

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, July 16, 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: 813 1011 8305**

**PUBLIC REGISTRATION LINK:
HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER
/WN_IALBZPNRSWSNBQLJUCATYG**

**AGENDA ITEM COMMENT - 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. RESULTS OF 2023 FINANCIAL STATEMENT AUDIT - PAUL BECKER**

PROPOSED AGENDA ADDITIONS

A. CONSENT

- A.1. APPROVAL OF THE JULY 2, 2024 CITY COUNCIL MEETING MINUTES**

- A.2. PARK LAND DEDICATION FEES (BUDGET ADJUSTMENT):**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$362,785.00 TO RECOGNIZE PARK LAND DEDICATION FEES FROM THE NORTHWEST AND SOUTHEAST QUADRANTS (2024-327)

- A.3. POST OAK PRESERVATION SOLUTIONS, LLC. (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE A PROFESSIONAL SERVICES AGREEMENT IN THE AMOUNT OF \$21,700.00 WITH POST OAK PRESERVATION SOLUTIONS, LLC. FOR A HISTORIC CONTEXT STATEMENT FOR THE SPOUT SPRING NEIGHBORHOOD, AND TO APPROVE A BUDGET ADJUSTMENT (2024-263)

- A.4. WASHINGTON REGIONAL MEDICAL CENTER (COST SHARE AGREEMENT):**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH WASHINGTON REGIONAL MEDICAL SERVICES IN AN AMOUNT NOT TO EXCEED \$730,000.00 FOR THE CONSTRUCTION OF THE RAILROAD CROSSING AT THE FUTRALL DRIVE AND GREGG AVENUE INTERSECTION, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND (2024-151)

A.5. CENTRAL ARKANSAS RECYCLING AND DISPOSAL SERVICES, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH CENTRAL ARKANSAS RECYCLING AND DISPOSAL SERVICES, LLC FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE (2024-261)

A.6. FEDERAL AVIATION ADMINISTRATION DESIGN GRANT (APPLICATION AUTHORIZATION):

A RESOLUTION TO AUTHORIZE THE APPLICATION FOR A FEDERAL AVIATION ADMINISTRATION DESIGN GRANT IN THE AMOUNT OF \$238,500.00 TO FUND 90% OF THE COSTS FOR DESIGN AND BIDDING OF THE PROPOSED TAXIWAY E EXTENSION PROJECT AT DRAKE FIELD; TO EXECUTE THE GRANT UPON RECEIPT OF A FEDERAL AVIATION ADMINISTRATION GRANT OFFER; TO EXECUTE TASK ORDER 08 IN THE AMOUNT OF \$257,000.00 WITH GARVER, LLC TO PROVIDE ENGINEERING DESIGN AND BIDDING SERVICES; AND TO APPROVE A BUDGET ADJUSTMENT (2024-292)

A.7. RUNWAY PAVEMENT AND LIGHTING REHABILITATION (FAA GRANT AND PROJECT CLOSEOUT):

A RESOLUTION TO RECOGNIZE A FEDERAL AVIATION ADMINISTRATION GRANT AMENDMENT IN THE AMOUNT OF \$332,300.00; TO EXECUTE FEDERAL AVIATION ADMINISTRATION GRANT CLOSEOUT PAPERWORK; TO EXECUTE TASK ORDER 03 AMENDMENT 01 WITH GARVER LLC IN THE AMOUNT OF \$21,764.00 FOR ADDITIONAL CONSTRUCTION PHASE SERVICES RENDERED; TO APPLY FOR AN ARKANSAS DEPARTMENT OF AERONAUTICS GRANT FOR REIMBURSEMENT OF 10% OF ADDITIONAL AIRPORT IMPROVEMENT PROGRAM-ELIGIBLE PROJECT COSTS NOT FUNDED BY THE GRANT AMENDMENT; AND TO APPROVE A BUDGET ADJUSTMENT (2024-301)

A.8. COMMUNITY RESOURCES DEPARTMENT (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$2,439.00 TO RECOGNIZE 2023 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME TO THE COMMUNITY RESOURCES DEPARTMENT (2024-307)

A.9. 2024 COMMUNITY DEVELOPMENT BLOCK GRANT (MAYOR'S SIGNATURE AUTHORITY):

A RESOLUTION TO APPROVE THE 2024 COMMUNITY DEVELOPMENT BLOCK GRANT PLAN (CDBG), TO AUTHORIZE MAYOR JORDAN TO EXECUTE THE CDBG AND HOME GRANT AGREEMENTS FOR 2024 WHEN RECEIVED IN THE TOTAL AMOUNT OF \$1,209,075.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-310)

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 LEFT ON THE FIRST READING AND TABLED TO THE APRIL 2, 2024 CITY COUNCIL MEETING.

AT THE APRIL 2, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE JULY 16, 2024 CITY COUNCIL MEETING.

B.2. REZONING-2024-0011: (PARK WEST PZD IN WARD 2):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-0011 FOR 39.41 ACRES IN THE PARK WEST PZD ON NORTH HIGHWAY 112 IN WARD 2 FROM PLANNED ZONING DISTRICT TO UT, URBAN THOROUGHFARE AND CS, COMMUNITY SERVICES (2024-147)

AT THE JUNE 4, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE FIRST READING.

AT THE JUNE 18, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE THIRD READING AND TABLED TO THE JULY 16, 2024 CITY COUNCIL MEETING.

C. NEW BUSINESS**C.1. SUNDAY ALCOHOL SALES (GENERAL ELECTION QUESTION):**

A RESOLUTION CALLING FOR AN ELECTION TO BE HELD DURING THE NEXT GENERAL ELECTION (NOVEMBER 5, 2024) ON THE QUESTION OF AUTHORIZING SUNDAY SALES OF ALCOHOLIC BEVERAGES FOR OFF-PREMISES CONSUMPTION IN FAYETTEVILLE, ARKANSAS (2024-225)

C.2. FAYETTEVILLE CLIMATE ACTION PLAN (ADOPTION):

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE CLIMATE ACTION PLAN (2024-330)

C.3. UNIFIED DEVELOPMENT CODE - CHAPTER 170 (AMENDMENT):

AN ORDINANCE TO AMEND § 170 STORMWATER MANAGEMENT AND DRAINAGE OF THE UNIFIED DEVELOPMENT CODE TO CLARIFY THE MAINTENANCE RESPONSIBILITIES FOR PRIVATE AND PUBLIC DRAINAGE SYSTEMS AS WELL AS PROVISIONS REGARDING ILLICIT DISCHARGES INTO THE DRAINAGE SYSTEM (2024-295)

C.4. UNIFIED DEVELOPMENT CODE - CHAPTERS 155, 166.23 (AMENDMENT):

AN ORDINANCE TO AMEND § 155 APPEALS AND § 166.23 URBAN RESIDENTIAL DESIGN STANDARDS OF THE UNIFIED DEVELOPMENT CODE TO MODIFY DEVELOPMENT REQUIREMENTS ASSOCIATED WITH APPEALS (2024-299)

C.5. 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)

C.6. VACATION-2024-0009: (241 W. SPRING ST/FAYETTEVILLE PORTFOLIO LLC, 484):

AN ORDINANCE TO APPROVE VAC-24-09 FOR PROPERTY LOCATED AT 241 WEST SPRING STREET IN WARD 2 TO VACATE A 0.017 ACRE PORTION OF STREET RIGHT-OF-WAY (2024-300)

C.7. REZONING-2024-0027: (1440 S. CURTIS AVE./BURT HANNA LLC, 565):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-27 FOR APPROXIMATELY 6.43 ACRES LOCATED AT 1440 SOUTH CURTIS AVENUE IN WARD 1 FROM C-1, NEIGHBORHOOD COMMERCIAL TO UT, URBAN THOROUGHFARE (2024-294)

C.8. 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)

C.9. 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 (2024-306)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

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, 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 Devise 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.