

City of Fayetteville, Arkansas

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



City Council Final Agenda

Tuesday, February 15, 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

Vacant 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 Kara Paxton

Zoom Information:

City Council Meeting ** Tuesday, February 15 @ 5:30 PM

Public Registration Link:

https://us06web.zoom.us/webinar/register/WN_zA08-VcETgGPYgWHSI97Sg

Webinar ID: 816 5247 0455

Call To Order**Roll Call****Pledge of Allegiance****Mayor's Announcements, Proclamations and Recognitions****City Council Meeting Presentations, Reports and Discussion Items**

1. 2022-0013

CERTIFIED MUNICIPAL CLERK DESIGNATION PRESENTATION - CITY CLERK
TREASURER KARA PAXTON

2. 2022-0077

PUBLIC FACILITIES BOARD MAYOR APPOINTMENT - CHARLIE WATSON

Proposed Agenda Additions

1. 2022-0146

**HABITAT FOR HUMANITY'S PROPOSED HOUSES IN SOUTH
FAYETTEVILLE:**

A RESOLUTION TO WAIVE DEVELOPMENT PERMIT FEES FOR HABITAT FOR
HUMANITY'S PROPOSED HOUSES IN SOUTH FAYETTEVILLE

A. Consent

A.1 2021-1044

APPROVAL OF THE FEBRUARY 1, 2022 CITY COUNCIL MEETING MINUTES

A.2 2022-0076**SAFE CAMP:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$29,500.00 TO PAY FOR VEGETATION REMOVAL AND TRASH CLEAN UP AT THE FORMER SAFE CAMP LOCATION

A.3 2022-0083**2022/2023 ASPHALT OVERLAY/SIDEWALKS PROJECTS:**

A RESOLUTION TO APPROVE THE TRANSPORTATION DIVISION OVERLAY AND SIDEWALK PROJECTS LIST FOR 2022 AND 2023

A.4 2022-0075**2021-22 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT:**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF THE EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FOR THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$153,180.00, AND TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS

A.5 2022-0094**MOTOROLA SOLUTIONS INCORPORATED:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH MOTOROLA SOLUTIONS INC. IN THE AMOUNT OF \$893,228.90 PLUS APPLICABLE TAX AND FREIGHT CHARGES FOR THE PURCHASE OF RADIO EQUIPMENT, DESIGN, INSTALLATION, AND SOFTWARE AT THE CENTRAL DISPATCH CENTER LOCATED AT THE NEW POLICE HEADQUARTERS, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$82,000.00

A.6 2022-0095**XYBIX SYSTEMS:**

A RESOLUTION TO APPROVE THE PURCHASE OF DISPATCH FURNITURE FOR THE CENTRAL DISPATCH CENTER FROM XYBIX SYSTEMS, INC. IN THE AMOUNT OF \$170,396.37 PLUS ANY APPLICABLE TAX AND DELIVERY CHARGES, PURSUANT TO A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING CONTRACT

A.7 2022-0092**COMMUNITY ACCESS TELEVISION D/B/A YOUR MEDIA:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$12,000.00 RECOGNIZING CONTRACT PRODUCTION REVENUE FROM COMMUNITY ACCESS TELEVISION D/B/A YOUR MEDIA AND TO INCREASE THE RELATED PROMOTIONAL ACTIVITIES BUDGET

A.8 2022-0079**RFQ # 19-05 FLINTCO, LLC CHANGE ORDER #7 - 2019 TRANSPORTATION BOND PROJECT:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 7 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH FLINTCO, LLC FOR THE PORTER ROAD AND DEANE STREET ROUNDABOUT AS PART OF THE POLICE HEADQUARTERS PROJECT IN THE AMOUNT OF \$4,169,565.00, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$280,000.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT

A.9 2022-0044**BURNS & MCDONNELL ENGINEERING COMPANY, INC. SUPPLEMENT AGREEMENT NO. 2:**

A RESOLUTION TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 TO THE CONTRACT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$28,282.00 FOR A DETAILED NOISE ANALYSIS REQUIRED BY THE FEDERAL HIGHWAY ADMINISTRATION ASSOCIATED WITH THE HIGHWAY 112 IMPROVEMENT PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

B. Unfinished Business**B.1 2022-0039****RZN-2021-081 (3373 N. COLLEGE AVE./LEWIS FORD):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-081 LOCATED AT 3373 NORTH COLLEGE AVENUE FOR APPROXIMATELY 6.98 ACRES FROM C-2, THOROUGHFARE COMMERCIAL TO UT, URBAN THOROUGHFARE

At the February 1, 2022 City Council meeting this ordinance was left on the first reading.

B.2 2022-0041**RZN-2021-082 (582 N. MISSION BLVD./FALCONS LANDING, LLC.):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-082 LOCATED AT 582 NORTH MISSION BOULEVARD FOR APPROXIMATELY 0.41 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

At the February 1, 2022 City Council meeting this ordinance was left on the second reading.

C. New Business

C.1 2022-0088

APPEAL CUP-2021-052 (3349 W. WEDINGTON DR./GLIDE XPRESS CAR WASH):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS TERESA TURK, HOLLY HERTZBERG AND MARK KINION AND APPROVE THE CONDITIONAL USE PERMIT CUP 2021-052 FOR A GLIDE XPRESS CAR WASH AT 3349 WEST WEDINGTON DRIVE

C.2 2022-0074

VAC-2022-001 (2875 W. MARTIN LUTHER KING JR. BLVD./WALMART #144):

AN ORDINANCE TO APPROVE VAC 22-01 FOR PROPERTY LOCATED AT 2875 WEST MARTIN LUTHER KING JUNIOR BOULEVARD TO VACATE A PORTION OF A GENERAL UTILITY EASEMENT

C.3 2022-0081

RZN-2021-087 (N. FUTRALL DR. BETWEEN WEDINGTON DR. & MLK BLVD./BARNES SOUTH):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-087 LOCATED ON NORTH FUTRALL DRIVE BETWEEN WEDINGTON DRIVE AND MARTIN LUTHER KING JUNIOR BOULEVARD FOR APPROXIMATELY 9.40 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

C.4 2022-0082**RZN-2021-092 (SOUTH OF 375 N. RUPPLE D./RIVERWOOD HOMES & MCBRYDE FAMILY):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-092 LOCATED SOUTH OF 375 NORTH RUPPLE ROAD FOR APPROXIMATELY 5.34 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES AND APPROXIMATELY 0.34 ACRES FROM CS, COMMUNITY SERVICES TO R-A, RESIDENTIAL AGRICULTURAL

C.5 2022-0084**RZN-2021-089 (SOUTH OF 1936 S. SHILOH DR./DDB INVESTMENTS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-089 LOCATED SOUTH OF 1936 SOUTH SHILOH DRIVE FOR APPROXIMATELY 9.11 ACRES FROM I-1, HEAVY COMMERCIAL AND LIGHT INDUSTRIAL TO CS, COMMUNITY SERVICES

C.6 2022-0087**RPZD-2021-006 (500 N. SEQUOYAH DR./HIGH ACRES):**

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 2021-006 FOR APPROXIMATELY 3.83 ACRES LOCATED AT 500 NORTH SEQUOYAH DRIVE

C.7 2022-0089**EXPRESS THE INTENT TO SELL APPROXIMATELY 30.06 ACRES COMMERCE DISTRICT:**

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 30.06 ACRES OF CITY PROPERTY LOCATED IN THE COMMERCE DISTRICT

C.8 2022-0069**HFI FLETCHER, LLC:**

AN ORDINANCE TO WAIVE FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH HFI FLETCHER, LLC FOR ADDITIONAL LOW IMPACT DEVELOPMENT MEASURES TO HELP ALLEVIATE DOWNSTREAM DRAINAGE ISSUES ON FLETCHER AVENUE WITH A REFUND IN AN AMOUNT NOT TO EXCEED \$16,567.13 TO BE PAID BY THE CITY OF FAYETTEVILLE

C.9 2022-0038

AMEND SECTIONS 156.03 DEVELOPMENT, PARKING AND LOADING, 166.02 DEVELOPMENT REVIEW PROCESS, 168.07 PERMIT PROCEDURES, 168.09 APPEALS AND 168.10 PROVISIONS FOR FLOOD HAZARD REDUCTION:

AN ORDINANCE TO AMEND SECTIONS 156.03 **DEVELOPMENT, PARKING AND LOADING**, 166.02 **DEVELOPMENT REVIEW PROCESS**, 168.07 **PERMIT PROCEDURES**, 168.09 **APPEALS** AND 168.10 **PROVISIONS FOR FLOOD HAZARD REDUCTION** OF THE *UNIFIED DEVELOPMENT CODE* TO ADDRESS INCORRECT REFERENCES, CLARIFY WHAT QUALIFIES AS EXISTING IMPERVIOUS AREA, AND REMOVE REDUNDANCIES AND AMBIGUITIES FROM THE FLOOD DAMAGE PREVENTION CODE

C.10 2022-0086**AMEND ORDINANCE NO. 6393:**

AN ORDINANCE TO AMEND ORDINANCE NO. 6393 BY REMOVING SECTION 3, WHICH REQUIRES DEVELOPMENT APPROVAL AND THE POSTING OF A BOND BEFORE THE MAYOR CAN SIGN THE AGREEMENTS FOR THE NEW RAILROAD CROSSING AT FUTRALL DRIVE AND GREGG AVENUE

C.11 2022-0090**AMEND ARTICLE XXIII ACTIVE TRANSPORTATION ADVISORY COMMITTEE:**

AN ORDINANCE TO AMEND §33.350 **PURPOSE AND ESTABLISHMENT**, §33.351 **COMPOSITION**, §33.352 **TERMS OF OFFICE** AND §33.354 **MEETINGS** OF ARTICLE XXIII **ACTIVE TRANSPORTATION ADVISORY COMMITTEE** TO INCREASE THE NUMBER OF RESIDENTS ON THE COMMITTEE

C.12 2022-0100**REVISED WARD BOUNDARIES:**

AN ORDINANCE TO APPROVE REVISED WARD BOUNDARIES TO EQUALIZE WARD POPULATIONS AFTER THE 2020 FEDERAL CENSUS AND TO AMEND §32.03 OF THE FAYETTEVILLE CODE

C.13 2022-0130**AMEND §118.01 APPLICABILITY AND §163.18 SHORT-TERM RENTALS:**

AN ORDINANCE TO AMEND §118.01 **APPLICABILITY** OF THE *FAYETTEVILLE CITY CODE* AND §163.18 **SHORT-TERM RENTALS** OF THE *UNIFIED DEVELOPMENT CODE* TO EXTEND THE SHORT-TERM RENTAL START-UP PERIOD FROM NINE MONTHS TO TWELVE MONTHS, AND TO DECLARE AN EMERGENCY

D. City Council Agenda Session Presentations**E. City Council Tour****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 be broken into segments of three and two minutes. 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.

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 rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. 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.