

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
(479) 575-8323



City Council Final Agenda

Tuesday, May 6, 2025

5:30 PM

City Hall Room 219

City Council Members

Council Member Robert B. Stafford Ward 1
Council Member Dr. 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 Min. Monique Jones Ward 4

Mayor Molly Rawn
City Attorney Kit Williams
City Clerk Treasurer Kara Paxton

MEETING INFORMATION:

1. **WEBINAR ID: 820 7007 3410**
[PUBLIC REGISTRATION LINK: HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/WN_JXFW9ET3RTGBJUDDYXH2UW](https://us06web.zoom.us/j/82070073410)

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

A. CONSENT

- A.1. **APPROVAL OF THE APRIL 15, 2025 CITY COUNCIL MEETING MINUTES**

- A.2. **FAYETTEVILLE ANIMAL SHELTER DONATION (SUSAN SHELTON):**

A RESOLUTION TO AUTHORIZE THE MAYOR TO ACCEPT THE LIFE INSURANCE PROCEEDS OF SUSAN SHELTON, AND TO RECOGNIZE SUSAN SHELTON FOR HER DONATION TO THE FAYETTEVILLE ANIMAL SHELTER (2025-500)

- A.3. **TUNNELL-SPANGLER-WALSH & ASSOCIATES (CHANGE ORDER #3):**

A RESOLUTION TO APPROVE AMENDMENT NO. 3 TO THE CONTRACT WITH TUNNELL-SPANGLER-WALSH & ASSOCIATES D/B/A TSW IN AN AMOUNT NOT TO EXCEED \$5,000.00 FOR PHASE 1 IMPROVEMENTS TO WALKER COMMUNITY PARK – PARK IMPROVEMENT BOND PROJECT (2025-534)

- A.4. **ROUTEWARE GLOBAL (SERVICE CONTRACT):**

A RESOLUTION TO AUTHORIZE AN AGREEMENT WITH ROUTEWARE GLOBAL, INC. FOR RECYCLING AND TRASH COLLECTION LOCATION MONITORING PRODUCTS AND SERVICES IN THE AMOUNT OF \$81,438.03,

PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT THROUGH MAY 28, 2026, AND FUTURE RENEWAL PERIODS (2025-471)

A.5. NATIONAL LEAGUE OF CITIES SOUTHERN CITIES ECONOMIC INITIATIVE (GRANT ACCEPTANCE):

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A SOUTHERN CITIES ECONOMIC INITIATIVE PLANNING GRANT IN THE AMOUNT OF \$15,000.00 TO SUPPORT A PROJECT TO DEVELOP COMMUNITY-DRIVEN AFFORDABLE HOUSING SOLUTIONS, AND TO APPROVE A BUDGET ADJUSTMENT (2025-523)

A.6. SURFCO RESTORATION & CONSTRUCTION, LLC. (PAYMENT / INSURANCE PROCEEDS):

A RESOLUTION TO AUTHORIZE PAYMENT TO SURFCO RESTORATION & CONSTRUCTION IN THE AMOUNT OF \$147,010.18 FOR THE REMEDIATION WORK ASSOCIATED WITH THE CITY HALL FIRE SPRINKLER CLAIM, AND TO APPROVE A BUDGET ADJUSTMENT RECOGNIZING INSURANCE PROCEEDS IN THE AMOUNT OF \$147,882.00 (2025-521)

A.7. FLINTCO, LLC. (CHANGE ORDER #1):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH FLINTCO, LLC IN THE AMOUNT OF \$10,943,640.00 FOR THE MAPLE STREET IMPROVEMENTS PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$300,000.00, TO RECOGNIZE \$1,000,000 IN ADDITIONAL REVENUE FROM THE UNIVERSITY OF ARKANSAS, AND TO APPROVE A BUDGET ADJUSTMENT (2025-474)

A.8. ARKANSAS AND MISSOURI RAILROAD (AGREEMENT AMENDMENT):

A RESOLUTION TO APPROVE AN AMENDMENT TO RESOLUTION 232-22 AND AUTHORIZE THE PAYMENT OF AN ADDITIONAL \$15,138.06 TO THE ARKANSAS AND MISSOURI RAILROAD FOR RAILROAD CROSSING MODIFICATIONS REQUIRED FOR THE RAZORBACK ROAD AND 15TH STREET INTERSECTION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND PROJECT (2025-526)

A.9. BENCHMARK CONSTRUCTION COMPANY OF NWA, INC. (CHANGE ORDER #1):

A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION COMPANY OF NWA, INC. IN THE AMOUNT OF \$537,471.41 FOR THE COLLEGE AVENUE IMPROVEMENTS PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT (2025-499)

A.10. LEWIS FORD (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF TWO FORD MAVERICKS FROM LEWIS FORD IN THE TOTAL AMOUNT OF \$56,150.00, PLUS ANY APPLICABLE TAXES, SURCHARGES, AND DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE PURSUANT TO ORDINANCE 6491 (2025-518)

A.11. RUSH TRUCK CENTER (PURCHASE AGREEMENT):

A RESOLUTION TO APPROVE THE PURCHASE OF ONE DUMP TRUCK FROM RUSH TRUCK CENTERS IN THE AMOUNT OF \$207,684.35, PLUS ANY APPLICABLE TAXES, SURCHARGES, FREIGHT CHARGES OR DELIVERY FEES UP TO 10% OF THE ORIGINAL PURCHASE PRICE, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT (2025-519)

A.12. HOLDEN INDUSTRIES, INC. (SERVICE CONTRACT):

A RESOLUTION TO AWARD BID #25-33 AND AUTHORIZE THE PURCHASE OF STANDARDIZED LOW PROFILE TANDEM AXLE TRAILERS FROM HOLDEN INDUSTRIES, INC. WITHIN THE APPROVED BUDGET AS NEEDED THROUGH DECEMBER 31, 2025 (2025-529)

A.13. ACME TRENCHLESS, INC. (PURCHASE AGREEMENT):

A RESOLUTION TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF ONE EXCAVATOR ATTACHMENT WITH ACCESSORIES FROM ACME TRENCHLESS INC. IN THE AMOUNT OF \$31,278.75 PLUS ANY ADDITIONAL FREIGHT CHARGES AND DELIVERY FEES, AND TO APPROVE A BUDGET ADJUSTMENT (2025-520)

A.14. RANDALL FORD OF FORT SMITH (PURCHASE CONTRACT):

A RESOLUTION TO APPROVE THE PURCHASE OF A FORD EXPLORER, FORD F550 AND HYBRID FORD F150 FROM RANDALL FORD IN THE TOTAL AMOUNT OF \$195,470.98, PLUS ANY APPLICABLE TAXES, SURCHARGES, AND DELIVERY FEES PURSUANT TO ORDINANCE 6491, AND TO APPROVE A BUDGET ADJUSTMENT (2025-517)

A.15. OLSSON, INC. (AMENDMENT NO. 1):

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC. IN AN AMOUNT NOT TO EXCEED \$63,200.00 FOR ADDITIONAL SERVICES ASSOCIATED WITH REPLACING COATING SYSTEMS AND UPDATING SAFETY SYSTEMS AT THE BAXTER WATER STORAGE TANK (2025-472)

A.16. GARVER, LLC. (SERVICE AGREEMENT):

A RESOLUTION TO AWARD RFQ #25-01, SELECTION #5, AND AUTHORIZE A PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH GARVER,

LLC IN AN AMOUNT NOT TO EXCEED \$303,704.00 FOR THE PRELIMINARY DESIGN OF IMPROVEMENTS TO THE NOLAND WATER RESOURCE RECOVERY FACILITY (2025-467)

A.17. J.A. RIGGS TRACTOR CO. (EQUIPMENT PURCHASE):

A RESOLUTION TO AWARD BID #25-21 AND AUTHORIZE THE PURCHASE OF SWITCHGEAR EQUIPMENT FROM J.A. RIGGS TRACTOR COMPANY IN THE AMOUNT OF \$993,580.00, PLUS ANY APPLICABLE TAXES, FOR THE NOLAND WATER RESOURCE RECOVERY FACILITY (2025-464)

A.18. CAROLLO ENGINEERS, INC. (SERVICE AGREEMENT):

A RESOLUTION TO APPROVE AN AGREEMENT WITH CAROLLO ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$176,358.00 FOR THE 2025 WATER AND SEWER RATE AND IMPACT FEE STUDIES, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$20,000.00, AND TO APPROVE A BUDGET ADJUSTMENT (2025-533)

A.19. HAWKINS-WEIR ENGINEERS, INC. (AMENDMENT NO. 4):

A RESOLUTION TO APPROVE AMENDMENT NO. 4 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$395,840.00 FOR ADDITIONAL SERVICES ASSOCIATED WITH UTILITY RELOCATIONS ALONG MARTIN LUTHER KING JR. BLVD. AT THE I-49/HWY-62 INTERCHANGE (2025-465)

B. UNFINISHED BUSINESS

B.1. DISCLOSURE OF RENTAL FEES AND COSTS (ORDINANCE):

AN ORDINANCE TO ENACT § 120.03 DISCLOSURE OF RENTAL FEES AND COSTS FOR LEASED RESIDENTIAL PROPERTIES IN THE CITY OF FAYETTEVILLE (2025-231)

AT THE MARCH 4, 2025 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING

AT THE MARCH 18, 2025 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE SECOND READING

AT THE APRIL 1, 2025 CITY COUNCIL MEETING THIS ORDINANCE WAS TABLED TO THE MAY 6, 2025 CITY COUNCIL MEETING

B.2. CHAPTER 172 PARKING REQUIREMENTS (AMENDMENT):

AN ORDINANCE TO AMEND CHAPTER 172 PARKING AND LOADING OF THE UNIFIED DEVELOPMENT CODE TO REVISE THE CITY'S REGULATIONS

RELATED TO RESIDENTIAL PARKING REQUIREMENTS, PARKING REDUCTIONS, AND PARKING LOT LOCATION STANDARDS, AND TO DECLARE AN EMERGENCY (2024-01107)

AT THE JANUARY 7, 2025 CITY COUNCIL MEETING, THIS ORDINANCE WAS TABLED INDEFINITELY.

AT THE APRIL 15, 2025 CITY COUNCIL MEETING, THIS ORDINANCE WAS REMOVED FROM THE TABLE AND PLACED ON THE AGENDA. THIS ITEM WAS AMENDED AND LEFT ON THE SECOND READING.

B.3. REZONING-2025-0009: (S. RAZORBACK RD & S. ASHWOOD AVE/CUNNINGS ARKANSAS, 638):

AN ORDINANCE TO REZONE THE PROPERTY DESCRIBED IN REZONING PETITION RZN 2025-09 FOR APPROXIMATELY 5.9 ACRES LOCATED AT SOUTH RAZORBACK ROAD AND SOUTH ASHWOOD AVENUE IN WARD 1 FROM NS-L, NEIGHBORHOOD SERVICES-LIMITED TO R-A, RESIDENTIAL-AGRICULTURAL, AND CS, COMMUNITY SERVICES (2025-429)

AT THE APRIL 15, 2025 CITY COUNCIL MEETING THIS ORDINANCE WAS LEFT ON THE FIRST READING.

C. NEW BUSINESS

C.1. DISCONTINUE CITY HEALTH OFFICER POSITION (RESOLUTION):

A RESOLUTION TO REPEAL RESOLUTION 173-20 AND REESTABLISH THE BOARD OF HEALTH WITHOUT AN APPOINTED CITY HEALTH OFFICER (2025-542)

C.2. STREAMSIDE PROTECTION ZONE MAPPING (AMENDMENT):

AN ORDINANCE TO APPROVE AN AMENDMENT TO THE STREAMSIDE PROTECTION ZONE MAPPING FOR PROPERTY LOCATED AT 3352 NORTH HIGHWAY 112 (2025-531)

C.3. AUTHORIZE BOARD OF ADJUSTMENT APPEALS TO CITY COUNCIL (AMENDMENTS):

AN ORDINANCE TO AMEND CHAPTER 155 APPEALS AND § 156.02 ZONING REGULATIONS OF THE UNIFIED DEVELOPMENT CODE TO PROVIDE THAT BOARD OF ADJUSTMENT DECISIONS MAY BE APPEALED TO THE CITY COUNCIL, AND TO CLARIFY VARIOUS APPEAL PROCEDURES (2025-479)

C.4. ENACT FEES FOR UTILITY TELEVISIONING SERVICES (AMEND CH. 51 – WATER & SEWER):

AN ORDINANCE TO AMEND CHAPTER 51, WATER AND SEWERS OF THE

FAYETTEVILLE CODE OF ORDINANCES TO ENACT FEES FOR UTILITY TELEVISION SERVICES (2025-538)

C.5. REVISE LOT FRONTAGE REQUIREMENTS TO PROMOTE HOUSING OPPORTUNITIES (AMEND CH. 151):

AN ORDINANCE TO AMEND SECTION 151.01 DEFINITIONS OF THE UNIFIED DEVELOPMENT CODE TO REVISE LOT FRONTAGE REQUIREMENTS (2025-540)

C.6. ADD FLEXIBILITY TO ACCESSORY DWELLING UNITS REGULATIONS TO PROMOTE HOUSING OPPORTUNITIES (AMEND CH. 164 & 171):

AN ORDINANCE TO AMEND SECTIONS 164.19 ACCESSORY DWELLING UNITS AND 171.13 PROPERTY OWNER TO CONSTRUCT SIDEWALK OR CONTRIBUTE COST OF SIDEWALK OF THE UNIFIED DEVELOPMENT CODE TO ADD FLEXIBILITY TO THE REGULATIONS FOR ACCESSORY DWELLING UNITS (2025-539)

C.7. MODIFY PREFABRICATED CONSTRUCTION STANDARDS TO PROMOTE HOUSING OPPORTUNITIES (AMEND CH. 151 & 164):

AN ORDINANCE TO AMEND SECTIONS 151.01 DEFINITIONS AND 164.15 PREFABRICATED CONSTRUCTION OF THE UNIFIED DEVELOPMENT CODE TO ADOPT MODULAR CONSTRUCTION REGULATIONS (2025-541)

C.8. VACATION-2025-0004: (191 S. HILL AVE./VERVE, 522 - UTILITY EASEMENT):

AN ORDINANCE TO APPROVE VAC-25-04 FOR PROPERTY LOCATED AT 191 SOUTH HILL AVENUE IN WARD 2 TO VACATE 0.24 ACRES OF GENERAL UTILITY EASEMENTS (2025-528)

C.9. VACATION-2025-0005: (191 S. HILL AVE./VERVE, 522 - STREET RIGHT-OF-WAY):

AN ORDINANCE TO APPROVE VAC-25-05 FOR PROPERTY LOCATED AT 191 SOUTH HILL AVENUE IN WARD 2 TO VACATE 0.05 ACRES OF STREET RIGHT-OF-WAY (2025-522)

C.10. VACATION-2025-0013: (3661 W. WEDINGTON DR.):

AN ORDINANCE TO APPROVE VAC-25-13 FOR PROPERTY LOCATED AT 3661 WEST WEDINGTON DRIVE IN WARD 4 TO VACATE 0.95 ACRES OF TREE PRESERVATION (2025-366)

C.11. VACATION-2025-0011: (2828 N. MANSFIELD AVE./DRAKE FARMS, 250 - UTILITY EASEMENTS):

AN ORDINANCE TO APPROVE VAC-25-11 FOR PROPERTY LOCATED AT

2828 NORTH MANSFIELD AVENUE IN WARD 2 TO VACATE THREE PORTIONS OF GENERAL UTILITY EASEMENTS CONTAINING A TOTAL OF 1.11 ACRES (2025-524)

C.12. VACATION-2025-0012: (2828 N. MANSFIELD AVE./DRAKE FARMS, 250 - ACCESS EASEMENT):

AN ORDINANCE TO APPROVE VAC-25-12 FOR PROPERTY LOCATED AT 2828 NORTH MANSFIELD AVENUE IN WARD 2 TO VACATE 0.38 ACRES OF ACCESS EASEMENT (2025-525)

D. CITY COUNCIL TOUR

D.1. CUNNINGS ARKANSAS/SELPH REZONING

TIME: 4:00 PM
ADDRESS: SW OF S. RAZORBACK RD./W. CATO SPRINGS RD.
PARKING: ON-STREET ALONG ASHWOOD AVE.
REQUEST: REZONING 5.9 ACRES FROM NS-L, NEIGHBORHOOD SERVICES-LIMITED TO R-A, RESIDENTIAL AGRICULTURAL AND CS, COMMUNITY SERVICES

OZARKS ELECTRIC TREE PRESERVATION EASEMENT VACATION

TIME: 4:45 PM
ADDRESS: WEST END OF JEWELL RD., SW OF WALMART
PARKING: ON-STREET ALONG JEWELL RD.
REQUEST: VACATING 0.95 ACRE EXISTING TREE PRESERVATION EASEMENT AND DEDICATE 2.3 ACRES OF NEW TREE PRESERVATION EASEMENT

E. ANNOUNCEMENTS

F. 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.