

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, February 6, 2024

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford 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 ID: 861 9517 1380**
PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_WCFAH36NTE6G9O43WDUHZA](https://us06web.zoom.us/join/86195171380)

CALL TO ORDER

ROLL CALL

PLEDGE OF ALLEGIANCE

MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS

1. **FAYETTEVILLE HIGH SCHOOL FOOTBALL TEAM AND THE FAYETTEVILLE ATHLETIC DEPARTMENT RECOGNITION BY MAYOR LIONELD JORDAN**

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 JANUARY 18, 2024 CITY COUNCIL MEETING MINUTES**

- A.2. **PLAY SAFELY SPORTS (SERVICE AGREEMENT):**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH PLAY SAFELY SPORTS TO PROVIDE YOUTH INJURY MITIGATION COURSES FOR ATHLETIC PERSONNEL AND COACHES AT A COST OF \$20.00 PER PERSON, AND TO APPROVE A BUDGET ADJUSTMENT (2023-1552)

- A.3. **COMMUNITY ACCESS TELEVISION, INC. (SERVICE CONTRACT):**

A RESOLUTION TO APPROVE A CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA IN THE AMOUNT OF \$211,216.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2024 (2024-277)

- A.4. **JUNK-IT, LLC. (SERVICE CONTRACT):**

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND JUNK-IT, LLC. TO HAUL AND DISPOSE OF SOLID WASTE WITHIN THE CITY (2024-1624)

A.5. FORVIS, LLP. (SERVICE CONTRACT):

A RESOLUTION TO APPROVE THE SECOND ONE YEAR CONTRACT WITH FORVIS, LLP. FOR AUDITING SERVICES FOR THE 2024 AUDIT IN AN AMOUNT NOT TO EXCEED \$175,647.00, WITH AN OPTION TO RENEW FOR UP TO THREE ADDITIONAL ONE YEAR TERMS (2024-1676)

A.6. 2019 PHASE I BONDS (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$308,612.00 RECOGNIZING INTEREST REVENUE GENERATED FROM THE SALES & USE TAX CAPITAL IMPROVEMENT AND REFUNDING BONDS SERIES 2019 (2024-1672)

A.7. EVANS ENTERPRISES, INC. (PUMP REPAIR):

A RESOLUTION TO ACCEPT A QUOTE IN THE AMOUNT OF \$54,300.00 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FROM EVANS ENTERPRISES, INC. FOR THE REPAIR OF A PUMP USED AT THE HAMESTRING SEWER LIFT STATION (2024-1638)

A.8. EASEMENT CONDEMNATION (UTILITY RELOCATIONS):

A RESOLUTION TO AUTHORIZE THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY FAYETTEVILLE STUDENT HOUSING DST NEEDED FOR THE UTILITY RELOCATIONS ASSOCIATED WITH ARDOT PROJECT 040846 I-49 MLK INTERCHANGE (2024-1684)

A.9. PETROPLUS, LLC. (COST SHARE):

A RESOLUTION TO AUTHORIZE A COST SHARE WITH PETROPLUS, LLC. IN THE AMOUNT OF \$102,577.80 TO COMPLETE IMPROVEMENTS ASSOCIATED WITH PORTIONS OF THE NORTH STREET BOND PROJECT AND TO APPROVE A BUDGET ADJUSTMENT – 2019 STREET IMPROVEMENT BOND PROJECT (2023-1165)

A.10. BLACK HILLS ENERGY ARKANSAS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH BLACK HILLS ENERGY ARKANSAS, INC. IN THE AMOUNT OF \$90,950.84 FOR UTILITY RELOCATIONS ASSOCIATED WITH THE MIDTOWN CORRIDOR PROJECT ALONG DEANE STREET, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND PROJECT (2024-1682)

A.11. SOUTH PLAZA PROPERTY LAND SALE (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$1,244,144.00 ALLOCATING PROCEEDS FROM THE SALE OF THE SOUTH PLAZA PROPERTY TO REINDL PROPERTIES INC. (2024-1664)

A.12. DC SPARKS CONSTRUCTION, LLC. (CHANGE ORDER #1):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE FLEET SHOP EXPANSION CONTRACT WITH DC SPARKS CONSTRUCTION, LLC. IN THE AMOUNT OF \$272,328.84 TO PROVIDE AND INSTALL AN OVERHEAD CRANE, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1668)

A.13. AFTERGLOW AIRCRAFT SOLUTIONS - PAINT FACILITY (LEASE AGREEMENT):

A RESOLUTION TO APPROVE A FIVE YEAR LEASE AGREEMENT WITH EXCLUSIVE FLIGHT, LLC. D/B/A AFTERGLOW AIRCRAFT SOLUTIONS FOR THE AIRPORT HANGAR AT 4158 SOUTH SCHOOL AVENUE FOR RENT IN THE AMOUNT OF \$901.00 PER MONTH (2024-1680)

A.14. AFTERGLOW AIRCRAFT SOLUTIONS (LEASE AGREEMENT):

A RESOLUTION TO APPROVE A FIVE YEAR LEASE AGREEMENT WITH EXCLUSIVE FLIGHT, LLC. D/B/A AFTERGLOW AIRCRAFT SOLUTIONS FOR THE AIRPORT HANGAR AT 4580 SOUTH SCHOOL AVENUE FOR RENT IN THE AMOUNT OF \$2,641.77 PER MONTH (2024-1679)

A.15. DIAMOND WASTE SERVICES, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND DIAMOND WASTE, LLC. TO HAUL AND DISPOSE OF SOLID WASTE WITHIN THE CITY (2023-1591)

A.16. HAPPY HOLLOW FUEL CANOPY REPLACEMENT (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$49,341.00 FOR THE CONSTRUCTION, REPAIR AND REPLACEMENT OF THE FLEET FUEL CANOPY AT THE HAPPY HOLLOW COMPLEX (2024-1658)

A.17. WASTE RECYCLE EQUIPMENT SALES, LLC. (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF A MARATHON GALAXY BALER FROM WASTE RECYCLE EQUIPMENT SALES, LLC. IN THE AMOUNT OF \$664,174.00, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-1666)

A.18. JA RIGGS TRACTOR, CO. (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR WHEEL LOADER WITH WASTE PACKAGE FROM J.A. RIGGS TRACTOR COMPANY D/B/A RIGGS CAT IN THE AMOUNT OF \$325,370.68 PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-3)

A.19. AR MUNICIPAL EQUIPMENT, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE PETERBILT REFUSE TRUCKS FROM ARKANSAS MUNICIPAL EQUIPMENT, INC. IN THE TOTAL AMOUNT OF \$1,046,583.50, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-4)

A.20. CLARK EQUIPMENT COMPANY (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE BOBCATS FROM CLARK EQUIPMENT COMPANY D/B/A BOBCAT COMPANY THROUGH LOCAL DEALER WT EQUIPMENT IN THE TOTAL AMOUNT OF \$118,822.24, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2024-5)

A.21. LEWIS FORD SALES, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF FIVE FORD VEHICLES FROM LEWIS FORD OF FAYETTEVILLE IN THE TOTAL AMOUNT OF \$214,124.00 PLUS ANY ADDITIONAL SURCHARGES, FREIGHT CHARGES, OR DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, PURSUANT TO ORDINANCE 6491 (2024-8)

A.22. FORD RE-ORDER (REPEAL 69-23):

A RESOLUTION TO REPEAL RESOLUTION NO. 69-23; TO AUTHORIZE THE PURCHASE OF TWO VEHICLES FROM LEWIS FORD OF FAYETTEVILLE IN THE TOTAL AMOUNT OF \$112,202.34; TO AUTHORIZE THE PURCHASE OF TWO VEHICLES FROM SUPERIOR AUTOMOTIVE GROUP OF SILOAM SPRINGS IN THE TOTAL AMOUNT OF \$83,771.00; TO AUTHORIZE A CONTINGENCY FOR ANY APPLICABLE SURCHARGES, FREIGHT CHARGES AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE; AND TO APPROVE A BUDGET ADJUSTMENT (2024-10)

A.23. PARTS, TEAR DOWN, INSPECT AND REPAIR SERVICES (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF PARTS AND REPAIR SERVICES FROM ORIGINAL EQUIPMENT MANUFACTURERS OR THEIR AUTHORIZED VENDORS OR REPAIR LOCATIONS TO TEAR DOWN, INSPECT, REPAIR AND MAINTAIN WARRANTY WHERE APPLICABLE FOR VEHICLE AND EQUIPMENT REPAIRS AS NEEDED THROUGH DECEMBER 31, 2024, WITHIN THE APPROVED BUDGET (2024-11)

A.24. WT EQUIPMENT (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF A NEW HOLLAND TRACTOR FROM WT EQUIPMENT IN THE AMOUNT OF \$101,910.24, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-1632)

A.25. HAZMAT RESPONSE REVENUE (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,299.00 RECOGNIZING HAZMAT RESPONSE REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET (2024-9)

A.26. MOTOROLA SOLUTIONS, INC. (DINSMORE DECOMMISSION):

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND ACCEPT A QUOTE FROM MOTOROLA SOLUTIONS, INC. IN THE AMOUNT OF \$36,249.09 PLUS ANY APPLICABLE TAXES TO DECOMMISSION LEGACY RADIO EQUIPMENT LOCATED AT THE DINSMORE TRAIL TOWER SITE (2024-1673)

A.27. 2024 ADOPTED BUDGET (RE-APPROPRIATION AMENDMENT):

A RESOLUTION TO AMEND THE 2024 ADOPTED BUDGET BY REAPPROPRIATING \$155,665,000.00 IN BONDED OR ONGOING CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS AND GRANT FUNDED ITEMS (2024-1681)

B. UNFINISHED BUSINESS

B.1. STEARNS STREET EXTENSION (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TO CREATE A PROJECT BUDGET FOR AN EXTENSION OF STEARNS STREET BETWEEN VANTAGE DRIVE AND OLD MISSOURI ROAD (2023-1593)

AT THE JANUARY 18, 2024 CITY COUNCIL MEETING, THIS RESOLUTION WAS TABLED TO THE FEBRUARY 6, 2024 CITY COUNCIL MEETING.

C. NEW BUSINESS

C.1. 2633 N. GREGG AVENUE (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF PROPERTY LOCATED AT 2633 N. GREGG AVENUE OWNED BY QUALITY LIFE ASSOCIATES, INC. IN THE AMOUNT OF \$525,000.00 PLUS \$10,000.00 FOR CLOSING COSTS, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND PROJECT (2024-1678)

C.2. WOOLSEY HOMESTEAD (ASSET TRANSFER):

A RESOLUTION TO APPROVE THE TRANSFER OF THE WOOLSEY FARMSTEAD PROPERTY FROM THE UTILITIES DEPARTMENT TO THE PARKS, NATURAL RESOURCES, AND CULTURAL AFFAIRS DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT (2024-276)

C.3. SPOUT SPRINGS HISTORIC DISTRICT (PETITION SIGNATURE):

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN THE PROPOSED SPOUT SPRING HISTORIC DISTRICT PETITION AGREEING THAT THE CITY OWNED PROPERTY OF THE YVONNE RICHARDSON COMMUNITY CENTER SHALL BE INCLUDED WITHIN THE SPOUT SPRING HISTORIC DISTRICT (2024-1665)

C.4. URBAN FORESTRY MANAGEMENT PLAN (APPROVAL):

A RESOLUTION TO APPROVE AND ADOPT THE URBAN FORESTRY MANAGEMENT PLAN (2024-1677)

C.5. OUTDOOR REFRESHMENT AREA (AMENDMENTS):

AN ORDINANCE TO AMEND §111.07 OUTDOOR REFRESHMENT AREA TO AMEND THE EVELYN HILLS OUTDOOR REFRESHMENT AREA PROVISIONS, AND TO CREATE PROVISIONS FOR SUSPENDING OR REVOKING A BUSINESS'S ABILITY TO PARTICIPATE IN AN OUTDOOR REFRESHMENT AREA (2024-1671)

C.6. 2141 NORTH GREEN ACRES ROAD (RAZE AND REMOVAL):

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY MULLINS PROPERTY MANAGEMENT LLC; C/O JOHN MULLINS LOCATED AT 2141 NORTH GREEN ACRES ROAD IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$10,644.00 (2024-1667)

C.7. REZONING-2023-0030: (WEST OF 2558 W. VALLEY DR./REDBRIDGE DEVELOPMENT LTD., 402):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0030 FOR APPROXIMATELY 0.60 ACRES LOCATED WEST OF 2558 WEST VALLEY DRIVE IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE (2024-1636)

C.8. REZONING-2023-0034: (WEST OF S. RAZORBACK RD./LOONEY, 599):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-034 FOR APPROXIMATELY 3.06 ACRES LOCATED WEST OF SOUTH RAZORBACK ROAD NEAR THE TOWN BRANCH TRAIL IN

WARD 1 FROM NS-L, NEIGHBORHOOD SERVICES – LIMITED TO R-A, RESIDENTIAL-AGRICULTURAL AND UT, URBAN THOROUGHFARE (2024-1669)

C.9. APPEAL: CONDITIONAL USE PERMIT-2023-0171: (1006 E. SPARROW CIR/VAN WINKLE, 603):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, SARAH BUNCH, AND D'ANDRE JONES AND REFER CONDITIONAL USE PERMIT CUP 2023-171 BACK TO THE PLANNING COMMISSION TO CONSIDER THE APPLICATION FOR A SHORT TERM RENTAL AT 1006 EAST SPARROW CIRCLE IN WARD 1 (2024-1675)

C.10. APPEAL: CONDITIONAL USE PERMIT-2023-0170: (854 E. SPARROW CIR/VAN WINKLE, 603):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, SARAH BUNCH, AND D'ANDRE JONES AND REFER CONDITIONAL USE PERMIT CUP 2023-170 BACK TO THE PLANNING COMMISSION TO CONSIDER THE APPLICATION FOR A SHORT TERM RENTAL AT 854 EAST SPARROW CIRCLE IN WARD 1 (2024-1674)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. SALES TAX REPORT - CHIEF FINANCIAL OFFICER AND ENERGY REPORT - ENVIRONMENTAL DIRECTOR

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 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 Devise 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.

