

City of Fayetteville, Arkansas

113 West Mountain Street

Fayetteville, AR 72701

(479) 575-8323



City Council Final Agenda

Tuesday, October 1, 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: 898 7382 2158**

[PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_C4RWMAQUR_YJY-80KZVQPW](https://us06web.zoom.us/join/89873822158)

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****1. ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR:**

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING A NEW (H) PROTECTIONS FOR SINGLE-FAMILY ZONED DISTRICTS TO PROVIDE THE SAME PROTECTIONS FOR ADJOINING SINGLE FAMILY RESIDENTIAL DISTRICTS AS CURRENTLY REQUIRED FOR URBAN THOROUGHFARE AND ALL MULTI-FAMILY DISTRICTS (2024-585)

A. CONSENT**A.1. APPROVAL OF THE SEPTEMBER 17, 2024 CITY COUNCIL MEETING MINUTES****A.2. VERIZON COMMUNICATIONS, INC. (PURCHASE AGREEMENT):**

A RESOLUTION TO APPROVE THE PURCHASE OF WIRELESS SERVICES AND EQUIPMENT FROM CELLCO PARTNERSHIP D/B/A VERIZON WIRELESS, PURSUANT TO A NATIONAL ASSOCIATION OF STATE PROCUREMENT OFFICIALS VALUEPOINT COOPERATIVE PURCHASING AGREEMENT, ON AN AS NEEDED BASIS THROUGH AUGUST 11, 2025 AND ANY FUTURE RENEWAL PERIODS (2024-511)

A.3. PREMIER TRAILER SALES, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF A 20' LOW PROFILE TANDEM AXLE TRAILER FROM PREMIER TRAILER SALES IN THE AMOUNT OF \$17,292.70, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, AND TO APPROVE A BUDGET ADJUSTMENT (2024-515)

A.4. LEWIS FORD SALES, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF A FORD F150 HYBRID FROM LEWIS FORD SALES, INC., PURSUANT TO ORDINANCE 6491, IN THE AMOUNT OF \$53,298.00, PLUS ANY APPLICABLE SURCHARGES, FREIGHT CHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, AND TO APPROVE A BUDGET ADJUSTMENT (2024-516)

A.5. RJN GROUP, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH RJN GROUP, INC., PURSUANT TO RFQ #24-01 SELECTION #3, IN AN AMOUNT NOT TO EXCEED \$267,380.00 FOR WATERLINE CONDITION ASSESSMENT PRE-PLANNING SERVICES, AND TO APPROVE A BUDGET ADJUSTMENT (2024-528)

A.6. MCCLELLAND CONSULTING ENGINEERS, INC. (AMENDMENT NO. 1):

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$35,300.00 FOR CONSTRUCTION PHASE SERVICES FOR THE COLLEGE AVENUE WATERLINE REPLACEMENT PROJECT (2024-529)

A.7. WALMART REVENUE RECOGNITION (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$15,000.00 RECOGNIZING REVENUE RECEIVED FROM WAL-MART (2024-517)

A.8. STATE FIRE PROTECTION SERVICES PROGRAM - ACT 833 (BUDGET ADJUSTMENT):

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$32,658.00 ALLOCATING STATE FIRE PROTECTION SERVICES PROGRAM FUNDS FOR THE PURCHASE OF FIRE EQUIPMENT (2024-510)

A.9. POLICE DEPARTMENT POLICIES (COUNCIL APPROVAL):

A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 1.1.1 LAW ENFORCEMENT AGENCY ROLE; 1.2.1 LIMITS OF AUTHORITY; 12.1.1 ORGANIZATIONAL STRUCTURE, FUNCTION AND DIRECTION; 12.2.1 POLICIES, PROCEDURES, RULES DEVELOPMENT, &

REVIEW PROCEDURES; 41.1.1 PATROL; 41.2.5 MISSING PERSONS; 41.3.6 NARCOTIC OVERDOSE INTRANASAL NALOXONE; 42.1.1 CRIMINAL INVESTIGATIONS; AND 71.1.1 DETAINEE TRANSPORTATION (2024-521)

B. PUBLIC HEARING

B.1. DON CABRON NIGHT CLUB, INC. (PRIVATE CLUB APPLICATION):

AN ORDINANCE TO APPROVE THE APPLICATION OF JESSICA AGUILAR-HIETT, ON BEHALF OF VIP CLUB D/B/A DON CABRON NIGHT CLUB, FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 326 NORTH WEST AVENUE, SUITE 6 (2024-519)

C. UNFINISHED BUSINESS

C.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 TABLED TO THE AUGUST 6, 2024 CITY COUNCIL MEETING.

AT THE AUGUST 6, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE OCTOBER 1, 2024 CITY COUNCIL MEETING.

D. NEW BUSINESS

D.1. CHAPTER 97.081 - CONDUCT IN PARKS (AMENDMENT):

AN ORDINANCE TO AMEND § 97.081, INTOXICATING BEVERAGES IN CHAPTER 97, PARKS NATURAL RESOURCES, AND CULTURAL AFFAIRS TO CLARIFY THAT THE BOTANICAL GARDEN SOCIETY OF THE OZARKS MAY ALLOW ALCOHOLIC BEVERAGES TO BE SERVED ON ITS PREMISES WITHOUT THE NEED FOR A SPECIAL EVENT PERMIT (2024-513)

D.2. REZONING-2024-0038: (71B CORRIDOR REZONING REQUEST):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-38 FOR APPROXIMATELY 586 ACRES FOR VARIOUS PROPERTIES WITHIN THE CITY LIMITS ALONG THE 71B CORRIDOR LOCATED PRIMARILY ON NORTH COLLEGE AVENUE AND SCHOOL AVENUE IN WARDS 1, 2, AND 3 FROM VARIOUS ZONING DISTRICTS TO URBAN CORRIDOR AND RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE (2024-527)

D.3. REZONING-2024-0039: (193 W. LAFAYETTE ST/SKOKOS FAMILY LIMITED PARTNERSHIP, 484):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-39 FOR APPROXIMATELY 0.15 ACRES LOCATED AT 193 WEST LAFAYETTE STREET IN WARD 2 FROM NC, NEIGHBORHOOD CONSERVATION TO NS-G, NEIGHBORHOOD SERVICES-GENERAL (2024-520)

D.4. REZONING-2024-0036: (820 W. MONTGOMERY ST./WEBB, 678):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-36 FOR APPROXIMATELY 0.60 ACRES LOCATED AT 820 WEST MONTGOMERY STREET IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO DG, DOWNTOWN GENERAL (2024-522)

E. CITY COUNCIL AGENDA SESSION PRESENTATIONS

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

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. 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.