

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, May 7, 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:**CALL TO ORDER****ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS**

- 1. ENVIRONMENTAL STEWARDSHIP AWARDS - PRESENTED 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 APRIL 2, 2024 CITY COUNCIL MEETING MINUTES****A.2. APPROVAL OF THE APRIL 16, 2024 CITY COUNCIL MEETING MINUTES****A.3. BENCHMARK CONSTRUCTION OF NWA, INC. (BID AWARD):**

A RESOLUTION TO AWARD BID #24-28 AND AUTHORIZE A CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$989,779.09 FOR STORM DRAINAGE INSTALLATION ALONG THE MISSION BOULEVARD TRAIL, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$50,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 TRAIL IMPROVEMENT BOND PROJECT (2024-1882)

A.4. E-SCOOTER PROGRAM (REVENUE RECOGNITION):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$30,000.00 RECOGNIZING REVENUE RECEIVED FROM THE E-SCOOTER PROGRAM (2024-1885)

A.5. CROSSLAND HEAVY CONTRACTORS, INC. (CHANGE ORDER 2):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO RFQ # 22-07 CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. FOR THE MIDTOWN CORRIDOR PROJECT PHASE 2 IN THE AMOUNT OF \$191,461.43, AND APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT (2024-16)

A.6. DC SPARKS CONSTRUCTION, LLC. (CHANGE ORDER #2):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE FLEET SHOP EXPANSION CONTRACT WITH DC SPARKS CONSTRUCTION, LLC. IN THE AMOUNT OF \$21,362.56 TO RECONCILE ADDITIONS TO THE CONTRACT (2024-24)

A.7. HAWKINS-WEIR ENGINEERS, INC. (AMENDMENT NO. 3):

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$646,930.00 FOR PROFESSIONAL SERVICES ASSOCIATED WITH UTILITY RELOCATIONS ALONG MARTIN LUTHER KING JR. BLVD. AT THE I-49/HWY-62 INTERCHANGE (2024-31)

A.8. OLSSON, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN ENGINEERING SERVICES AGREEMENT IN AN AMOUNT NOT TO EXCEED \$68,000.00 BETWEEN THE CITY OF FAYETTEVILLE AND OLSSON, INC. FOR DESIGN OF REMOVAL AND REPLACEMENT OF COATING SYSTEMS AND UPDATING SAFETY SYSTEMS FOR THE BAXTER WATER STORAGE TANK (2024-32)

A.9. D.J. SHUBECK COMPANY (PURCHASE AGREEMENT):

A RESOLUTION TO AWARD BID # 24-30 AND AUTHORIZE A CONTRACT WITH D.J. SCHUBECK COMPANY IN THE AMOUNT OF \$56,340.36 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES FOR THE PURCHASE OF A BIOSOLIDS SLUDGE PUMP FOR USE AT THE WEST SIDE WATER RESOURCE RECOVERY FACILITY (2024-43)

A.10. GARNEY COMPANIES, INC. (CHANGE ORDER NO. 1):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 WITH GARNEY COMPANIES, INC. IN THE AMOUNT OF \$75,450,081.00 FOR CONSTRUCTION MANAGER AT-RISK SERVICES FOR THE WEST CORRIDOR WATER TRANSMISSION LINE PROJECT (2024-53)

B. UNFINISHED BUSINESS**B.1. APPEAL: REZONING-2024-0002: (740 W. STONE ST./APEX PROPERTY VENTURES, LLC, 522):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN-2024-0002 FOR APPROXIMATELY 0.24 ACRES LOCATED AT 740 WEST STONE STREET IN WARD 2 FROM RI-U, RESIDENTIAL INTERMEDIATE-URBAN TO DG, DOWNTOWN GENERAL (2024-1880)

AT THE APRIL 16, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON FIRST READING.

C. PUBLIC HEARING

C.1. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY - AFFORDABLE TAXI COMPANY:

A RESOLUTION TO CONDUCT A PUBLIC HEARING FOR THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO AFFORDABLE TAXI COMPANY TO OPERATE AS A TAXI COMPANY IN THE CITY OF FAYETTEVILLE. (2024-21)

D. NEW BUSINESS

D.1. JACK TYLER ENGINEERING, INC. (SERVICE AGREEMENT):

A RESOLUTION TO ACCEPT A QUOTE FROM JACK TYLER ENGINEERING, INC. IN THE AMOUNT OF \$64,572.61 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FOR THE REPAIR OF A PUMP USED AT THE HAMESTRING SEWER LIFT STATION (2024-44)

D.2. COMMUNITY ORIENTED POLICING SERVICES HIRING PROGRAM (GRANT APPLICATION):

A RESOLUTION TO APPROVE AN APPLICATION FOR A 2024 COPS HIRING PROGRAM MATCHING GRANT IN THE AMOUNT OF \$250,000.00 TO FUND TWO SCHOOL RESOURCE OFFICERS FOR A PERIOD OF FOUR YEARS WITH THE \$496,100.00 MATCHING REQUIREMENT SPLIT PROPORTIONALLY BETWEEN THE CITY AND FAYETTEVILLE PUBLIC SCHOOLS (2024-47)

D.3. VACATION-2024-0006: (151 W. DICKSON ST./151 DICKSON DEVELOPMENT, 484):

AN ORDINANCE TO APPROVE VAC-24-006 FOR PROPERTY LOCATED AT 151 WEST DICKSON STREET IN WARD 2 TO VACATE A 273 SQUARE FEET PORTION OF ACCESS EASEMENT (2024-6)

D.4. REZONING-2024-0009: (E. 10TH ST. AND S. WAXFLOWER AVE./WILLOW BEND LOTS 23, 26 & 31, 563):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-009 FOR APPROXIMATELY 3.87 ACRES LOCATED AT EAST 10TH STREET AND SOUTH WAXFLOWER AVENUE IN WARD 1 FROM RSF-18, RESIDENTIAL SINGLE-FAMILY, EIGHTEEN UNITS PER ACRE AND NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-20)

D.5. REZONING-2024-0012: (2002 AND 2008 E. HUNTSVILLE RD./TAPROOT INVESTMENT PARTNERS, 565):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-012 FOR APPROXIMATELY 0.51 ACRES LOCATED AT 2002 AND 2008 EAST HUNTSVILLE ROAD IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN AND NS-G, NEIGHBORHOOD SERVICES-GENERAL (2024-22)

D.6. REZONING-2024-0014: (141 W. SKYLINE DR/MOUNT SEQUOYAH CENTER, 486):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-014 FOR APPROXIMATELY 0.37 ACRES LOCATED AT 141 WEST SKYLINE DRIVE IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO P-1, INSTITUTIONAL (2024-23)

D.7. PLANNED ZONING DISTRICT-2024-0002: (WEST OF N. 54TH AVE / COLESON BROOK, LLC, 397):

AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED PZD-2024-002 FOR APPROXIMATELY 12.13 ACRES LOCATED WEST OF NORTH 54TH AVENUE IN WARD 4 (2024-25)

D.8. PLANNED ZONING DISTRICT-2024-0003: (215 N. WEST AVE/PARK HOTEL, 484):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-03 FOR APPROXIMATELY 0.60 ACRES LOCATED AT 215 NORTH WEST AVENUE IN WARD 2 FROM MSC, MAIN STREET CENTER TO A PLANNED ZONING DISTRICT (2024-26)

D.9. REZONING-2024-0011: (VARIOUS EXPIRED PZD LOCATIONS/ EXPIRED PZDS, PP VARIES):

AN ORDINANCE TO REZONE THE PROPERTIES DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR APPROXIMATELY 90.65 ACRES LOCATED IN WARDS 1, 2, AND 4 FROM PLANNED ZONING DISTRICTS TO VARIOUS STANDARD ZONING DISTRICTS (2024-26)

D.10. APPEAL: CONDITIONAL USE PERMIT-2024-0011: (155 N. POWERHOUSE AVE/TRINITAS VENTURES, 483):

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, D'ANDRE JONES, AND BOB STAFFORD AND APPROVE CONDITIONAL USE PERMIT CUP 2024-011 TO ALLOW THE INSTALLATION OF AN OFFSITE PARKING LOT AT 155 NORTH POWERHOUSE AVENUE AND UNIVERSITY AVENUE TO SERVE THE APPLICANT'S PROPOSED

APARTMENT BUILDING ON CENTER STREET (2024-51)

D.11. CALL FOR A PERMANENT CEASEFIRE IN GAZA (RESOLUTION):

A RESOLUTION TO CALL FOR A PERMANENT CEASEFIRE IN GAZA AND FOR THE PREVENTION OF FURTHER LOSS OF HUMAN LIFE IN THE MIDDLE EAST (2024-54)

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 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.