

# City of Fayetteville, Arkansas

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



## City Council Meeting

**July 21, 2020  
5:30 p.m.**

**City Hall Room 219  
113 West Mountain**

# City Council Members

*Sonia Gutierrez Ward 1*

*Sarah Marsh Ward 1*

*Mark Kinion Ward 2*

*Matthew Petty Ward 2*

*Sloan Scroggin Ward 3*

*Sarah Bunch Ward 3*

*Teresa Turk Ward 4*

*Kyle Smith Ward 4*

## ***ELECTED OFFICIALS:***

*Mayor Lioneld Jordan*

*City Attorney Kit Williams*

*City Clerk Kara Paxton*

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items**

**Agenda Additions**

**A. Consent**

- A. 1 2019-0981 APPROVAL OF THE JULY 7, 2020 CITY COUNCIL MEETING MINUTES

### Legislation Text

- A. 2 2020-0538 BID #20-51 DIAMOND C CONSTRUCTION COMPANY: A RESOLUTION TO AWARD BID #20-51 AND AUTHORIZE A CONTRACT WITH DIAMOND C CONSTRUCTION COMPANY IN THE AMOUNT OF \$148,928.05 FOR IMPROVEMENTS TO THE RAZORBACK GREENWAY TUNNEL UNDER THE FULBRIGHT

EXPRESSWAY AND TO APPROVE A PROJECT  
CONTINGENCY IN THE AMOUNT OF \$25,000.00

Legislation Text

BID #20-51 DIAMOND C CONSTRUCTION COMPANY

- A. 3 2020-0540 TYLER TECHNOLOGIES, INC.: A RESOLUTION TO APPROVE AN AMENDMENT TO THE CONTRACT WITH TYLER TECHNOLOGIES, INC. FOR THE PURCHASE AND IMPLEMENTATION OF ELECTRONIC CITATION SOFTWARE AND HARDWARE IN THE AMOUNT OF \$90,711.00, AND TO APPROVE TRAVEL EXPENSE REIMBURSEMENT TO TYLER TECHNOLOGIES, INC. IN AN AMOUNT NOT TO EXCEED \$1,500.00

Legislation Text

TYLER TECHNOLOGIES, INC.

- A. 4 2020-0548 RFQ #20-01 OLSSON, INC.: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC., PURSUANT TO RFQ #20-01, IN THE AMOUNT OF \$41,200.00 FOR DESIGN OF THE WILSON PARK TRAIL BRIDGE AND PROMENADE PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00

Legislation Text

RFQ #20-01 OLSSON, INC.

- A. 5 2020-0549 DAN AND ANITA SPENCER EASEMENT: A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN A WARRANTY DEED CONVEYING ABOUT 23.65 ACRES TO DAN AND ANITA SPENCER IN EXCHANGE FOR THE 17.60 ACRES THE CITY ACQUIRED TO INSTALL A FORCE MAIN TO CARRY WATER FROM LAKE SEQUOYAH TO THE CITY'S SEWER SYSTEM

Legislation Text

**B. Unfinished Business**

- B. 1 2020-0458 APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7080 FOR APPROXIMATELY 0.20 ACRES LOCATED AT 360 NORTH ARKANSAS AVENUE FROM RMF-40, RESIDENTIAL MULTI-FAMILY, 40 UNITS PER ACRE TO DG, DOWNTOWN GENERAL, SUBJECT TO A BILL OF ASSURANCE**

Legislation Text

APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON)

ADDITIONAL APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON)

6/16/20 ADDITIONAL APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON)

ADDITIONAL APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON)

BILL OF ASSURANCE

ADDITIONAL APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON)

07/07/20 ADDITIONAL APPEAL

ADDITIONAL APPEAL: RZN 20-7080 (360 N. ARKANSAS AVE./SIGMA PHI EPSILON)

Additional: Arkansas Avenue Public Comment

- B. 2 2020-0452 RZN 20-7086 (1278 W. HENDRIX ST./OAK EQUITY PARTNERS): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-**

7086 FOR APPROXIMATELY 0.51 ACRES LOCATED AT 1278 WEST HENDRIX STREET FROM RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

Legislation Text

RZN 20-7086 (1278 W. HENDRIX ST./OAK EQUITY PARTNERS)

- B.** 3 2020-0451 RZN 20-7089 (1139, 1213, 1237, 1251, & 1283 W. HENDRIX ST./MARKS): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7089 FOR APPROXIMATELY 2.00 ACRES LOCATED AT 1139, 1213, 1237, 1251 AND 1283 WEST HENDRIX STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RSF-18, RESIDENTIAL SINGLE FAMILY, 18 UNITS PER ACRE

Legislation Text

RZN 20-7089 (1139, 1213, 1237, 1251, & 1283 W. HENDRIX ST./MARKS)

- B.** 4 2020-0513 C-PZD 20-7093 (NW OF DEANE SOLOMON RD. & LORI DR./UNDERWOOD DEV.): AN ORDINANCE TO APPROVE A COMMERCIAL PLANNED ZONING DISTRICT ENTITLED C-PZD 20-7093 FOR APPROXIMATELY 128.54 ACRES LOCATED NORTHWEST OF DEANE SOLOMON ROAD AND LORI DRIVE TO ALLOW A MIXED-USE DEVELOPMENT THAT INCLUDES CITY PARKLAND AND 602 MULTI-FAMILY UNITS WITH ASSOCIATED PARKING

Legislation Text

C-PZD 20-7093 (NW OF DEANE SOLOMON RD. & LORI DR./UNDERWOOD DEV.)

Supplemental Exhibit - Traffic Study

ADDITIONAL C-PZD 20-7093 (NW OF DEANE SOLOMON RD. & LORI DR./UNDERWOOD DEV.)

ADDITIONAL C-PZD 20-7093 (NW OF DEANE SOLOMON RD. & LORI DR./UNDERWOOD DEV.)

Additional: Underwood Documents

**C. New Business**

- C. 1 2020-0496 MCCLELLAND CONSULTING ENGINEERS. INC. - 2019 TRANSPORTATION BOND PROJECT: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$85,894.00 TO PROVIDE CONSTRUCTION PHASE SERVICES AND MATERIALS TESTING ASSOCIATED WITH THE ZION ROAD - VANTAGE TO CROSSOVER PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT

Legislation Text

MCCLELLAND CONSULTING ENGINEERS. INC.

BA MCCLELLAND CONSULTING ENGINEERS. INC.

- C. 2 2020-0528 BID #20-39 TRI STAR CONTRACTORS, LLC - 2019 TRANSPORTATION BOND PROJECT: A RESOLUTION TO AWARD BID #20-39 AND AUTHORIZE A CONTRACT WITH TRI STAR CONTRACTORS, LLC IN THE AMOUNT OF \$6,820,075.20 FOR THE CONSTRUCTION OF THE ZION ROAD - VANTAGE DRIVE TO CROSSOVER ROAD PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$341,000.00, AND TO APPROVE A BUDGET ADJUSTMENT- 2019 TRANSPORTATION BOND PROJECT

Legislation Text

BID #20-39 TRI STAR CONTRACTORS, LLC

BA BID #20-39 TRI STAR CONTRACTORS, LLC

- C. 3 2020-0542 AMERICAN ELECTRIC POWER - 2019

TRANSPORTATION BOND PROJECT: A RESOLUTION TO APPROVE A UTILITY RELOCATION AGREEMENT WITH AMERICAN ELECTRIC POWER IN THE AMOUNT OF \$45,377.06 FOR UTILITY RELOCATIONS RELATED TO THE CHURCH AVENUE/MEADOW STREET SIDEWALK PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT- 2019 TRANSPORTATION BOND PROJECT

Legislation Text

AMERICAN ELECTRIC POWER

BA AMERICAN ELECTRIC POWER

- C. 4 2020-0508 FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT CHANGE ORDER NO. 6: A RESOLUTION TO APPROVE CHANGE ORDER NO. 6 TO THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT CONTRACT WITH CROSSLAND CONSTRUCTION COMPANY, INC. IN THE AMOUNT OF \$165,363.00, AND TO ALLOCATE UNENCUMBERED CONTINGENCY FUNDS TO THE PROJECT FOR A PORTION OF THE LIBRARY'S CONTRACT SCOPE

Legislation Text

FAYETTEVILLE PUBLIC LIBRARY EXPANSION PROJECT CHANGE ORDER NO. 6

- C. 5 2020-0577 UNIVERSITY OF ARKANSAS REAL ESTATE CONTRACT: A RESOLUTION TO APPROVE THE REAL ESTATE CONTRACT FOR EQUAL EXCHANGE OF PROPERTIES OF THE WESTERN SLOPE OF MARKHAM HILL OWNED BY THE UNIVERSITY OF ARKANSAS WITH PROPERTY OWNED BY THE CITY OF FAYETTEVILLE ON RAZORBACK ROAD AND INDIAN TRAILS, AND TO APPROVE A BUDGET ADJUSTMENT

Legislation Text

UNIVERSITY OF ARKANSAS REAL ESTATE CONTRACT

Additional: Public Comment

- C. 6 2020-0536 RZN 20-7108 (3620 W. DINSMORE TRAIL/OADE): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7108 FOR APPROXIMATELY 2.81 ACRES LOCATED AT 3620 WEST DINSMORE TRAIL FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Legislation Text

RZN 20-7108 (3620 W. DINSMORE TRAIL/OADE)

- C. 7 2020-0531 RZN 20-7123 (23 W. 5TH ST./QOZB, LLC.): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7123 FOR APPROXIMATELY 0.21 ACRES LOCATED AT 23 WEST 5TH STREET FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

Legislation Text

RZN 20-7123 (23 W. 5TH ST./QOZB, LLC.)

- C. 8 2020-0532 RZN 20-7124 (SE OF 15TH ST. & MORNINGSIDE DR./NWA LD, LLC.): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7124 FOR APPROXIMATELY 1.84 ACRES LOCATED SOUTHEAST OF 15TH STREET AND MORNINGSIDE DRIVE TO REZONE A PORTION OF THE PROPERTY FROM C-1, NEIGHBORHOOD COMMERCIAL TO NS-G, NEIGHBORHOOD SERVICES-GENERAL

Legislation Text

RZN 20-7124 (SE OF 15TH ST. & MORNINGSIDE DR./NWA LD, LLC.):

- C. 9 2020-0534 RZN 20-7128 (1355 W. DEANE ST./PINES ON



DEANE): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-7128 FOR APPROXIMATELY 1.44 ACRES LOCATED AT 1355 WEST DEANE STREET FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Legislation Text

RZN 20-7128 (1355 W. DEANE ST./PINES ON DEANE)

- C. 10 2020-0533 VAC 20-7070 (4615 W. PERSIMMON ST./CROSS KEYS SD-LOT 12): AN ORDINANCE TO APPROVE VAC 20-7070 FOR PROPERTY LOCATED AT 4615 WEST PERSIMMON STREET TO VACATE PORTIONS OF AN ELECTRIC EASEMENT

Legislation Text

VAC 20-7070 (4615 W. PERSIMMON ST./CROSS KEYS SD-LOT 12)

- C. 11 2020-0535 VAC 20-7095 (900 N. LEVERETT AVE./LEVERETT AVE. APTS): AN ORDINANCE TO APPROVE VAC 20-7095 FOR PROPERTY LOCATED AT 900 NORTH LEVERETT AVENUE TO VACATE PORTIONS OF TWO WATER/SEWER EASEMENTS

Legislation Text

VAC 20-7095 (900 N LEVERETT AVE./LEVERETT AVE. APTS)

- C. 12 2020-0537 VAC 20-7120 (1479 N. GREGG AVE./SOUTHERN SIGHTS, LLC): AN ORDINANCE TO APPROVE VAC 20-7120 FOR PROPERTY LOCATED AT 1479 NORTH GREGG AVENUE TO VACATE A PORTION OF STREET RIGHT-OF-WAY

Legislation Text

VAC 20-7120 (1479 N. GREGG AVE./SOUTHERN SIGHTS, LLC)

- C. 13 2020-0571 AMEND § 155.04 ALDERMAN APPEAL: AN ORDINANCE TO AMEND § 155.04 ALDERMAN APPEAL ON BEHALF OF RESIDENT TO USE THE PROPER TERM "COUNCIL MEMBER" AND CLARIFY WHEN APPEALS CAN BE MADE AND TO AMEND § 155.05 APPEALS FROM PLANNING COMMISSION DECISIONS (A) APPEALS TO CITY COUNCIL (3) CONDITIONAL USE REQUEST TO REDUCE THE REQUIRED NUMBER OF COUNCIL MEMBERS NEEDED FOR AN APPEAL TO TWO

Legislation Text

AMEND SECTION 155.04 ALDERMAN APPEAL

- C. 14 2020-0570 AMEND § 155.06 APPEALS FROM STAFF INTERPRETATIONS AND ACTIONS: AN ORDINANCE TO AMEND § 155.06 APPEALS FROM STAFF INTERPRETATIONS AND ACTIONS TO DIRECT MORE APPEALS TO THE PLANNING COMMISSION RATHER THAN TO THE CITY COUNCIL

Legislation Text

Amend 155.06 Appeals

**D. City Council Agenda Session Presentations**

- D. 1 2020-0584 AGENDA SESSION PRESENTATION MASK PROGRAM UPDATE - PAUL BECKER

Legislation Text

**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 then queue behind the podium. When the Mayor or Chair recognizes you, approach the podium and give 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 at the microphone 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 an Alderman 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:**

**Presentations by Staff and Applicants:** Agenda items 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 an alderman later to answer questions. City staff, City Council members, and applicants may use electronic visual aids in the City Council meeting as part of the presentation of the agenda item.

**Public Comments:** Public comment shall be allowed for all members of the audience on all items of old and new business and subjects of public hearings. A simple majority of the City Council members, present and voting, may authorize a representative of a Fayetteville citizens' group opposing the ordinance or resolution to present an electronic visual aid not

to exceed five minutes, but no other electronic visual aid presentations will be allowed; however, the public may submit photos, petitions, etc. to be distributed to the City Council. If a member of the public wishes for the City Clerk to distribute materials to the City Council before its meeting, such materials should be supplied to the City Clerk's Office no later than 9:00 A.M. on the day of the City Council meeting. Any member of the public shall first state his or her name and address, followed by a concise statement of the person's position on the question under discussion. Repetitive comments should be avoided; this applies to comments made previously either to the City Council or to the Planning Commission when those Planning Commission minutes have been provided to the City Council. All remarks shall be addressed to the Mayor or the City Council as a whole and not to any particular member of the City Council. No person other than the City Council member and the person having the floor shall be permitted to enter into any discussions without permission of the Mayor. No questions shall be directed to a City Council member or city staff member except through the Mayor.

**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 rude or derogatory remarks, reflections as to integrity, abusive comments and statements about motives or personalities. 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.

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*Unfinished Business and New Business:*

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*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 be broken into segments of three and two minutes. 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.*

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