

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, August 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***

**MEETING INFORMATION:**

1. **WEBINAR ID: 876 2450 2708**  
**[PUBLIC REGISTRATION LINK:](https://us06web.zoom.us/join/87624502708) [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_LJLD3KAYQX-AH\\_IAMUCGTG](https://us06web.zoom.us/join/87624502708)  
  
**[AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV](mailto:AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV)****

**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 JULY 16, 2024 CITY COUNCIL MEETING MINUTES**

- A.2. 2025 EMPLOYEE BENEFITS PACKAGE (REQUEST FOR APPROVAL):**

A RESOLUTION TO APPROVE THE 2025 EMPLOYEE BENEFITS PACKAGE (2024-334)

- A.3. SPECTRUM LIVING SOLUTIONS, INC. (LEASE AGREEMENT):**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH SPECTRUM LIVING SOLUTIONS, INC. D/B/A SLS COMMUNITY THROUGH DECEMBER 31, 2024 FOR THE PROPERTY LOCATED AT 2190 SOUTH RAZORBACK, WITH AN AUTOMATIC EXTENSION FOR FOUR YEARS THROUGH DECEMBER 31, 2028 (2024-369)

- A.4. NBW LANDSCAPE ARCHITECTS (CONTRACT AMENDMENT):**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 13 TO THE CONTRACT WITH NELSON BYRD WOLTZ, LLC IN THE AMOUNT OF \$65,571.00 TO PROVIDE ARCHITECTURAL CONSULTING SERVICES FOR THE UPPER RAMBLE, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 CULTURAL ARTS CORRIDOR BOND PROJECT (2024-359)

**A.5. ARKANSAS STATE HIGHWAY COMMISSION (EASEMENT DEDICATION):**

A RESOLUTION TO CONVEY 14 SQUARE FEET OF RIGHT-OF-WAY TO THE ARKANSAS STATE HIGHWAY COMMISSION FOR THE I-49/HIGHWAY 62 INTERCHANGE IMPROVEMENTS PROJECT (2024-372)

**A.6. TOTER, LLC. (PURCHASE AGREEMENT):**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF TRASH CARTS AND RELATED PRODUCTS AND SERVICES IN THE AMOUNT OF \$37,476.33, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2024-379)

**A.7. NEW HISTORICAL MARKER (REQUEST FOR APPROVAL):**

A RESOLUTION TO APPROVE THE INSTALLATION OF A HISTORICAL MARKER IN HONOR OF NELSON ORR ON THE FAYETTEVILLE SQUARE (2024-331)

**A.8. OUTDOOR RECREATION GRANT PROGRAM (APPLICATION AUTHORIZATION):**

A RESOLUTION TO AUTHORIZE AN APPLICATION TO THE ARKANSAS DEPARTMENT OF PARKS, HERITAGE AND TOURISM FOR AN OUTDOOR RECREATION MATCHING GRANT TO FUND IMPROVEMENTS TO WALKER AND BRYCE DAVIS COMMUNITY PARKS (2024-375)

**A.9. SHORT-TERM RENTAL ENFORCEMENT (TEMPORARY POSITION REQUEST):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$41,622.00 TO FUND A TEMPORARY SHORT-TERM RENTAL ENFORCEMENT POSITION (2024-376)

**A.10. RUSH TRUCK CENTERS (PURCHASE AGREEMENT):**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2023 INTERNATIONAL CV515 UTILITY BODY FROM RUSH TRUCK CENTERS IN THE AMOUNT OF \$107,897.22, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT (2024-364)

**A.11. SUPERIOR AUTOMOTIVE GROUP (PURCHASE AGREEMENT):**

A RESOLUTION TO APPROVE THE PURCHASE OF A 2024 FORD RANGER FROM SUPERIOR AUTOMOTIVE GROUP IN THE AMOUNT OF \$41,643.24, PURSUANT TO ORDINANCE 6491, AND TO APPROVE A BUDGET ADJUSTMENT (2024-363)

**A.12. GARVER, LLC. (CONTRACT AMENDMENT 2):**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE CONTRACT WITH GARVER, LLC. IN THE AMOUNT OF \$74,875.00 FOR DESIGN OF THE SCHOOL/COLLEGE AVENUE CORRIDOR IMPROVEMENTS, AND TO APPROVE A BUDGET ADJUSTMENT – 2022 STREET IMPROVEMENT BOND PROJECT (2024-353)

**A.13. TRI-STAR CONTRACTORS, LLC. (SERVICE CONTRACT):**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH TRI STAR CONTRACTORS, LLC. IN THE AMOUNT OF \$5,825,361.25 FOR THE SUNBRIDGE AND COLLEGE DRAINAGE PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$550,000.00, AND TO APPROVE A BUDGET ADJUSTMENT 2019 DRAINAGE IMPROVEMENT BOND PROJECT (2024-333)

**A.14. BENCHMARK CONSTRUCTION COMPANY OF NWA, INC. (CHANGE ORDER 1):**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION COMPANY OF NWA, INC. IN THE AMOUNT OF \$246,287.88 FOR THE NORTH STREET CORRIDOR IMPROVEMENTS PROJECT PHASE 1, AND TO APPROVE A BUDGET ADJUSTMENT – 2022 STREET IMPROVEMENT BOND PROJECT (2024-371)

**A.15. BENCHMARK CONSTRUCTION COMPANY OF NWA, INC. (SERVICE CONTRACT):**

A RESOLUTION TO APPROVE A CONTRACT WITH BENCHMARK CONSTRUCTION COMPANY OF NWA, INC. IN THE AMOUNT OF \$9,214,669.54 FOR THE COLLEGE AVENUE IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$921,467.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2022 STREET IMPROVEMENT BOND PROJECT (2024-354)

**A.16. WASHINGTON COUNTY HAZARD MITIGATION PLAN (PLAN ADOPTION):**

A RESOLUTION TO ADOPT THE 2024 WASHINGTON COUNTY, ARKANSAS HAZARD MITIGATION PLAN UPDATE FOR THE CITY OF FAYETTEVILLE, ARKANSAS (2024-362)

**A.17. FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE POLICIES (POLICY ADOPTION):**

A RESOLUTION TO APPROVE UPDATES TO FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE POLICIES (2024-370)

**A.18. FAYETTEVILLE FIRE DEPARTMENT COMMUNITY RISK ASSESSMENT STANDARDS OF COVER (ADOPTION):**

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT COMMUNITY RISK ASSESSMENT STANDARDS OF COVER FOR 2024 (2024-378)

**B. UNFINISHED BUSINESS**

**B.1. URBAN FORESTRY MANAGEMENT PLAN (APPROVAL):**

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

AT THE FEBRUARY 6, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS LEFT ON THE FIRST READING AND TABLED TO AUGUST 6, 2024 CITY COUNCIL MEETING.

**B.2. UNIFIED DEVELOPMENT CODE - CHAPTERS 166.02, 167.04 (AMENDMENT):**

AN ORDINANCE TO AMEND § 166.02 DEVELOPMENT REVIEW PROCESS AND § 167.04 TREE PRESERVATION AND PROTECTION OF THE UNIFIED DEVELOPMENT CODE TO MODIFY DEVELOPMENT REQUIREMENTS ASSOCIATED WITH TREE PRESERVATION REQUIREMENTS (2024-328)

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

**B.3. REZONING-2024-0026: (WEST OF 2910 N. OLD WIRE RD/LIVINGSTON SUBDIVISION, 254):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-26 FOR APPROXIMATELY 1.87 ACRES LOCATED WEST OF 2910 NORTH OLD WIRE ROAD IN WARD 3 FROM NC, NEIGHBORHOOD CONSERVATION TO RSF-18, RESIDENTIAL SINGLE FAMILY, EIGHTEEN UNITS PER ACRE (2024-297)

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

**B.4. REZONING-2024-0028: (EAST OF HARMON FIELD ON S. DUNCAN AVE./MODUS STUDIO, 522):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-28 FOR APPROXIMATELY 3.7 ACRES LOCATED EAST OF HARMON FIELD ON SOUTH DUNCAN AVENUE IN WARD 2 FROM RMF-40, RESIDENTIAL MULTIFAMILY, 40 UNITS PER ACRE TO MSC, MAIN STREET CENTER, SUBJECT TO A BILL OF ASSURANCE (2024-306)

AT THE JULY 16, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS

AMENDED TO INCLUDE A REVISED BILL OF ASSURANCE AND LEFT ON THE FIRST READING.

## **C. NEW BUSINESS**

### **C.1. CHAPTER § 51.001 WATER SHORTAGES (AMENDMENT):**

AN ORDINANCE TO AMEND § 51.001 WATER SHORTAGES TO CLARIFY THE POWER TO ISSUE PROHIBITIONS AND MORATORIUMS OF CERTAIN TYPES OF WATER USAGE TO PREVENT WATER SHORTAGES FROM IMPERILING PUBLIC HEALTH AND WELFARE AND TO PASS AN EMERGENCY CLAUSE (2024-382)

### **C.2. VACATION-2024-0012: (EAST OF 1202 E. SAIN STREET./TRAILS ON THE CREEK APARTMENTS, 174):**

AN ORDINANCE TO APPROVE VAC-24-12 FOR PROPERTY LOCATED EAST OF 1202 EAST SAIN STREET IN WARD 3 TO VACATE A 0.94 ACRE PORTION OF STREET RIGHT-OF-WAY (2024-336)

### **C.3. REZONING-2024-0031: (2400 N. CROSSOVER RD./TAYLOR, 294):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-31 FOR APPROXIMATELY 1.73 ACRES LOCATED AT 2400 NORTH CROSSOVER ROAD IN WARD 3 FROM R-A, RESIDENTIAL-AGRICULTURAL TO NS-G, NEIGHBORHOOD SERVICES GENERAL (2024-337)

### **C.4. REZONING-2024-0032: (439 S. CHURCH AVE./PBS PROPERTIES LLC, 523):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-32 FOR APPROXIMATELY 0.32 ACRES LOCATED AT 439 SOUTH CHURCH AVENUE IN WARD 1 FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-338)

### **C.5. REZONING-2024-0033: (1919 S. ASHWOOD AVE./ARNOLD, 598 599):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-33 FOR APPROXIMATELY 2.40 ACRES LOCATED AT 1919 SOUTH ASHWOOD AVENUE IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE (2024-366)

### **C.6. REZONING-2024-0034: (1731, 1815, & 1837 W. 18TH ST./ARNOLD, 598):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-34 FOR APPROXIMATELY 9.10 ACRES LOCATED AT 1731, 1815, & 1837 WEST 18TH STREET IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-12,

RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE (2024-368)

**C.7. REZONING-2024-0035: (1831 & 1835 W. MITCHELL ST./ NWARECO LLC, 520):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-35 FOR APPROXIMATELY 0.22 ACRES LOCATED AT 1831 & 1835 WEST MITCHELL STREET IN WARD 1 FROM RSF-8, RESIDENTIAL SINGLE-FAMILY, 8 UNITS PER ACRE TO RMF-24, RESIDENTIAL MULTI-FAMILY, TWENTY-FOUR UNITS PER ACRE (2024-335)

**C.8. APPEAL: REZONING-2024-0029: (3179 N. OLD WIRE RD./PLEASANT HAVEN SUBDIVISION, 216):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-29 FOR APPROXIMATELY 13.65 ACRES LOCATED AT 3179 NORTH OLD WIRE ROAD IN WARD 3 FROM R-A, RESIDENTIAL-AGRICULTURAL TO RSF-8, RESIDENTIAL SINGLE-FAMILY, EIGHT UNITS PER ACRE (2024-339)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

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

**D.2. PARKS NATURAL RESOURCES AND CULTURAL AFFAIRS ADVISORY BOARD ANNUAL REPORT - WILL DOCKERY**

**E. CITY COUNCIL TOUR**

**E.1. AUGUST 5TH, 2024 CITY COUNCIL TOURS  
4:00 PM - MODUS STUDIO REZONING RZN-2024-0028  
65 S. DUNCAN AVENUE**

**E.2. AUGUST 5TH, 2024 CITY COUNCIL TOURS  
4:45 PM - ARNOLD REZONING RZN 2024-0034  
1731, 1815 & 1837 WEST 18TH STREET.**

**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. 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](http://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.