

City of Fayetteville, Arkansas

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



City Council Meeting

January 19, 2021
5:30 p.m.

City Hall Room 219
113 West Mountain

City Council Members

*Sonia Gutierrez, Ward 1
D'Andre Jones, Ward 1
Mark Kinton, Ward 2
Matthew Petty, Ward 2
Sloan Scroggin, Ward 3
Sarah Bunch, Ward 3
Teresa Turk, Ward 4
Holly Hertzberg, Ward 4*

ELECTED OFFICIALS:
*Mayor Lionell Jordan
City Attorney Kit Williams
City Clerk Kara Paxton*

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

- 2020-1052 PRESENTATION OF THE CITY OF FAYETTEVILLE MARTIN LUTHER KING BROTHERHOOD AWARD
[Legislation Text](#)

City Council Meeting Presentations, Reports and Discussion Items

Agenda Additions

A. Consent

- A.12020-1108 BID #21-04 CONCRETE: A RESOLUTION TO AWARD BID #21-04 AND AUTHORIZE THE PURCHASE OF CONCRETE FROM TUNE TRUCKING, INC. D/B/A TUNE CONCRETE COMPANY AS PRIMARY SUPPLIER IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AND TO AUTHORIZE THE USE OF OTHER BIDDERS BASED ON PRICE AND AVAILABILITY AS NEEDED THROUGH THE END OF 2021
[Legislation Text](#)
[BID #21-04 CONCRETE](#)

- A.22020-1163 CREAMER PILOT SERVICES, LLC: A RESOLUTION TO APPROVE AN ASSIGNMENT, ASSUMPTION, AND CONSENT AGREEMENT TO TRANSFER THE LEASE AGREEMENT FOR OFFICE SPACE IN THE AIRPORT TERMINAL BUILDING AT 4500 SOUTH SCHOOL AVENUE TO CREAMER PILOT SERVICES, LLC, AND TO RELEASE M.K. ROCKWELL INVESTMENTS, LLC FROM THE LEASE AGREEMENT
[Legislation Text](#)
[CREAMER PILOT SERVICES, LLC](#)

- A.32021-0005 AIRPORT BEACON AND WIND CONES PROJECT: A RESOLUTION TO AUTHORIZE THE ISSUANCE OF TWO-PARTY CHECKS ON THE AIRPORT BEACON AND WIND CONES PROJECT TO ENSURE THE PROJECT'S SUB-CONTRACTORS RECEIVE COMPENSATION FOR THEIR WORK
[Legislation Text](#)
[AIRPORT BEACON AND WIND CONES PROJECT](#)

- A.42020-1187 WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY: A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR CONTINUATION OF AMBULANCE SERVICES THROUGH THE WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY, AND TO AUTHORIZE THE AMBULANCE AUTHORITY TO OPERATE CENTRAL EMERGENCY MEDICAL SERVICE AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES
[Legislation Text](#)
[WASHINGTON COUNTY REGIONAL AMBULANCE AUTHORITY](#)

- A.52020-1185 WASHINGTON COUNTY ELECTION COMMISSION: A RESOLUTION TO AUTHORIZE A PAYMENT TO THE WASHINGTON COUNTY ELECTION COMMISSION IN THE AMOUNT OF \$45,482.91 FOR ELECTION FEES RELATED TO THE NOVEMBER 3, 2020 GENERAL ELECTION
[Legislation Text](#)
[WASHINGTON COUNTY ELECTION COMMISSION](#)

- A.62021-0002 AMEND THE 2021 ADOPTED BUDGET: A RESOLUTION TO AMEND THE 2021 ADOPTED BUDGET BY REAPPROPRIATING \$201,308,000.00 IN BONDED OR ONGOING CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS, AND GRANT FUNDED ITEMS
[Legislation Text](#)
[AMEND THE 2021 ADOPTED BUDGET](#)

- A.72020-1179 2020 DISASTER AND REPLACEMENT FUNDS: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT TRANSFERRING \$1,000,000.00 FROM THE GENERAL FUND TO REPLENISH THE DISASTER AND REPLACEMENT FUND FOR EXPENDITURES MADE TO ADDRESS THE COVID-19 PANDEMIC
[Legislation Text](#)
[2020 DISASTER AND REPLACEMENT FUNDS](#)
[BA_2020 DISASTER AND REPLACEMENT FUNDS](#)
[ADDITIONAL_2020 DISASTER AND REPLACEMENT FUNDS](#)

B. Unfinished Business

- B.12020-1067 AMEND §161.22 COMMUNITY SERVICES AND § 161.24 URBAN THOROUGHFARE: AN ORDINANCE TO AMEND §161.22 COMMUNITY SERVICES AND § 161.24 URBAN THOROUGHFARE BY CHANGING CERTAIN PERMITTED USES TO CONDITIONAL USES
[Legislation Text](#)
[AMEND §166.22 COMMUNITY SERVICES AND § 166.24 URBAN THOROUGHFARE](#)
[ADDITIONAL_12/29/20_AMEND §161.22 COMMUNITY SERVICES AND § 161.24 URBAN THOROUGHFARE](#)
[010521 ADDITIONAL_AMEND §161.22 COMMUNITY SERVICES AND § 161.24 URBAN THOROUGHFARE](#)
[010521 ADDITIONAL_PROPOSED AMENDMENT](#)

- B.22020-1142 RZN 2020-021 (NE OF CATALPA DR. & S. RUPPLE RD./FAYETTEVILLE PUBLIC SCHOOLS): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-0021 LOCATED NORTHEAST OF WEST CATALPA DRIVE AND SOUTH RUPPLE ROAD FOR APPROXIMATELY 22.98 ACRES FROM CS, COMMUNITY SERVICES AND NC, NEIGHBORHOOD CONSERVATION TO P-1, INSTITUTIONAL.
[Legislation Text](#)
[RZN 2020-021 \(NE OF CATALPA DR. & S. RUPPLE RD./FAYETTEVILLE PUBLIC SCHOOLS\)](#)

- B.32020-1066 CLUB RUSH HOOKAH AND CIGAR LOUNGE: AN ORDINANCE TO APPROVE THE APPLICATION OF SAMI AMMAR HADDAJI, ON BEHALF OF CLUB RUSH HOOKAH AND CIGAR LOUNGE, FOR A PERMIT TO OPERATE AS A PRIVATE CLUB IN THE CITY OF FAYETTEVILLE AT 550-B WEST DICKSON STREET
[Legislation Text](#)
[CLUB RUSH HOOKAH AND CIGAR LOUNGE](#)

- B.42020-1134 RZN 2020-022 (3670 W. MT. COMFORT RD./LANDMARC HOMES & HARDIN): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-0022 LOCATED AT 3670 WEST MOUNT COMFORT ROAD FOR APPROXIMATELY 6.05 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO CS, COMMUNITY SERVICES
[Legislation Text](#)
[RZN 2020-022 \(3670 W. MT. COMFORT RD./LANDMARC HOMES & HARDIN\)](#)
[ADDITIONAL_RZN 2020-022 \(3670 W. MT. COMFORT RD./LANDMARC HOMES & HARDIN\)](#)
[010521 ADDITIONAL_RZN 2020-022 \(3670 W. MT. COMFORT RD./LANDMARC HOMES & HARDIN\)](#)
[010721 ADDITIONAL_RZN 2020-022 \(3670 W. MT. COMFORT RD./LANDMARC HOMES & HARDIN\)](#)
[ADDITIONAL_RZN 2020-022 \(3670 W. MT. COMFORT RD./LANDMARC HOMES & HARDIN\)](#)

- B.52020-1136 ANX 2020-0001(3435 E. ZION RD./BURGE): AN ORDINANCE TO APPROVE THE ANNEXATION PETITION OF PATRICIA LYNNE SEVERINO, AS TRUSTEE OF THE ROBERT EUGENE BURGE IRREVOCABLE TRUST, AND ANNEX 59.00 ACRES OF LAND LOCATED AT 3435 EAST ZION ROAD
[Legislation Text](#)
[ANX 2020-0001\(3435 E. ZION RD./BURGE\)](#)
[010521 ADDITIONAL_ANX 2020-0001\(3435 E. ZION RD./BURGE\)](#)
[010721 ADDITIONAL_ANX 2020-0001\(3435 E. ZION RD./BURGE\)](#)

- B.62020-1140 PZD-2020-002 (3435 E. ZION RD./CHANDLER CROSSING SD): AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 2020-0002 FOR APPROXIMATELY 81.80 ACRES LOCATED AT 3435 EAST ZION ROAD TO ALLOW THE DEVELOPMENT OF 260 MIXED USE LOTS
[Legislation Text](#)
[PZD-2020-002 \(3435 E. ZION RD./CHANDLER CROSSING SD\)](#)
[010521 ADDITIONAL_PZD-2020-002 \(3435 E. ZION RD./CHANDLER CROSSING SD\)](#)
[010721 ADDITIONAL_PZD-2020-002 \(3435 E. ZION RD./CHANDLER CROSSING SD\)](#)

C. New Business

- C.12020-1090 2021 JUSTICE ASSISTANCE GRANT: A RESOLUTION AUTHORIZE ACCEPTANCE OF A 2021 JUSTICE ASSISTANCE GRANT IN THE TOTAL AMOUNT OF \$134,915.00 WHICH WILL BE USED TO PAY A PORTION OF THE SALARIES AND BENEFITS OF 4TH JUDICIAL DISTRICT DRUG TASK FORCE OFFICERS WITH THE FAYETTEVILLE, SPRINGDALE, AND PRAIRIE GROVE POLICE DEPARTMENTS AND THE WASHINGTON COUNTY SHERIFF'S OFFICE
[Legislation Text](#)
[SRP - 20-21 DTF JAG](#)

- C.22020-1137 RFO #19-05 FLINTCO, LLC: A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH FLINTCO, LLC, IN THE AMOUNT OF \$1,278,675.00 FOR THE EARTHWORK BID PACKAGE RELATED TO THE CONSTRUCTION OF THE NEW POLICE HEADQUARTERS AND FIRE STATION NO. 8, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$100,000.00, AND TO APPROVE A BUDGET ADJUSTMENT - POLICE HEADQUARTERS AND FIREFIGHTING FACILITIES IMPROVEMENTS BOND PROJECT
[Legislation Text](#)
[RFO #19-05 FLINTCO, LLC](#)
[BA_RFO #19-05 FLINTCO, LLC](#)

- C.32020-0946 2021-2025 FIVE-YEAR CAPITAL IMPROVEMENTS PLAN: A RESOLUTION TO ADOPT THE 2021-2025 FIVE-YEAR CAPITAL IMPROVEMENTS PLAN
[Legislation Text](#)
[2021-2025 FIVE YEAR CAPITAL IMPROVEMENTS PLAN](#)

- C.42020-1073 VAC-2020-009 (EAST OF 662 W. TAYLOR ST./GREGG AVE. R-O-W): AN ORDINANCE TO APPROVE VAC 20-009 FOR PROPERTY LOCATED EAST OF 662 WEST TAYLOR STREET TO VACATE A PORTION OF STREET RIGHT-OF-WAY
[Legislation Text](#)
[VAC-2020-00009: Vacation \(EAST OF 662 W. TAYLOR ST./GREGG AVE. R-O-W. 444\)](#)

- C.52020-1184 AMEND § 75.10 OPERATION OF SCOOTER SHARE PROGRAMS: AN ORDINANCE TO AMEND § 75.10 OPERATION OF SCOOTER SHARE PROGRAMS TO INCREASE PERMIT FEES AND UPDATE OPERATIONAL AND PRICING REQUIREMENTS, AND TO APPROVE A BUDGET ADJUSTMENT
[Legislation Text](#)
[E-Scooter Ordinance Legistar Packet](#)
[2020-1184 BA E-Scooter Trail Imp](#)

- C.62020-1186 AMEND § 151.01 DEFINITIONS AND § 164.02 ACCESSORY STRUCTURES AND USES: AN ORDINANCE TO AMEND § 151.01 DEFINITIONS AND § 164.02 ACCESSORY STRUCTURES AND USES OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO PERMIT AND REGULATE ELECTRIC VEHICLE CHARGING STATIONS
[Legislation Text](#)
[2020-1186 EV Charging Stations - CC Packet](#)

- C.72020-1159 AMEND § 111.07 OUTDOOR REFRESHMENT AREA: AN ORDINANCE TO AMEND § 111.07 OUTDOOR REFRESHMENT AREA BY CONVERTING LIMITED OUTDOOR CONSUMPTION DISTRICT PILOT PROGRAMS TO MORE PERMANENT DISTRICTS SUBJECT TO RULES ESTABLISHED BY THE CITY COUNCIL, AND TO APPROVE AN EMERGENCY CLAUSE
[Legislation Text](#)
[AMEND SECTION 111.07](#)

D. City Council Agenda Session Presentations

- D.12020-0950 AGENDA SESSION PRESENTATION - PROPOSED 2021-2025 FIVE YEAR CAPITAL IMPROVEMENT PLAN, PAUL BECKER
[Legislation Text](#)

- D.22020-1157 AGENDA SESSION PRESENTATION: ECONOMIC VITALITY CONTRACT SERVICES
[Legislation Text](#)

E. City Council Tour: 3:30-5:00 PM Friday, January 15, 2021

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 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.

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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