading and tabled to the December 6, 2022 City Council meeting.*

**B.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

*At the October 4, 2022 City Council meeting, this ordinance was left on the first reading.*

*At the October 18, 2022 City Council meeting, this ordinance was left on the second reading.  
At the November 1, 2022 City Council meeting, this ordinance was left on a third reading, tabled to the December 6, 2022 City Council meeting and sent to the Ordinance Review Committee.*



**B.3**      [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

*At the October 4, 2022 City Council meeting, this Resolution was tabled to the November 15, 2022 City Council meeting.*

*At the November 15, 2022 City Council meeting, this Resolution was tabled to the December 6, 2022 City Council meeting.*

**C. Public Hearing:****C.1**      **2022-1079****RAZE AND REMOVAL OF STRUCTURE AT 3301 SOUTH COACH ROAD:**

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY KEVIN ROY CALHOUN LOCATED AT 3301 SOUTH COACH ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$17,500.00

**D. New Business****D.1**      **2022-1041****REPEAL ARTICLE IX - PEG ADVISORY BOARD OF CHAPTER 33:**

**AN ORDINANCE TO REPEAL ARTICLE IX - PEG ADVISORY BOARD OF CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS, AND AUTHORITIES OF THE FAYETTEVILLE CODE**

**D.2 2022-1051****AMEND §130.39 GRAFFITI:**

AN ORDINANCE TO AMEND §130.39 **GRAFFITI** IN THE *FAYETTEVILLE CODE* TO CREATE A GRAFFITI ABATEMENT PROGRAM

**D.3 2022-1064****RZN 22-046 (822 N. GARLAND AVE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-046 LOCATED AT 822 NORTH GARLAND AVENUE IN WARD 2 FOR APPROXIMATELY 0.10 ACRES FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO CS, COMMUNITY SERVICES

**D.4 2022-1048****VAC 22-023 (680 N. SAMARA CIRCLE RARE BIRD BUILDERS):**

AN ORDINANCE TO APPROVE VAC 22-023 FOR PROPERTY LOCATED AT 680 NORTH SAMARA CIRCLE IN WARD 4 TO VACATE A PORTION OF A UTILITY EASEMENT

**D.5 2022-1078****RZN 22-048 (1657 N. VANDEVENTER AVENUE, OSBORNE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-048 LOCATED AT 1657 NORTH VANDEVENTER AVENUE IN WARD 2 FOR APPROXIMATELY 0.67 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, 24 UNITS PER ACRE

**D.6 2022-1077****RZN 22-045 (WEST OF N. BOX AVENUE):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-045 LOCATED WEST OF NORTH BOX AVENUE IN WARD 3 FOR APPROXIMATELY 1.81 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE

**D.7 2022-1070****AMERICAN RESCUE PLAN ACT CHILDCARE ASSISTANCE PROGRAM:**

A RESOLUTION TO AUTHORIZE THE ESTABLISHMENT OF A CHILDCARE ASSISTANCE PROGRAM UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$500,000.00 TO PROVIDE ASSISTANCE WITH CHILDCARE EXPENSES FOR LOW TO MODERATE INCOME FAMILIES FACING FINANCIAL CHALLENGES DUE TO COVID-19, AND TO APPROVE A BUDGET ADJUSTMENT

**D.8 2022-1071****FAYETTEVILLE PUBLIC LIBRARY SUBRECIPIENT AGREEMENT:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A SUBRECIPIENT AGREEMENT WITH THE FAYETTEVILLE PUBLIC LIBRARY TO IMPLEMENT A JOB SKILL WORKFORCE TRAINING PROGRAM UTILIZING AMERICAN RESCUE PLAN ACT FUNDS IN THE AMOUNT OF \$1,258,579.00, AND TO APPROVE A BUDGET ADJUSTMENT

**D.9 2022-1072****AMERICAN RESCUE PLAN ACT NONPROFIT ASSISTANCE APPLICATIONS:**

A RESOLUTION TO APPROVE SIX AMERICAN RESCUE PLAN ACT NONPROFIT ASSISTANCE APPLICATIONS IN THE TOTAL AMOUNT OF \$324,890.75 TO PROVIDE ECONOMIC ASSISTANCE TO NONPROFIT ORGANIZATIONS UTILIZING AMERICAN RESCUE PLAN ACT FUNDS

**D.10 2022-1075****MHOON FAMILY TRUST CONDEMNATION:**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY THE MHOON FAMILY TRUST NEEDED FOR THE WEST TRANSMISSION WATER MAIN PROJECT

**D.11 2022-1060****WHITE ROCK INVESTMENTS, LLC CONDEMNATION:**

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY WHITE ROCK INVESTMENTS, LLC NEEDED FOR THE LEVERETT AVENUE SIDEWALK PROJECT

**E. City Council Agenda Session Presentations****1. 2022-0969**

AGENDA SESSION PRESENTATION: OZARK REGIONAL TRANSIT STOP IMPROVEMENT PLAN PRESENTATION BY OLSSON ENGINEERING AND DESIGN FIRM.

**2. 2021-1094**

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

**F. City Council Tour****G. Announcements****H. 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.