

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, September 17, 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: 854 4289 6901**
[PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_UJUBDK1GQMESSX2WYIHPAG](https://us06web.zoom.us/j/85442896901)

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. **NOMINATING COMMITTEE REPORT - COMMITTEE CHAIR**

PROPOSED AGENDA ADDITIONS

A. CONSENT

- A.1. APPROVAL OF THE SEPTEMBER 3, 2024 CITY COUNCIL MEETING MINUTES**

- A.2. N79TW, LLC. (GROUND LEASE):**

A RESOLUTION TO APPROVE A THIRTY YEAR GROUND LEASE AGREEMENT WITH N79TW, LLC, FOR AIRPORT PROPERTY LOCATED IMMEDIATELY NORTH OF THE TERMINAL BUILDING FOR THE CONSTRUCTION OF A 100X180 HANGAR AND ATTACHED OFFICE SPACE, WITH AN OPTION TO EXTEND THE GROUND LEASE FOR AN ADDITIONAL TEN YEAR TERM (2024-469)

- A.3. NWA ROLLOFF DUMPSTERS (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND NWA ROLLOFF DUMPSTERS TO HAUL AND DISPOSE OF SOLID WASTE WITHIN THE CITY (2024-488)

- A.4. MARCK RECYCLING, LLC. (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE AN AGREEMENT WITH MARCK RECYCLING AND WASTE SERVICES OF NW ARKANSAS, LLC FOR THE HAULING OF

SOLID WASTE AND RECYCLABLE MATERIAL IN THE CITY OF FAYETTEVILLE (2024-480)

A.5. BLUE RIBBON SITE SERVICES, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH BLUE RIBBON SITE SERVICES, LLC FOR THE HAULING AND DISPOSAL OF SOLID WASTE IN THE CITY OF FAYETTEVILLE (2024-472)

A.6. CBRE, INC. CUSHMAN & WAKEFIELD OF TEXAS, INC. AND TEXAS APPRAISAL TEAM, LLC. (APPRAISAL SERVICES):

A RESOLUTION TO AWARD RFP 24-11 AND AUTHORIZE THE PURCHASE OF ON-CALL APPRAISAL SERVICES FROM CBRE, INC.; CUSHMAN & WAKEFIELD OF TEXAS, INC.; AND TEXAS APPRAISAL TEAM, LLC BASED ON RATES AND AVAILABILITY AS NEEDED THROUGH DECEMBER 31, 2025, WITH THREE AUTOMATIC ONE-YEAR RENEWALS (2024-489)

A.7. OLSSON, INC. (SERVICE CONTRACT):

RESOLUTION TO AWARD RFQ #24-01 SELECTION #7 AND APPROVE A CONTRACT WITH OLSSON IN AN AMOUNT NOT TO EXCEED \$45,000.00 FOR GRANT WRITING SERVICES FOR AN EPA COMMUNITY CHANGE GRANT, AND TO AUTHORIZE THE MAYOR TO APPLY FOR AND ACCEPT THE GRANT (2024-506)

A.8. STORMWATER FUNDING STUDY (CONTRACT AMENDMENT):

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE PROFESSIONAL SERVICES AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND JACOBS ENGINEERING GROUP, INC F/K/A CH2M HILL ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$92,780.00 (2024-430)

B. UNFINISHED BUSINESS

B.1. VACATION-2024-0016: (1001 W. BULLDOG BLVD./FAYETTEVILLE PUBLIC SCHOOLS, 522):

AN ORDINANCE TO APPROVE THE VACATION OF 0.61 ACRES OF A TREE PRESERVATION EASEMENT LOCATED AT 1001 WEST BULLDOG BOULEVARD IN WARD 1 IN EXCHANGE FOR THE FAYETTEVILLE SCHOOL DISTRICT'S OFFER TO DEDICATE AN ADDITIONAL 2.05 ACRES OF TREE PRESERVATION EASEMENT AND ADDITIONAL ACCOMODATIONS (2024-417)

AT THE AUGUST 20, 2024 CITY COUNCIL MEETING THIS ITEM WAS LEFT ON THE FIRST READING AND TABLED TO THE SEPTEMBER 17, 2024 CITY COUNCIL MEETING.

C. NEW BUSINESS**C.1. WATER DAMAGE CLAIM (LAURA GRAY):**

A RESOLUTION PURSUANT TO §39.10(C)(4) OF THE FAYETTEVILLE CITY CODE TO AUTHORIZE THE MAYOR TO PAY THE TOTAL AMOUNT OF \$56,549.22 TO LAURA GRAY FOR A WATER DAMAGE CLAIM ARISING AT 1284 EAST SHADOW RIDGE DRIVE (2024-445)

C.2. SPECIALIZED REAL ESTATE GROUP (COST SHARE AGREEMENT):

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH SPECIALIZED REAL ESTATE GROUP AS AGENT FOR OWNER, MARKHAM RESIDENTIAL OWNER, LLC IN THE AMOUNT OF \$252,901.07 FOR TRAIL IMPROVEMENTS ALONG THE WEST SIDE OF THE NORTH SANG AVENUE EXTENSION FROM WEST HALSELL ROAD TO WEST MARKHAM ROAD, AND TO APPROVE A CONTINGENCY IN THE AMOUNT OF \$10,000.00 (2024-468)

C.3. 2025 MILLAGE LEVY (ORDINANCE):

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2025 FIXING THE RATE THEREOF AT 2.3 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND, 2.5 MILLS FOR FAYETTEVILLE PUBLIC LIBRARY OPERATIONS AND 1.2 MILLS FOR THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS (2024-482)

C.4. NATIONAL PAN-HELLENIC COUNCIL DAY (RESOLUTION):

A RESOLUTION DESIGNATING SEPTEMBER 17TH ANNUALLY AS NATIONAL PAN-HELLENIC COUNCIL DAY IN THE CITY OF FAYETTEVILLE TO RECOGNIZE THE CONTRIBUTIONS MADE TO SOCIAL CHANGE BY MEMBERS OF NINE BLACK SORORITIES AND FRATERNITIES KNOWN AS THE DIVINE NINE (2024-493)

C.5. 920 W. ELM ST. (RAZE AND REMOVAL):

RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY RAZORBACK HOUSING LLC; C/O DAVID BIRD LOCATED AT 920 WEST ELM STREET IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$39,000.00 (2024-487)

C.6. 1965 N. STEPHEN CARR MEMORIAL BLVD. (RAZE AND REMOVAL):

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A

DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY PORTER & 49 OPPORTUNITY FUND LLC; C/O ALEX G MILLER LOCATED AT 1965 NORTH STEPHEN CARR MEMORIAL BOULEVARD IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$15,000.00 (2024-490)

C.7. 1909 N. STEPHEN CARR MEMORIAL BLVD. (RAZE AND REMOVAL):

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY PORTER & 49 OPPORTUNITY FUND LLC; C/O ALEX G MILLER LOCATED AT 1909 NORTH STEPHEN CARR MEMORIAL BOULEVARD IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$38,000.00 (2024-491)

C.8. 1893 N. STEPHEN CARR MEMORIAL BLVD. (RAZE AND REMOVAL):

A RESOLUTION TO ORDER THE RAZING AND REMOVAL OF A DILAPIDATED AND UNSAFE STRUCTURE ON PROPERTY OWNED BY PORTER & 49 OPPORTUNITY FUND LLC; C/O ALEX G MILLER LOCATED AT 1893 NORTH STEPHEN CARR MEMORIAL BOULEVARD IN THE CITY OF FAYETTEVILLE, ARKANSAS; AND TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$55,000.00 (2024-492)

C.9. UNIFIED DEVELOPMENT CODE - CHAPTER 161 (AMENDMENT):

AN ORDINANCE TO AMEND CHAPTER 161 ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO ENACT § 161.36 URBAN CORRIDOR AND ESTABLISH ZONING REGULATIONS FOR THE NEW ZONING DISTRICT, TO AMEND § 160.01 ESTABLISHMENT OF DISTRICTS TO ADD THE NEW DISTRICT, TO AMEND § 163.11 SEXUALLY ORIENTED BUSINESS TO ALLOW SEXUALLY ORIENTED BUSINESSES AS A CONDITIONAL USE, TO AMEND § 164.25 TANDEM LOT DEVELOPMENT TO ESTABLISH BUILDING SETBACKS FOR TANDEM LOTS, TO AMEND § 167.04 TREE PRESERVATION AND PROTECTION DURING DEVELOPMENT TO ESTABLISH A MINIMUM CANOPY REQUIREMENT, AND TO AMEND CHAPTER 174 SIGNS TO ESTABLISH SIGN REGULATIONS FOR THE NEW ZONING DISTRICT (2024-481)

C.10. VACATION-2024-0019: (707 E. HUNTSVILLE RD/PARK MEADOWS, 564):

AN ORDINANCE TO APPROVE VAC-24-19 FOR PROPERTY LOCATED AT 707 EAST HUNTSVILLE ROAD IN WARD 1 TO VACATE A 0.09 ACRE PORTION OF GENERAL UTILITY EASEMENT (2024-478)

D. CITY COUNCIL AGENDA SESSION PRESENTATIONS

D.1. 2025 PRELIMINARY GENERAL FUND BUDGET - CHIEF FINANCIAL

OFFICER**D.2. 2025 MILLAGE LEVY - CHIEF FINANCIAL OFFICER****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 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.