

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, November 12, 2024**

**4:30 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:**

**THE NOVEMBER 7, 2024 CITY COUNCIL MEETING RECESSED AFTER ITEM C.3 WAS HEARD. THIS SPECIAL CITY COUNCIL MEETING BEGINS AT ITEM C.4 FROM THE NOVEMBER 7, 2024 FINAL AGENDA.**

**THE REGULARLY SCHEDULED CITY COUNCIL AGENDA SESSION OF NOVEMBER 12, 2024 WILL FOLLOW IMMEDIATELY AFTER.**

**MEETING INFORMATION:**

1. **WEBINAR ID: 843 7771 9601**  
**PUBLIC REGISTRATION LINK: [HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN\\_HLFHS8GPQUAGY8NQKYGLUA](HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_HLFHS8GPQUAGY8NQKYGLUA)**  
**<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 AND SALES TAX REPORT - CHIEF FINANCIAL OFFICER**

**PROPOSED AGENDA ADDITIONS**

1. **LEWIS BROTHERS LEASING COMPANY (LAND SALE): (2024-715)**

**A. CONSENT****A.1. AGAR, LLC. (SERVICE CONTRACT):**

A RESOLUTION TO AWARD RFP 24-12 AND AUTHORIZE A CONTRACT WITH AGAR LLC IN THE AMOUNT OF \$84,882.00 FOR THE CURATION AND INSTALLATION OF THE WEST AVENUE PARKING GARAGE MURAL (2024-648)

**A.2. DEADHORSE MOUNTAIN ROAD (MASTER PLAN APPROVAL):**

A RESOLUTION TO APPROVE AND ADOPT A MASTER PLAN FOR 220

ACRES ON DEADHORSE MOUNTAIN ROAD (2024-653)

**A.3. AREA AGENCY ON AGING OF NORTHWEST ARKANSAS (LEASE AGREEMENT):**

A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS THROUGH DECEMBER 31, 2025 FOR THE WALKER PARK SENIOR ACTIVITY AND WELLNESS CENTER IN THE AMOUNT OF \$1.00 PER YEAR, WITH AN AUTOMATIC RENEWAL FOR SEVEN ADDITIONAL ONE YEAR TERMS (2024-646)

**A.4. ENVIRONMENTAL CONSULTING OPERATIONS, INC. (SERVICE AGREEMENT):**

A RESOLUTION TO APPROVE AMENDMENT NO. 11 TO THE CONTRACT WITH ENVIRONMENTAL CONSULTING OPERATIONS, INC. IN THE AMOUNT OF \$68,000.00 FOR WETLANDS MITIGATION SITE MONITORING AND MANAGEMENT IN 2025 (2024-638)

**A.5. NEC, INC. (SERVICE CONTRACT):**

A RESOLUTION TO AWARD BID #24-43 AND AUTHORIZE A CONTRACT WITH NEC, INC. IN THE AMOUNT OF \$155,903.50 FOR THE SALEM ROAD ADA IMPROVEMENTS PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$20,000.00 (2024-647)

**A.6. STEELWORX INDUSTRIAL GROUP, LLC. (SERVICE CONTRACT):**

A RESOLUTION TO AWARD BID #24-39 AND AUTHORIZE A CONTRACT WITH STEELWORX INDUSTRIAL GROUP, LLC, IN THE AMOUNT OF \$554,956.00 FOR THE CONSTRUCTION OF THE ELMHURST AND MCCLINTON PHASE I DRAINAGE IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$60,000.00, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 DRAINAGE BOND PROGRAM (2024-616)

**A.7. FAYETTEVILLE WAREHOUSE PARTNERS, LLC. (LAND PURCHASE):**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF PROPERTY LOCATED ON NORTH GREGG AVENUE OWNED BY FAYETTEVILLE WAREHOUSE PARTNERS, LLC FOR THE AMOUNT OF \$261,473.00, PLUS \$10,000.00 FOR CLOSING COSTS, AND TO APPROVE A BUDGET ADJUSTMENT – 2019 STREET IMPROVEMENT BOND PROJECT (2024-599)

**A.8. RAILROAD CROSSING ELIMINATION STUDY (COST SHARE AGREEMENT):**

A RESOLUTION TO APPROVE A COST SHARE AGREEMENT WITH THE CITY OF SPRINGDALE IN THE TOTAL AMOUNT OF \$144,000.00 FOR THE

RAILROAD CROSSING ELIMINATION STUDY, OF WHICH \$62,400.00 WILL BE THE CITY OF FAYETTEVILLE'S RESPONSIBILITY (2024-649)

**A.9. MCCLELLAND CONSULTING ENGINEERS, INC. (CONTRACT AMENDMENT):**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS IN THE AMOUNT OF \$101,682.00 TO INCLUDE CONSTRUCTION PHASE AND ADDITIONAL DESIGN SERVICES, AND TO APPROVE A BUDGET ADJUSTMENT (2024-664)

**A.10. FAYETTEVILLE FIRE DEPARTMENT ADMINISTRATIVE POLICY (ADOPTION):**

A RESOLUTION TO APPROVE AND ADOPT THE FAYETTEVILLE FIRE DEPARTMENT EXTERNAL AGENCY RELATIONS POLICY (2024-590)

**A.11. 4TH JUDICIAL DISTRICT DRUG TASK FORCE (GRANT ACCEPTANCE):**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A STATE DRUG CRIME ENFORCEMENT AND PROSECUTION GRANT FOR STATE FUNDING OF THE FOURTH JUDICIAL DISTRICT DRUG TASK FORCE IN THE AMOUNT OF \$533,067.00, TO AUTHORIZE MAYOR JORDAN TO SIGN ALL NECESSARY DOCUMENTS TO RECEIVE THE GRANT FUNDS, AND TO APPROVE A BUDGET ADJUSTMENT (2024-601)

**A.12. 2025 SELECTIVE TRAFFIC ENFORCEMENT PROJECT (GRANT ACCEPTANCE):**

A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2025 SELECTIVE TRAFFIC ENFORCEMENT PROJECT GRANT AWARD IN THE AMOUNT OF \$40,600.00, AND TO APPROVE A BUDGET ADJUSTMENT (2024-581)

**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 5, 2024 CITY COUNCIL MEETING.

**B.2. 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)

AT THE OCTOBER 1, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING.

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS TABLED INDEFINITELY.

**B.3. ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR (ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE):**

AN ORDINANCE TO AMEND § 161.36 URBAN CORRIDOR BY ENACTING USE UNIT 38 MINI-STORAGE UNITS AS A CONDITIONAL USE FOR URBAN CORRIDOR IN SECTION (B) (2) (2024-614)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING.

**B.4. T-HANGAR (REVISED LEASE & RATE INCREASE):**

A RESOLUTION TO APPROVE A REVISED T-HANGAR LEASE FORMAT UPDATING TERMS AND CONDITIONS, INCREASING RENT FOR 2025 BY 15%, AND ADOPTING A YEARLY 3% INFLATION ADJUSTMENT BEGINNING IN 2026, AND TO AUTHORIZE MAYOR JORDAN TO SIGN THE T-HANGAR LEASES (2024-579)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE NOVEMBER 7, 2024 CITY COUNCIL MEETING.

**B.5. FIRST REPAIR, INC. (SERVICE CONTRACT):**

A RESOLUTION EXPRESSING THE CITY COUNCIL'S INTENT TO TRAIN LEADERS TO REPAIR HARM DONE TO AFRICAN AMERICANS IN FAYETTEVILLE (2024-589)

AT THE OCTOBER 15, 2024 CITY COUNCIL MEETING THIS RESOLUTION WAS TABLED TO THE NOVEMBER 7, 2024 CITY COUNCIL MEETING.

**C. NEW BUSINESS****C.1. 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)

**C.2. INFRAMARK, LLC. (SERVICE AGREEMENT):**

A RESOLUTION TO AWARD RFQ #24-05 AND AUTHORIZE A FIVE YEAR CONTRACT WITH INFRAMARK, LLC. FOR WASTEWATER TREATMENT OPERATIONS, MAINTENANCE, AND MANAGEMENT SERVICES THROUGH DECEMBER 31, 2029, AND TO APPROVE PAYMENT IN THE AMOUNT OF \$8,450,000.00 FOR SERVICES PROVIDED IN 2025 (2024-634)

**C.3. FAYETTEVILLE POLICE DEPARTMENT POLICIES (ADOPTION):**

A RESOLUTION TO APPROVE AMENDMENTS TO FAYETTEVILLE POLICE DEPARTMENT POLICIES (2024-641)

AT THE OCTOBER 29, 2024 CITY COUNCIL AGENDA SESSION, THE CITY COUNCIL EXPRESSED INTENT TO RECESS THE NOVEMBER 7, 2024 CITY COUNCIL MEETING AFTER THIS ITEM HAS BEEN HEARD. THE MEETING WILL RESUME ON NOVEMBER 12, 2024 AT 4:30 P.M.

AT THE NOVEMBER 7, 2024 CITY COUNCIL MEETING, THE CITY COUNCIL RECESSED THE MEETING AFTER THIS ITEM WAS HEARD. THE NOVEMBER 7, 2024 CITY COUNCIL FINAL AGENDA WILL CONTINUE ON ITEM C.4 AT THE NOVEMBER 12, 2024 SPECIAL CITY COUNCIL MEETING, BEFORE THE REGULARLY SCHEDULED CITY COUNCIL AGENDA SESSION.

**C.4. REZONING-2024-0049: (1893 N. RUPPLE RD./CONRAD, 361):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-49 FOR APPROXIMATELY 1.04 ACRES LOCATED AT 1893 NORTH RUPPLE ROAD IN WARD 4 FROM RSF-1, RESIDENTIAL SINGLE-FAMILY, ONE UNIT PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-659)

**C.5. VACATION-2024-0022: (EAST OF 111, 123, AND 135 S. PADDOCK LOOP/TREETOPS, 526):**

AN ORDINANCE TO APPROVE VAC-24-22 FOR PROPERTY LOCATED EAST OF 111, 123, AND 135 SOUTH PADDOCK LOOP IN WARD 1 TO VACATE A 0.02 ACRE PORTION OF GENERAL UTILITY EASEMENT (2024-650)

**C.6. VACATION-2024-0018: (314 W. LAFAYETTE ST./UNIVERSITY BAPTIST CHURCH, 484):**

AN ORDINANCE TO APPROVE VAC-24-18 FOR PROPERTY LOCATED AT 314 WEST LAFAYETTE STREET IN WARD 2 TO VACATE 0.34 ACRES OF STREET RIGHT-OF-WAY (2024-660)

**C.7. VACATION-2024-0020: (WEST END OF W. TREADWELL ST./MODUS STUDIO, 522):**

AN ORDINANCE TO APPROVE VAC-24-20 FOR PROPERTY LOCATED AT THE WEST END OF WEST TREADWELL STREET IN WARD 2 TO VACATE 0.22 ACRES OF STREET RIGHT-OF-WAY (2024-661)

**C.8. REZONING-2024-0042: (1055 N. POLLARD AVE./ANDONA, 445):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-42 FOR APPROXIMATELY 0.84 ACRES LOCATED AT 1055 NORTH POLLARD AVENUE IN WARD 2 FROM R-O, RESIDENTIAL OFFICE AND NC, NEIGHBORHOOD CONSERVATION, TO NS-G, NEIGHBORHOOD SERVICES-GENERAL (2024-652)

**C.9. REZONING-2024-0043: (1236 W. MT. COMFORT RD./SCHWARTING, 404):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-43 FOR APPROXIMATELY 0.30 ACRES LOCATED AT 1236 WEST MOUNT COMFORT ROAD IN WARD 2 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-654)

**C.10. REZONING-2024-0044: (2001 W. 18TH ST./ARNOLD, 598):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-44 FOR APPROXIMATELY 0.90 ACRES LOCATED AT 2001 WEST 18<sup>TH</sup> STREET IN WARD 1 FROM C-1, NEIGHBORHOOD COMMERCIAL, TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-655)

**C.11. REZONING-2024-0045: (2286 W. STONE ST./KJJ, 520):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-45 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 2286 WEST STONE STREET IN WARD 1 FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, FOUR UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN (2024-656)

**C.12. REZONING-2024-0046: (510 W. PRAIRIE ST./SCOTT, 523):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-46 FOR APPROXIMATELY 0.16 ACRES LOCATED AT

510 WEST PRAIRIE STREET IN WARD 2 FROM R-O, RESIDENTIAL-OFFICE TO DG, DOWNTOWN GENERAL (2024-657)

**C.13. REZONING-2024-0048: (N. MEADOWLANDS DR/DOUBLE SPRINGS BROTHERS LLC, 400):**

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2024-48 FOR APPROXIMATELY 1.40 ACRES LOCATED ON NORTH MEADOWLANDS DRIVE IN WARD 4 FROM R-O, RESIDENTIAL-OFFICE TO CS, COMMUNITY SERVICES (2024-658)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS**

**D.1. WALKER PARK SENIOR ACTIVITY AND WELLNESS CENTER REPORT - CHASE GIPSON**

**E. CITY COUNCIL TOUR**

**E.1. URBAN LOFTS AT NELSON HACKETT LARGE SCALE DEVELOPMENT APPEAL (LSD-2024-0011) CITY COUNCIL TOUR**

**TOUR DATE: NOVEMBER 4TH, 2024**

**TIME: 4:00 PM**

**ADDRESS: SOUTHEAST OF NELSON HACKETT BOULEVARD/SOUTH STREET**

**PARKING: ALONG BLOCK AVENUE AND 4TH STREET (SEE ATTACHED)**

**REQUEST: LARGE SCALE DEVELOPMENT APPROVAL FOR 138 RESIDENTIAL UNITS**

**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](http://www.fayetteville-ar.gov) or in the Office of the City Clerk, 113 W. Mountain, Fayetteville, Arkansas (479) 575-8323.