

# **City of Fayetteville, Arkansas**

*113 West Mountain Street*

*Fayetteville, AR 72701*

*(479) 575-8323*



## **City Council Final Agenda**

**Tuesday, April 18, 2023**

**5:30 PM**

**City Hall Room 219**

### **City Council Members**

***Council Member Sonia Harvey 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***

**ZOOM INFORMATION:**

1. **WEBINAR: 894 9361 5182**  
**PUBLIC REGISTRATION LINK:**  
[HTTPS://US06WEB.ZOOM.US/WEBINAR/REGISTER/  
WN\\_Y4Y8LHU4R3-UORVHNYM9VG \(2023-609\)](https://us06web.zoom.us/j/89493615182)

**CALL TO ORDER****ROLL CALL****PLEDGE OF ALLEGIANCE****MAYOR' S ANNOUNCEMENTS, PROCLAMATIONS AND RECOGNITIONS****CITY COUNCIL MEETING PRESENTATIONS, REPORTS AND DISCUSSION ITEMS****PROPOSED AGENDA ADDITIONS****A. CONSENT**

- A.1. APPROVAL OF THE APRIL 4, 2023 CITY COUNCIL MEETING MINUTES:**  
(2023-494)

- A.2. ACCEPT FUNDING FROM HIDTA AND BUDGET ADJUSTMENT:**

A RESOLUTION TO APPROVE A MEMORANDUM OF AGREEMENT WITH WASHINGTON COUNTY TO ACCEPT FUNDING FROM THE GULF COAST HIGH INTENSITY DRUG TRAFFICKING AREA IN THE AMOUNT OF \$98,066.00 FOR THE POLICE DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT (2023-578)

- A.3. PURCHASING OF BUNKER COATS AND PANTS FOR THE FIRE DEPARTMENT:**

A RESOLUTION TO AUTHORIZE THE PURCHASE OF BUNKER GEAR COATS AND PANTS FROM LION MANUFACTURING THROUGH NAFECO, INC., PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, IN THE AMOUNT OF \$154,439.10 PLUS APPLICABLE TAXES AND FREIGHT CHARGES (2023-605)

- A.4. INTEREST BUDGET ADJUSTMENT TO 2019 PHASE I BONDS:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$463,032.00 RECOGNIZING INTEREST REVENUE GENERATED FROM THE SALES & USE TAX CAPITAL IMPROVEMENT AND REFUNDING BONDS

SERIES 2019 (2023-626)

**A.5. AMEND RESOLUTION 35-23 AND APPROVE A BUDGET ADJUSTMENT:**

A RESOLUTION TO AMEND RESOLUTION 35-23 BY REDUCING THE AMOUNT OF REAPPROPRIATIONS TO THE 2023 BUDGET BY \$3,031,724.00, AND TO APPROVE A BUDGET ADJUSTMENT (2023-627)

**A.6. WEST SIDE PRAIRIE HABITAT RESTORATION AND MANAGEMENT:**

A RESOLUTION TO AUTHORIZE A ONE YEAR CONTRACT WITH THE NORTHWEST ARKANSAS LAND TRUST IN THE AMOUNT OF \$20,000.00 FOR HABITAT RESTORATION AND MANAGEMENT AT THE WEST SIDE PRAIRIE WITH AN OPTION TO RENEW FOR FIVE ADDITIONAL ONE YEAR TERMS (2023-648)

**A.7. PARK IMPACT FEE STUDY:**

A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ENGAGE A CONSULTANT TO PERFORM A PARK IMPACT FEE STUDY (2023-650)

**B. UNFINISHED BUSINESS**

**B.1. RZN 23-004: (2910 N. OLD WIRE RD. / VAN SCYOC, 255):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 23-004 LOCATED AT 2910 NORTH OLD WIRE ROAD IN WARD 3 FOR APPROXIMATELY 14.70 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE AND R-A, RESIDENTIAL AGRICULTURE TO R-A, RESIDENTIAL AGRICULTURE AND NC, NEIGHBORHOOD CONSERVATION (2023-502)

AT THE MARCH 21, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE FIRST READING.

AT THE APRIL 4, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING.

**B.2. AMEND 130.39 GRAFFITI:**

AN ORDINANCE TO AMEND §130.39 GRAFFITI IN THE FAYETTEVILLE CODE TO CREATE A GRAFFITI ABATEMENT PROGRAM (2022-279)

AT THE DECEMBER 6, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS AMENDED TO ADD EXHIBIT A AND OMIT LEASEHOLD TENANT. THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE JANUARY 3, 2023 CITY COUNCIL MEETING.

AT THE JANUARY 3, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE FEBRUARY 7, 2023 CITY COUNCIL MEETING.

AT THE FEBRUARY 7, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS TABLED TO THE FEBRUARY 21, 2023 CITY COUNCIL MEETING.

AT THE FEBRUARY 21, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE THIRD READING AND TABLED TO THE APRIL 18, 2023 CITY COUNCIL MEETING.

**B.3. AN ORDINANCE TO AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES:**

AN ORDINANCE TO AMEND §51.136 MONTHLY WATER RATES AND §51.137 MONTHLY SEWER RATES TO CHANGE WATER AND SEWER RATES AS RECOMMENDED BY THE COST OF SERVICE STUDY CONDUCTED BY BLACK & VEATCH (2022-319)

AT THE JUNE 21, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE JULY 19, 2022 CITY COUNCIL MEETING.

AT THE JULY 19, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE FIRST READING AND TABLED TO THE DECEMBER 6, 2022 CITY COUNCIL MEETING.

AT THE DECEMBER 6, 2022 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE MARCH 7, 2023 CITY COUNCIL MEETING.

AT THE MARCH 7, 2023 CITY COUNCIL MEETING, THIS ORDINANCE WAS LEFT ON THE SECOND READING AND TABLED TO THE APRIL 18, 2023 CITY COUNCIL MEETING.

**B.4. ARPA SUBRECIPIENT APPLICATION - SERVE NWA D/B/A NEW BEGINNINGS:**

A RESOLUTION TO APPROVE AND AUTHORIZE MAYOR JORDAN TO SIGN AN ARPA FUNDED SUBRECIPIENT AGREEMENT WITH SERVE NWA FOR SUPPORTIVE OR AFFORDABLE HOUSING IN THE AMOUNT OF \$1,295,000.00 AND TO APPROVE A BUDGET ADJUSTMENT (2023-505)

AT THE MARCH 7, 2023 CITY COUNCIL MEETING, THIS RESOLUTION WAS TABLED TO THE APRIL 18, 2023 CITY COUNCIL MEETING.

**C. NEW BUSINESS**

**C.1. APPEAL CUP-2023-008: CONDITIONAL USE PERMIT (348 N. FLETCHER AVE./SCOTT, 485):**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, SONIA HARVEY, AND D'ANDRE JONES AND APPROVE CONDITIONAL USE PERMIT CUP 2023-008 FOR A SHORT-TERM RENTAL AT 348 NORTH FLETCHER STREET (2023-546)

**C.2. APPEAL CUP-2023-009: CONDITIONAL USE PERMIT (332 N. FLETCHER AVE./ETG SHELF 3 LLC, 485):**

A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SCOTT BERNA, HOLLY HERTZBERG, AND D'ANDRE JONES AND APPROVE CONDITIONAL USE PERMIT CUP 2023-009 FOR A SHORT-TERM RENTAL AT 332 NORTH FLETCHER STREET (2023-549)

**C.3. WALKER PARK BASKETBALL COURT REFURBISHING AND GIVEAWAY:**

A RESOLUTION TO APPROVE A PROPOSAL BY WALMART AND AND1 TO REFURBISH AND PAINT THE WALKER PARK BASKETBALL COURTS AND HOST A BACK TO SCHOOL BACKPACK AND SHOE GIVEAWAY, AND TO APPROVE THE RECOGNITION OF WALMART AND AND1 FOR THEIR SIGNIFICANT CONTRIBUTIONS AT THE REFURBISHED COURTS (2023-651)

**D. CITY COUNCIL AGENDA SESSION PRESENTATIONS****D.1. PARKS, NATURAL RESOURCES AND CULTURAL AFFAIRS ANNUAL REPORT - ALISON JUMPER (2023-498)****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 who have signed up prior to the beginning of the agenda item they wish to address being opened for public comment. Speakers shall be limited to a maximum of five (5) 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 five (5) 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](http://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.