

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, September 5, 2023

5:30 PM

City Hall Room 219

City Council Members

Vacant Ward 1

Council Member D'Andre Jones Ward 1

Council Member Sarah Moore Ward 2

Council Member Mike Wiederkehr Ward 2

Council Member Scott Berna 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:

1. **WEBINAR: 810 5278 5824**
PUBLIC REGISTRATION LINK:
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/
WN_LZXNS78IRJCCDWZ_ZGQOCQ](https://us06web.zoom.us/join/95181720147?pwd=ZGQ0Q0Rlc1ZkdzR5eU50aUJhZG9kL0pXNS78IRJCCDWZ_ZGQOCQ)

CALL TO ORDER**ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS****CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS**

1. **MONTHLY FINANCIAL REPORT - CHIEF FINANCIAL OFFICER**

PROPOSED AGENDA ADDITIONS**A. CONSENT**

- A.1. **APPROVAL OF THE AUGUST 15, 2023 CITY COUNCIL MEETING MINUTES**
(2023-560)

- A.2. **BIG BEAR SHREDDING (SERVICE CONTRACT):**

A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED FINAL DOCUMENT LIST PURSUANT TO RELEVANT SECTIONS OF THE ARKANSAS CODE RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS (2023-1013)

- A.3. **MCCLELLAND CONSULTING ENGINEERS, INC (CONTRACT AMENDMENT #3):**

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$59,609.00 TO PROVIDE ADDITIONAL SERVICES ASSOCIATED WITH THE WEST CENTER STREET AND NORTH HARMON AVENUE INTERSECTION PROJECT – 2019 STREET IMPROVEMENTS BOND PROJECT (2023-955)

- A.4. **APAC-CENTRAL, INC. (SERVICE CONTRACT):**

A RESOLUTION TO AWARD BID #23-22 AND AUTHORIZE A CONTRACT

WITH APAC-CENTRAL, INC. IN THE AMOUNT OF \$1,809,765.00 FOR THE CONSTRUCTION OF THE 15TH AND RAZORBACK RD. INTERSECTION IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$180,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 STREET IMPROVEMENT BOND PROJECT (2023-1014)

A.5. SPATCO ENERGY SOLUTIONS, LLC (PURCHASE AGREEMENT):

A RESOLUTION TO ACCEPT A QUOTE IN THE AMOUNT OF \$35,340.90 PLUS APPLICABLE TAXES FROM SPATCO ENERGY SOLUTIONS FOR UPGRADED FUEL INVENTORY AND MANAGEMENT SOFTWARE, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,534.09, AND TO APPROVE A BUDGET ADJUSTMENT (2023-949)

A.6. STANTEC CONSULTING SERVICES, INC. (SERVICE AGREEMENT):

A RESOLUTION TO AUTHORIZE A CONTRACT WITH STANTEC CONSULTING SERVICES, INC., PURSUANT TO RFP 23-07, IN THE AMOUNT OF \$24,671.00, TO DEVELOP A HISTORIC CONTEXT STATEMENT FOR THE UNIVERSITY HEIGHTS AND HASKELL HEIGHTS NEIGHBORHOODS (2023-966)

A.7. RECREATIONAL TRAIL PROGRAM (GRANT ACCEPTANCE):

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO ACCEPT AND UTILIZE FEDERAL-AID RECREATIONAL TRAILS PROGRAM FUNDS IN THE AMOUNT OF \$100,000.00 FOR THE TRAILS AT LAKE FAYETTEVILLE REGIONAL PARK, TO APPROVE A CITY MATCH OF \$20,000.00 FOR THE PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1012)

A.8. TITAN AVIATION FUELS (SERVICE CONTRACT):

A RESOLUTION TO AWARD RFP 23-06 AND APPROVE A ONE (1) YEAR CONTRACT WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE (1) YEAR TERMS WITH TITAN AVIATION FUELS FOR THE PROVISION OF AVIATION FUEL AND REFUELER TRUCKS FOR DRAKE FIELD (2023-1019)

A.9. SPATCO ENERGY SOLUTIONS, LLC (CONSTRUCTION CONTRACT):

A RESOLUTION TO AUTHORIZE A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$274,398.97 WITH SPATCO ENERGY SOLUTIONS, LLC FOR THE FUEL FARM REHABILITATION PROJECT AT DRAKE FIELD, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$31,939.90, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1018)

A.10. FYV WILDLIFE REHABILITATION (FAA GRANT ACCEPTANCE, CONSTRUCTION CONTRACT, CHANGE ORDER 1):

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION GRANT IN THE AMOUNT OF \$475,738.00 TO FUND 90% OF THE COST OF AN ENVIRONMENTAL ASSESSMENT FOR THE WILDLIFE FENCE REHABILITATION PROJECT AT DRAKE FIELD; TO APPROVE A CONSTRUCTION CONTRACT IN THE AMOUNT OF \$475,956.00 WITH MILESTONE CONSTRUCTION COMPANY, LLC; TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$54,596.00; TO APPROVE A NO COST CHANGE ORDER WITH MILESTONE CONSTRUCTION COMPANY, LLC; AND TO APPROVE A BUDGET ADJUSTMENT (2023-1015)

A.11. ARKANSAS DEPARTMENT OF TRANSPORTATION (UTILITY RELOCATION AGREEMENT):

A RESOLUTION TO APPROVE A UTILITY RELOCATION AGREEMENT WITH THE ARKANSAS STATE HIGHWAY COMMISSION FOR UTILITY RELOCATIONS RELATED TO THE HIGHWAY 62 INTERCHANGE IMPROVEMENTS PROJECT (2023-1022)

A.12. STRUCTURAL PRESERVATION SYSTEMS, LLC (CHANGE ORDER NO. 3):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 3 TO THE DESIGN-BUILD CONTRACT WITH STRUCTURAL PRESERVATION SYSTEMS, LLC IN AN AMOUNT NOT TO EXCEED \$7,884,343.00 TO REHABILITATE THE SEWER PIPELINE AND STABILIZE THE TUNNEL UNDER THE SOUTHBOUND HIGHWAY 112 EXIT RAMP ON I-49, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1023)

A.13. FIREFIGHTER INSPIRATION READINESS AND EDUCATION, LLC (PURCHASE AGREEMENT):

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND ACCEPT A QUOTE FOR THE PURCHASE OF A FIREGROUND COMMAND TRAINING COURSE FROM FIREFIGHTER INSPIRATION READINESS AND EDUCATION, LLC IN THE AMOUNT OF \$106,000.00 (2023-965)

A.14. LION MANUFACTURING (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF BUNKER GEAR COATS AND PANTS FROM LION MANUFACTURING THROUGH NAFECO, INC., PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, IN THE AMOUNT OF \$49,811.14 PLUS APPLICABLE TAXES AND FREIGHT CHARGES (2023-967)

A.15. MOTOROLA SOLUTIONS (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A DC (DIRECT CURRENT) REVERT SYSTEM FOR THE FAYETTEVILLE RADIO TOWER SITES FROM MOTOROLA SOLUTIONS IN THE AMOUNT OF \$108,915.00

PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A NASPO VALUE POINT COOPERATIVE PURCHASING AGREEMENT (2023-1010)

A.16. 4TH JUDICIAL DISTRICT DRUG TASK FORCE (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2023 JUSTICE ASSISTANCE AND STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT IN THE TOTAL AMOUNT OF \$226,235.00 WITH A LOCAL MATCH IN THE AMOUNT OF \$46,066.00 WHICH WILL BE USED TO PAY A PORTION OF THE SALARIES AND BENEFITS OF 4TH JUDICIAL DISTRICT DRUG TASK OFFICERS WITH THE FAYETTEVILLE, SPRINGDALE, AND PRAIRIE GROVE POLICE DEPARTMENTS AND THE WASHINGTON COUNTY SHERIFF'S OFFICE (2023-1007)

A.17. 2023 PROJECT SAFE NEIGHBORHOODS (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A PROJECT SAFE NEIGHBORHOOD GRANT AWARD IN THE AMOUNT OF \$18,114.00 FOR THE FAYETTEVILLE POLICE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1017)

B. UNFINISHED BUSINESS

B.1. HISTORIC BLACK DISTRICT PRESERVATION (LAND PURCHASE):

A RESOLUTION TO AUTHORIZE THE MAYOR OF THE CITY OF FAYETTEVILLE TO PURCHASE REAL ESTATE TO BE RETURNED TO THE NWA BLACK HERITAGE ASSOCIATION FOR RESTORATION, REDEVELOPMENT, AND ADVANCEMENT TO THE AFRICAN AMERICAN COMMUNITY INTO THE VIBRANT AND THRIVING DISTRICT IT IS MEANT TO BE (2023-754)

AT THE JUNE 6, 2023 CITY COUNCIL MEETING, THIS ITEM WAS TABLED TO THE SEPTEMBER 5, 2023 CITY COUNCIL MEETING.

B.2. REZONING - 2023-0017: (N. TRUCKERS DR./THE LENNON, 208):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-017 LOCATED NEAR NORTH TRUCKERS DRIVE IN WARD 2 FOR APPROXIMATELY 20.23 ACRES FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE (2023-952)

AT THE AUGUST 15, 2023 CITY COUNCIL MEETING, THIS ITEM WAS LEFT ON THE FIRST READING.

C. NEW BUSINESS

C.1. KUTAK ROCK, LLP (CONTRACT EXTENSION):

A RESOLUTION TO APPROVE A CONTRACT WITH KUTAK ROCK, LLP PURSUANT TO RFQ 18-14 FOR BOND COUNSEL SERVICES AS NEEDED THROUGH DECEMBER 31, 2024 (2023-1008)

C.2. STEPHENS, INC. (CONTRACT EXTENSION):

A RESOLUTION TO APPROVE A CONTRACT WITH STEPHENS, INC. PURSUANT TO RFQ 18-15 FOR BOND UNDERWRITING AND RELATED SERVICES AS NEEDED THROUGH DECEMBER 31, 2024 (2023-1009)

C.3. UDC ORDINANCE - DATA CENTERS/DIGITAL ASSET MINING FACILITIES (AMENDMENT):

AN ORDINANCE TO AMEND §151.01 DEFINITIONS; §161.31 DISTRICT I-2, GENERAL INDUSTRIAL; AND §162.01 ESTABLISHMENT/LISTING; AND TO ENACT §164.27 DATA CENTERS IN THE UNIFIED DEVELOPMENT CODE TO ADDRESS EXTERNAL NOISE ATTENUATION OF DATA CENTERS AND TO PREVENT NOISE DISTURBANCES IN THE CITY OF FAYETTEVILLE, AND TO DECLARE AN EMERGENCY (2023-957)

C.4. VACATION - 2023-0003: (N. SHILOH DR/JUNCTION AT SHILOH, 363):

AN ORDINANCE TO APPROVE VAC 23-0003 FOR PROPERTY LOCATED NEAR N. SHILOH DR. IN WARD 4 TO VACATE A PORTION OF UTILITY EASEMENT (2023-1020)

C.5. REZONING - 2023-0019: (1634 W. MARTIN LUTHER KING JR BLVD./GREEN MEADOW CAPITAL, 521):

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-019 LOCATED AT 1634 WEST MARTIN LUTHER KING JR BLVD IN WARD 1 FOR APPROXIMATELY 0.88 ACRES FROM R-O, RESIDENTIAL-OFFICE AND C-2, THOROUGHFARE COMMERCIAL, TO C-2 THOROUGHFARE COMMERCIAL (2023-1016)

C.6. LAURA GRAY (WATER DAMAGE CLAIM):

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE TOTAL AMOUNT OF \$50,000.00 TO LAURA GRAY FOR A WATER DAMAGE CLAIM ARISING AT 1284 EAST SHADOW RIDGE DRIVE, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1021)

C.7. APPEAL: CONDITIONAL USE PERMIT - 2023-0073: (10 S. PALMER AVE./ BEYKIRCH, 521):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, HOLLY HERTZBERG, AND D'ANDRE JONES AND APPROVE

CONDITIONAL USE PERMIT CUP 2023-073 FOR A SHORT-TERM RENTAL
AT 10 SOUTH PALMER AVENUE (2023-1006)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

**D.1. SALES TAX REPORT - PAUL BECKER AND ENERGY REPORT - PETER
NIERENGARTEN**

D.2. FAYETTEVILLE HOUSING REPORT (1 OF 3) - BRITIN BOSTICK

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: 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.