

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Wednesday, December 4, 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

IMPORTANT MESSAGE

- 1. AT THE NOVEMBER 12, 2024 SPECIAL CITY COUNCIL MEETING THE CITY COUNCIL VOTED TO CHANGE THE DATE OF THE DECEMBER 5, 2024 CITY COUNCIL MEETING TO WEDNESDAY, DECEMBER 4, 2024.**

THE COUNCIL MEETING WILL BEGIN AT ITS REGULARLY SCHEDULED TIME OF 5:30 P.M.

MEETING INFORMATION:

- 1. WEBINAR ID: 827 3656 1391**
[PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR /REGISTER/WN_CTO7VMAPTDM0Y0M5BYIRGA](https://us06web.zoom.us/webinar/register/wN_CTO7VMAPTDM0Y0M5BYIRGA)
AGENDAITEMCOMMENT@FAYETTEVILLE-AR.GOV

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

- 1. SERVICE RECOGNITION FOR COUNCIL MEMBER HOLLY HERTZBERG - 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 NOVEMBER 7, 2024 CITY COUNCIL MEETING MINUTES**

A.2. ADDITIONAL PARKING REVENUE (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$68,200.00 RECOGNIZING ADDITIONAL REVENUE AND ASSOCIATED EXPENSES FOR CERTAIN PARKING FACILITIES AND SERVICES (2024-749)

- A.3. RUPPLE ROAD TRAIL LIGHTING (ARDOT AGREEMENT OF**

UNDERSTANDING):

A RESOLUTION TO AUTHORIZE AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE RUPPLE ROAD TRAIL LIGHTING PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING \$315,193.00 IN FEDERAL-AID FUNDING (2024-750)

A.4. 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 \$220,725.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH 2025, CONTINGENT ON APPROVAL OF THE 2025 ANNUAL BUDGET AND WORK PROGRAM (2024-751)

A.5. CERTIFIED LOCAL GOVERNMENT GRANT (GRANT APPLICATION):

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A CERTIFIED LOCAL GOVERNMENT GRANT FROM THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR 2025 IN THE TOTAL AMOUNT OF \$70,356.00 FOR A CITY-WIDE WINDSHIELD SURVEY OF HISTORIC PROPERTIES AND HISTORIC DISTRICT COMMISSION TRAINING (2024-768)

A.6. I-49/STEPHEN CARR MEMORIAL BLVD (FEDERAL AID FUNDS):

A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID SURFACE TRANSPORTATION BLOCK GRANT FUNDS IN THE AMOUNT OF \$650,000.00 FOR THE DESIGN AND ENVIRONMENTAL PHASES OF THE I-49/STEPHEN CARR MEMORIAL BOULEVARD INTERCHANGE IMPROVEMENTS PROJECT, TO APPROVE A CITY MATCH IN THE AMOUNT OF \$162,500.00, AND TO AUTHORIZE THE MAYOR TO SIGN AN AGREEMENT OF UNDERSTANDING WITH THE NORTHWEST ARKANSAS REGIONAL PLANNING COMMISSION AND THE ARKANSAS DEPARTMENT OF TRANSPORTATION FOR THE PROJECT (2024-748)

A.7. PEACE AT HOME FAMILY SHELTER (AMENDMENT #3):

A RESOLUTION TO APPROVE AMENDMENT #3 TO THE ARPA SUBRECIPIENT AGREEMENT WITH PEACE AT HOME FAMILY SHELTER TO REVISE THE SCOPE OF WORK AND PROJECT ALLOCATION (2024-723)

A.8. CITY AND WATERSHED CONSERVATION RESOURCE CENTER (CONSERVATION EASEMENT):

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A GRANT OF CONSERVATION EASEMENT AND DECLARATION OF COVENANTS FOR 98

ACRES LOCATED ON DEAD HORSE MOUNTAIN ROAD (2024-769)

A.9. ARKANSAS DEPARTMENT OF TRANSPORTATION (CHANGE ORDER NO. 4):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 4 TO THE AGREEMENT WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$4,804,799.30 FOR INTERSTATE-49 MLK INTERCHANGE IMPROVEMENTS, AND TO APPROVE A BUDGET ADJUSTMENT (2024-640)

A.10. WASH AWAY (SERVICE CONTRACT):

A RESOLUTION TO APPROVE A CONTRACT WITH WASH AWAY, LLC IN THE AMOUNT OF \$40,000.00 FOR THE UTILITIES FINANCIAL SERVICES OFFICE RENOVATIONS AND EXPANSION, AND TO APPROVE A BUDGET ADJUSTMENT (2024-770)

A.11. MILESTONE CONSTRUCTION COMPANY, LLC. (SERVICE CONTRACT):

A RESOLUTION TO AWARD BID #24-44 AND AUTHORIZE A CONTRACT IN THE AMOUNT OF \$1,583,718.71 WITH MILESTONE CONSTRUCTION COMPANY, LLC FOR THE CITY HALL HVAC IMPROVEMENTS, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$300,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-746)

A.12. FAYETTEVILLE FIRE DEPARTMENT (ADMINISTRATIVE POLICIES APPROVAL):

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT PREVENTION, INVESTIGATION & PUBLIC EDUCATION POLICY (2024-726)

B. UNFINISHED BUSINESS

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

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

CONTACT THE OFFICE OF THE CITY CLERK TREASURER FOR AGENDA ITEM HISTORY FROM FEBRUARY 2, 2024 TO NOVEMBER 7, 2024.

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 3, 2024 CITY COUNCIL MEETING.

AT THE NOVEMBER 12, 2024 SPECIAL CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 4, 2024 CITY COUNCIL MEETING.

B.2. APPEAL: LARGE SCALE DEVELOPMENT-2024-0011: (SOUTHEAST OF S. NELSON HACKETT BLVD & E. SOUTH ST./URBAN LOFTS AT NELSON HACKETT, 523):

A RESOLUTION TO GRANT THE APPEAL OF CITY COUNCIL MEMBER D'ANDRE JONES AND DENY LARGE SCALE DEVELOPMENT APPLICATION LSD-2024-0011 (2024-616)

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 4, 2024 CITY COUNCIL MEETING.

B.3. 2025 ANNUAL BUDGET & WORK PROGRAM (ADOPTION):

A RESOLUTION TO ADOPT THE 2025 ANNUAL BUDGET AND WORK PROGRAM (2024-662)

AT THE NOVEMBER 19, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE DECEMBER 4, 2024 CITY COUNCIL MEETING.

B.4. REZONING-2024-0051: (W. MARTIN LUTHER KING JR. BLVD AND S. SMOKEHOUSE TRL./D&B OF NORTHWEST ARKANSAS LLC, 595):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-51 FOR APPROXIMATELY 4.49 ACRES LOCATED SOUTHEAST OF THE INTERSECTION OF WEST MARTIN LUTHER KING JR. BOULEVARD AND SOUTH SMOKEHOUSE TRAIL IN WARD 1 FROM RPZD, RESIDENTIAL PLANNED ZONING DISTRICT TO CS, COMMUNITY SERVICES (2024-705)

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

C. NEW BUSINESS

C.1. SAFE STREETS AND ROADS FOR ALL PROGRAM (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A DEPARTMENT OF TRANSPORTATION FEDERAL HIGHWAY ADMINISTRATION GRANT IN THE AMOUNT OF \$25,000,000.00, THROUGH THE SAFE STREETS AND ROADS FOR ALL PROGRAM, TO APPROVE A GRANT AGREEMENT WITH THE FEDERAL HIGHWAY ADMINISTRATION, TO APPROVE TWO NEW FULL TIME STAFF POSITIONS TO MANAGE THE FEDERAL-AID FUNDING REQUIREMENTS, AND TO APPROVE A BUDGET ADJUSTMENT ESTABLISHING A NEW FUND TO ACCOUNT FOR THE PROCEEDS OF THE GRANT (2024-747)

C.2. STORMWATER MANAGEMENT AND WATER QUALITY FUNDING (ADOPTION):

AN ORDINANCE TO ENACT CHAPTER 52: STORMWATER MANAGEMENT UTILITY FEE INTO THE FAYETTEVILLE CODE OF ORDINANCES (2024-687)

C.3. CHAPTER 111.30 - RETAIL (AMENDMENT):

AN ORDINANCE TO AMEND § 111.30 RETAIL TO AUTHORIZE SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION FROM 10:00 AM UNTIL MIDNIGHT AND TO ENACT AN EMERGENCY CLAUSE (2024-759)

C.4. ORDINANCE 6710 - SHORT TERM RENTAL SUNSET CLAUSE (AMENDMENT):

AN ORDINANCE TO AMEND ORDINANCE 6710 PASSED ON NOVEMBER 21, 2023 TO EXTEND THE SUNSET CLAUSE EFFECTIVE DATE TO JULY 1, 2025 AT 7:00 P.M. AND TO DECLARE AN EMERGENCY (2024-758)

C.5. CHAPTER 118.01 (E) - SHORT TERM RENTALS 1 & 2 (AMENDMENT):

AN ORDINANCE TO AMEND § 118.01 (E)(1) AND (2) OF THE FAYETTEVILLE CODE TO SIMPLIFY AND CLARIFY THE DEFINITIONS OF SHORT-TERM RENTAL, TYPE 1 AND SHORT-TERM RENTAL, TYPE 2 (2024-752)

C.6. VACATION-2024-0025: (639 W. MARTIN LUTHER KING JR BLVD./UNIVERSITY OF ARKANSAS, 522):

AN ORDINANCE TO APPROVE VAC-24-25 FOR PROPERTY LOCATED AT 639 WEST MARTIN LUTHER KING JR BOULEVARD IN WARD 1 TO VACATE 0.08 ACRES OF UTILITY EASEMENT (2024-760)

C.7. PLANNED ZONING DISTRICT-2024-0007: (8049 W. WEDINGTON DR./ BUFFALO LEASING LLC, 432):

AN ORDINANCE TO APPROVE A PLANNED ZONING DISTRICT ENTITLED PZD-2024-007 FOR APPROXIMATELY 3.85 ACRES LOCATED AT 8049 WEST WEDINGTON DRIVE IN WARD 4 (2024-762)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

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

D.2. HOUSING CRISIS TASK FORCE UPDATE - SUSAN NORTON (CHIEF OF STAFF)

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, appellant from a final decision of the Planning Commission or City Staff, 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 on all items of unfinished and new business and subjects of public hearings. Amendments may receive public comments only if approved by the City Council by unanimous consent or majority vote. Speakers present in the City Council Chambers shall be recognized before speakers participating by electronic means. Speakers shall be limited to a maximum of three (3) minutes to discuss the agenda item or amendment being considered by the City Council. The City Council may allow a speaker additional time 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.

Cell Phones and Pagers: Cell phones must be turned off or put in silent mode and not used within the City Council Chambers during City Council meetings. Pagers must be turned off or put in silent mode within the City Council Chambers during City Council meetings. These restrictions also apply during Agenda Sessions.

Smoking Prohibited: There will be no smoking allowed in the City Council Chambers during City Council meetings.

Virtual City Council Meetings Authorized: After proper notice has been provided to the public, City Council Members are authorized to assemble, gather, meet, and conduct open public meetings (including speaking, voting and passing ordinances and resolutions) through appropriate electronic means which ensure the public's right to attend by being able to listen to the proceedings and discussions. These open public meetings include City Council meetings and agenda sessions as well as City Council Member Committee meetings.

Interpreters or Telecommunications Devices 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.