

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, March 19, 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: 889 0779 2431**
PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_C3IB_EFNQGQKHU0BWNIUZG](https://us06web.zoom.us/j/88907792431)

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

1. **NOMINATING COMMITTEE REPORT - COMMITTEE CHAIR**

PROPOSED AGENDA ADDITIONS**A. CONSENT****A.1. APPROVAL OF THE MARCH 5, 2024 CITY COUNCIL MEETING MINUTES****A.2. ARKANSAS HISTORIC PRESERVATION PROGRAM (GRANT ACCEPTANCE):**

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE ARKANSAS HISTORIC PRESERVATION PROGRAM IN THE AMOUNT OF \$40,000.00 FOR THE UNIVERSITY-HASKELL HEIGHTS CONTEXT STUDY AND THE SPOUT SPRING NEIGHBORHOOD CONTEXT STATEMENT, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1782)

A.3. YVONNE RICHARDSON COMMUNITY CENTER (DONATION RECOGNITION):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$20,000.00 REPRESENTING DONATION REVENUE TO THE YVONNE RICHARDSON COMMUNITY CENTER (2024-1748)

A.4. MOHAWK LIFTS, LLC. (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF AUTOMOTIVE LIFTS, ADAPTERS AND LIFT COLUMNS FROM MOHAWK LIFTS, LLC. IN THE AMOUNT OF \$105,055.34 PLUS ANY APPLICABLE TAXES, FREIGHT CHARGES, INSTALLATION CHARGES AND DELIVERY FEES UP TO

\$7,944.66, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-1742)

A.5. WHELEN UP-FITTING PARTS AND ACCESSORIES (PURCHASE AGREEMENT):

A RESOLUTION TO AUTHORIZE THE PURCHASE OF WHELEN UP-FITTING PARTS AND ACCESSORIES FROM LOCAL AUTHORIZED DISTRIBUTORS ON AN AS NEEDED BASIS THROUGH NOVEMBER 7, 2026, AND ANY RENEWAL PERIODS, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-1788)

A.6. BID 24-26 JACK TYLER ENGINEERING, INC. (PUMP REPLACEMENT):

A RESOLUTION TO AWARD BID #24-26 AND AUTHORIZE THE PURCHASE OF TWO SUBMERSIBLE PUMPS FROM JACK TYLER ENGINEERING, INC. IN THE AMOUNT OF \$200,053.30, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES (2024-1797)

A.7. BID 24-27 ENVIRONMENTAL TECHNICAL SALES, INC. (PUMP REPLACEMENT):

A RESOLUTION TO AWARD BID #24-27 AND AUTHORIZE THE PURCHASE OF A DRAIN PUMP FROM ENVIRONMENTAL TECHNICAL SALES, INC. IN THE AMOUNT OF \$37,755.00, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES (2024-1798)

B. PUBLIC HEARING

B.1. WEST TRANSMISSION WATERLINE (PUBLIC HEARING)

C. UNFINISHED BUSINESS

C.1. PERMIT-READY BUILDING DESIGN PROGRAM (AMENDMENT):

AN ORDINANCE TO ENACT §166.28 PERMIT-READY BUILDING DESIGN PROGRAM TO PROVIDE FOR THE ESTABLISHMENT OF A PERMIT-READY BUILDING DESIGN PROGRAM AND ASSOCIATED DEVELOPMENT REQUIREMENTS SPECIFIC TO THE PROGRAM'S RESIDENTIAL BUILDINGS, AND TO ESTABLISH AN INITIAL PROGRAM AREA (2024-1741)

AT THE MARCH 5, 2024 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE FIRST READING.

D. NEW BUSINESS

D.1. UDC AMENDMENT §171.13 (PERMIT-READY BUILDING DESIGN PROGRAM):

AN ORDINANCE TO AMEND §171.13 PROPERTY OWNER TO CONSTRUCT SIDEWALK OR CONTRIBUTE COST OF SIDEWALK OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE FOR CHANGES ASSOCIATED WITH THE PERMIT-READY BUILDING DESIGN PROGRAM, AND TO ADJUST THE CALCULATION FOR PAYMENT OF FEES IN LIEU OF SIDEWALK CONSTRUCTION (2024-1813)

D.2. PLACEHOLDER - WEST TRANSMISSION WATERLINE (ORDINANCE APPROVAL):

PLACEHOLDER FOR THE WEST TRANSMISSION WATER LINE FUNDING ORDINANCE (2024-1728)

D.3. DECLARE HOUSING CRISIS / STATE OF EMERGENCY (RESOLUTION):

A RESOLUTION TO DECLARE A HOUSING CRISIS IN THE CITY OF FAYETTEVILLE (2024-1811)

D.4. ACTION SUMMARY & ANTICIPATED HOUSING SUPPORT (RESOLUTION):

A RESOLUTION TO SUMMARIZE ACTIONS TAKEN AND ANTICIPATED TO SUPPORT HOUSING PRODUCTION IN THE CITY OF FAYETTEVILLE (2024-1817)

D.5. ORDINANCE TO AMEND §39.10 WATER AND WASTEWATER DAMAGE CLAIMS (AMENDMENT):

AN ORDINANCE TO AMEND §39.10 WATER AND WASTEWATER DAMAGE CLAIMS AND §39.11 DAMAGE CLAIMS OTHER THAN WATER AND WASTEWATER DAMAGE CLAIMS OF THE FAYETTEVILLE CODE TO INCREASE THE AMOUNT OF COMPENSATION THAT THE CITY COUNCIL CAN AWARD (2024-1790)

D.6. SHORT-TERM RENTAL (SCHOOL PROXIMITY CONSIDERATION):

AN ORDINANCE TO AMEND SUBSECTION (H) OF §163.18 TYPE 2 SHORT-TERM RENTALS IN RESIDENTIAL ZONING DISTRICTS OF THE UNIFIED DEVELOPMENT CODE TO INCLUDE PROXIMITY TO SCHOOLS AS A FACTOR FOR THE PLANNING COMMISSION TO CONSIDER (2024-1787)

D.7. SHORT-TERM RENTAL / CONDITIONAL USE PERMIT (NOTIFICATION REQUIREMENTS):

AN ORDINANCE TO AMEND SUBSECTION (C) OF §157.05 CONDITIONAL USE PERMIT IN §157 NOTIFICATION AND PUBLIC HEARINGS OF THE UNIFIED DEVELOPMENT CODE TO REQUIRE PUBLIC NOTIFICATION TO LANDOWNERS AND RESIDENTS WITHIN 300 FEET OF THE BOUNDARY LINE OF A PROPOSED TYPE 2 SHORT TERM RENTAL (2024-1784)

D.8. VACATION-2023-0014: (490 W. WILLOUGHBY RD/TERMINELLA, 718):

AN ORDINANCE TO APPROVE VAC-2023-14 FOR PROPERTY LOCATED AT 490 WEST WILLOUGHBY ROAD IN WARD 1 TO VACATE A 0.08 ACRE PORTION OF GENERAL UTILITY EASEMENT (2024-1781)

D.9. VACATION-2024-0002: (N. BOB YOUNKIN DR AND W. BISHOP DR/LEGACY VENTURES NWA, 251):

AN ORDINANCE TO APPROVE VAC 24-002 FOR PROPERTY LOCATED AT NORTH BOB YOUNKIN DRIVE AND WEST BISHOP STREET IN WARD 3 TO VACATE APPROXIMATELY 140 SQUARE FEET OF STREET RIGHT OF WAY (2024-1785)

D.10. REZONING-2024-0001: (3006 N. OLD MISSOURI RD./OLD MISSOURI LAND DEVELOPMENT LLC, 253 & 254):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0001 FOR APPROXIMATELY 6.31 ACRES LOCATED AT 3006 NORTH OLD MISSOURI ROAD IN WARD 3 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE; NS-G, NEIGHBORHOOD SERVICES GENERAL; AND NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURAL (2024-1783)

D.11. REZONING-2023-0037: (EAST OF E. 9TH ST. & S. WASHINGTON AVE./DAKOTA DEVELOPMENT LLC, 563):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2023-0037 FOR APPROXIMATELY 1.03 ACRES LOCATED EAST OF EAST 9TH STREET AND SOUTH WASHINGTON AVENUE IN WARD 1 FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-1789)

D.12. APPEAL: ADMINISTRATIVE-2024-0001: (S. ED EDWARDS RD, MALLY WAGNON RD, S. HUNT LN - WOODRUFF, KLINE, WANG, WARDEN, DURNING, FARKAS/GREGORY, DURNING & HAMM):

A RESOLUTION TO GRANT THE APPEAL OF THE PLANNING COMMISSION'S DENIAL OF ADM-2024-0001, AND TO AMEND THE MASTER STREET PLAN TO REMOVE AN APPROXIMATELY 1.5 MILE SECTION OF A PLANNED RESIDENTIAL LINK STREET BETWEEN SOUTH MALLY WAGNON ROAD AND SOUTH DEAD HORSE MOUNTAIN ROAD (2024-1791)

E. CITY COUNCIL AGENDA SESSION PRESENTATIONS**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 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.