

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, April 2, 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: 859 9722 8492**
PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_BFDE85TBQ9I1TRVENJCYXQ](https://us06web.zoom.us/join/85997228492)

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 MARCH 19, 2024 CITY COUNCIL MEETING MINUTES**

- A.2. MOSER CONSTRUCTION, LLC. (SERVICE CONTRACT):**

A RESOLUTION TO AWARD BID # 24-23 AND AUTHORIZE A CONTRACT WITH MOSER CONSTRUCTION, LLC. IN THE AMOUNT OF \$2,479,775.00 FOR CONSTRUCTION OF THE YVONNE RICHARDSON COMMUNITY CENTER EXPANSION, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$123,988.85, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 PARK IMPROVEMENT BOND PROJECT (2024-1818)

- A.3. PARK DONATION REVENUE (BUDGET ADJUSTMENT):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$3,550.00 RECOGNIZING DONATION REVENUE FROM RESIDENTS AND LOCAL BUSINESSES TO THE PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS DEPARTMENT (2024-1831)

- A.4. VALUEPOINT COOPERATIVE (PURCHASE AGREEMENT):**

A RESOLUTION TO APPROVE THE PURCHASE OF TIRES, TUBES, AND SERVICES ON AN AS NEEDED BASIS PURSUANT TO A NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS (NASPO) VALUEPOINT COOPERATIVE PURCHASING AGREEMENT THROUGH JUNE

30, 2024 AND ANY FUTURE RENEWAL PERIODS (2024-1812)

A.5. SUPERIOR CHEVROLET OF SILOAM SPRINGS (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF A CHEVROLET 1500 SILVERADO FROM SUPERIOR CHEVROLET OF SILOAM SPRINGS, PURSUANT TO ORDINANCE 6491, IN THE AMOUNT OF \$43,575.00, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PRICE, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1814)

A.6. LEWIS AUTOMOTIVE GROUP (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF TWO ELECTRIC VEHICLES FROM LEWIS AUTOMOTIVE GROUP IN THE TOTAL AMOUNT OF \$123,249.00 PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PRICE, PURSUANT TO ORDINANCE 6491, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1815)

A.7. GRIFFIN RESIDUALS, LLC. (AMENDMENT NO. 1):

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE DRYING AS A SERVICE AGREEMENT WITH GRIFFIN RESIDUALS, LLC. IN THE TOTAL AMOUNT OF \$91,668.69 FOR THE PURCHASE OF A HOPPER AND CONVEYOR FOR THE THERMAL DRYER AT THE BIOSOLIDS MANAGEMENT SITE (2024-1827)

A.8. GARVER, LLC. (AMENDMENT NO. 1):

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC. IN AN AMOUNT NOT TO EXCEED \$70,500.00 FOR ADDITIONAL BIDDING AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE 24-INCH WATERLINE REPLACEMENT PROJECT (2024-1829)

A.9. GOINS ENTERPRISES, INC. (CONSTRUCTION CONTRACT):

A RESOLUTION TO AWARD BID # 24-24 AND AUTHORIZE A CONTRACT WITH GOINS ENTERPRISES, INC. IN THE AMOUNT OF \$3,856,107.50 FOR THE REPLACEMENT OF A WATERLINE FROM MARTIN LUTHER KING JUNIOR BOULEVARD TO SOUTH SCHOOL AVENUE, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$73,392.50, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1828)

A.10. MCCLELLAND CONSULTING ENGINEERS, INC. (SERVICE CONTRACT):

A RESOLUTION TO APPROVE A CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC., PURSUANT TO RFQ 24-01, SELECTION #6, IN AN AMOUNT NOT TO EXCEED \$183,285.00 FOR DESIGN SERVICES

ASSOCIATED WITH PHASE ONE IMPROVEMENTS TO BRYCE DAVIS COMMUNITY PARK, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-1825)

A.11. 120 WATER AUDITS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE A TWO YEAR PROFESSIONAL SERVICES AGREEMENT WITH 120 WATER AUDITS, INC. FOR WATER SERVICE LINE INVENTORY COMPLIANCE SERVICES IN THE AMOUNT OF \$55,000.00 PER YEAR (2024-1854)

A.12. WATER METER PURCHASE (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$608,317.00 TO UTILIZE FUNDS FROM A COMPLETED SEWER REHABILITATION PROJECT TO PURCHASE WATER METERS (2024-1857)

A.13. HAZMAT SERVICES REVENUE (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$14,634.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET (2024-1819)

B. UNFINISHED BUSINESS

B.1. SECTION 50.04 - DEPOSITING ON VACANT LOTS (AMENDMENT):

AN ORDINANCE TO AMEND §50.04 DEPOSITING ON VACANT LOTS OF THE FAYETTEVILLE CODE TO INCLUDE A PROHIBITION ON DUMPING MULCH, COMPOST, FILL DIRT, AND BRUSH ON VACANT LOTS IN THE CITY (2024-1721)

AT THE FEBRUARY 20, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

B.2. WEST TRANSMISSION WATERLINE (ORDINANCE APPROVAL):

AN ORDINANCE AUTHORIZING THE ISSUANCE AND SALE OF A NOT TO EXCEED \$85,000,000 WATER AND SEWER SYSTEM REVENUE BOND, SERIES 2024, BY THE CITY OF FAYETTEVILLE, ARKANSAS FOR THE PURPOSE OF FINANCING ALL OR A PORTION OF THE COSTS OF PLANNING, DESIGNING, ACQUIRING, CONSTRUCTING AND EQUIPPING CERTAIN WATER TRANSMISSION LINE IMPROVEMENTS; PROVIDING FOR THE PAYMENT OF THE PRINCIPAL OF AND SERVICING FEE ON THE BOND; AUTHORIZING THE EXECUTION AND DELIVERY OF A BOND PURCHASE AGREEMENT PROVIDING FOR THE SALE OF THE BOND; AND PRESCRIBING OTHER MATTERS RELATING THERETO. (2024-1728)

AT THE MARCH 19, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

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

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

AT THE MARCH 19, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

B.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)

AT THE MARCH 19, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

B.5. 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)

AT THE MARCH 19, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

B.6. 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)

AT THE MARCH 19, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

C. NEW BUSINESS**C.1. ADMINISTRATIVE-2024-0008: (AMEND UDC §161.32 – P-1, INSTITUTIONAL):**

AN ORDINANCE TO AMEND §161.32 DISTRICT P-1, INSTITUTIONAL OF THE UNIFIED DEVELOPMENT CODE (2024-1834)

C.2. REZONING-2024-0007: (VARIOUS PARK PROPERTIES/ FAYETTEVILLE PARKS, NATURAL RESOURCES, AND CULTURAL AFFAIRS, PLAT PAGE VARIES):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0007 FOR APPROXIMATELY 2,461.60 ACRES LOCATED AT VARIOUS CITY PARK PROPERTIES FROM VARIOUS ZONING DISTRICTS TO P-1, INSTITUTIONAL (2024-1835)

C.3. REZONING-2024-0003: (203-209; 239-245; 270-280; AND 283-289 272 E. 12TH ST./12TH ST. TOWNHOMES OF FAYETTEVILLE, LLC., 563):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0003 FOR APPROXIMATELY 1.10 ACRES LOCATED ON EAST 12TH STREET EAST OF SOUTH WASHINGTON AVENUE IN WARD 1 FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-1820)

C.4. REZONING-2024-0004: (LOTS 1-17; 67-70; AND 79-108 OF OAKBROOKE SUBDIVISION AND LOT 25 OF BRIDGEPORT SUBDIVISION, PHASE 8/OAKBROOKE SUBDIVISION, 361):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0004 FOR APPROXIMATELY 11.67 ACRES LOCATED IN THE OAKBROOKE AND BRIDGEPORT SUBDIVISIONS IN WARD 4 FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT AND RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION (2024-1821)

C.5. REZONING-2024-0005: (1510 W. MARKHAM RD./L&F CONSTRUCTION, 482):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0005 FOR APPROXIMATELY 0.30 ACRES LOCATED AT 1510 W. MARKHAM ROAD IN WARD 4 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-1826)

C.6. REZONING-2024-0008: (3420 W. MOUNT COMFORT RD./THE GODDARD SCHOOL, 323):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING

PETITION RZN 2024-0008 FOR APPROXIMATELY 0.13 ACRES LOCATED AT 3420 W. MOUNT COMFORT RD. IN WARD 4 FROM R-A, RESIDENTIAL-AGRICULTURAL TO CS, COMMUNITY SERVICES (2024-1830)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

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

E. CITY COUNCIL TOUR

**E.1. DATE: MARCH 29TH, 2024
TIME: 3:30 PM**

ADDRESS: UNADDRESSED; PROPERTIES ADJACENT TO NEIGHBORLY WAY, WINTER EVENING PLACE, AND SEPTEMBER STOLL LANE

PARKING: PARKING IS AVAILABLE ON-STREET; I RECOMMEND JUST NORTH OF WINTER EVENING ALONG NEIGHBORLY WAY AS A CENTRAL MEETING PLACE TO BEGIN THE TOUR (SEE ATTACHED)

REQUEST: REZONE THE PROPERTY FROM AN EXPIRED PZD TO A NC, NEIGHBORHOOD CONSERVATION AND RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE

**E.2. TOUR DATE: APRIL 1ST, 2024
TIME: 3:00 PM AT 113 W. MOUNTAIN ST OR 3:30 PM AT 2748 S. HUNT LN**

ADDRESS: CHOICE 1: 113 W. MOUNTAIN STREET; MEET AT CITY HALL AT 3:00 PM AND RIDE BY VAN - CHOICE 2: 2748 S. HUNT LANE

PARKING: CHOICE 1: NEAR CITY HALL - CHOICE 2 (PER THE APPLICANT): JUST BEFORE THE FIRST HOUSE, YOU WILL SEE A LARGE GATE WITH A PONY BARN BEHIND IT. THE FIRST 5-6 VEHICLES SHOULD PARK IN THE AREA BETWEEN THE DRIVEWAY AND THAT GATE. WHEN THAT PARKING AREA IS FULL, THE REMAINING VEHICLES CAN COME AROUND TO THE BACK SIDE OF THE HOUSE. THERE IS ROOM FOR EVERYONE ELSE TO PARK BACK THERE.

REQUEST: AMEND THE MASTER STREET PLAN TO REMOVE A FUTURE STREET CONNECTION BETWEEN DEAD HORSE/PUMPKIN RIDGE TO THE WEST AND MALLY WAGNON TO THE EAST.

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 three (3) 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 three

(3) 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.