

City of Fayetteville, Arkansas

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



City Council Meeting

March 2, 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 Potts, 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

Zoom Information: Public Registration Link: https://zoom.us/join/register?WN_BSU-JzBrQu2dPEHU4ICRA Webinar ID: 928 5683 4996

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

- 2020-0973 MONTHLY FINANCIAL REPORT

[Legislation Text](#)

Agenda Additions

A. Consent

- A.12020-0871 APPROVAL OF THE FEBRUARY 2, 2021 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

- A.22021-0090 ANIMAL SERVICES DIVISION DONATION REVENUE: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$9,680.00 REPRESENTING DONATION REVENUE TO THE ANIMAL SERVICES DIVISION

[Legislation Text](#)

[ANIMAL SERVICES DONATION REVENUE](#)

[BA_ANIMAL SERVICES DONATION REVENUE](#)

- A.32021-0102 HAZMAT SERVICES REVENUE: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$11,303.00 RECOGNIZING HAZMAT SERVICES REVENUE RECEIVED FROM WASHINGTON COUNTY AND INCREASING THE RELATED EXPENSE BUDGET

[Legislation Text](#)

[HAZMAT SERVICES REVENUE](#)

[BA_HAZMAT SERVICES REVENUE](#)

- A.42021-0114 RIGGS TRACTOR COMPANY: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR GENERATOR FROM RIGGS TRACTOR COMPANY IN THE AMOUNT OF \$28,598.00 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE POLICE DEPARTMENT

[Legislation Text](#)

[RIGGS TRACTOR COMPANY](#)

- A.52021-0115 ARKANSAS MUNICIPAL EQUIPMENT: A RESOLUTION TO AUTHORIZE THE PURCHASE OF AN AUGER-STYLE SIDE LOAD REFUSE TRUCK FROM ARKANSAS MUNICIPAL EQUIPMENT, INC. IN THE AMOUNT OF \$294,205.65, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE RECYCLING AND TRASH COLLECTION DIVISION

[Legislation Text](#)

[ARKANSAS MUNICIPAL EQUIPMENT](#)

- A.62021-0117 WILLIAMS TRACTOR - HAY CUTTERS: A RESOLUTION TO APPROVE THE PURCHASE OF TWO RHINO FLEX WING BRUSH CUTTERS FROM WILLIAMS TRACTOR, INC. IN THE TOTAL AMOUNT OF \$41,624.00, PLUS ANY APPLICABLE SALES TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[WILLIAMS TRACTOR - HAY CUTTERS](#)

- A.72021-0119 WILLIAMS TRACTOR - BOBCAT TRACK LOADER: A RESOLUTION TO APPROVE THE PURCHASE OF A BOBCAT TRACK LOADER WITH A FORESTRY CUTTER ATTACHMENT FROM WILLIAMS TRACTOR, INC. IN THE AMOUNT OF \$94,778.47, PLUS ANY APPLICABLE SALES TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[WILLIAMS TRACTOR - BOBCAT TRACK LOADER](#)

- A.82021-0120 WILLIAMS TRACTOR - TOWMASTER SEMI-TRAILER: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A TOWMASTER SEMI-TRAILER FROM WILLIAMS TRACTOR IN THE AMOUNT OF \$80,428.00 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[WILLIAMS TRACTOR - TOWMASTER SEMI-TRAILER](#)

[BA_WILLIAMS TRACTOR - TOWMASTER SEMI-TRAILER](#)

- A.92021-0122 STRIBLING EQUIPMENT, LLC: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE LOADER FROM STRIBLING EQUIPMENT, LLC OF SPRINGDALE, ARKANSAS IN THE AMOUNT OF \$150,765.00, PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[STRIBLING EQUIPMENT, LLC](#)

- A.102021-0118 RIGGS TRACTOR COMPANY: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR 308 EXCAVATOR GENERATOR FROM RIGGS TRACTOR COMPANY FOR THE TOTAL AMOUNT OF \$96,564.99 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[RIGGS TRACTOR COMPANY](#)

[BA_RIGGS TRACTOR COMPANY](#)

- A.112021-0124 LANDSCAPE STRUCTURES, INC.: A RESOLUTION TO AUTHORIZE THE PURCHASE OF PLAYGROUND SAFETY SURFACING FROM LANDSCAPE STRUCTURES, INC. FOR INSTALLATION AT BRYCE DAVIS, SWEETBRIAR, AND DAVID LASHLEY PARKS IN THE AMOUNT OF \$87,998.90 PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A PROJECT CONTINGENCY OF \$8,800.00

[Legislation Text](#)

[LANDSCAPE STRUCTURES, INC.](#)

- A.122021-0094 BID #20-74 MILESTONE CONSTRUCTION COMPANY: A RESOLUTION TO APPROVE CHANGE ORDER NO. 1 TO THE CONTRACT WITH MILESTONE CONSTRUCTION COMPANY, LLC, IN THE AMOUNT OF \$42,728.19 FOR THE REPAIR AND REPLACEMENT OF A SIDEWALK, SUPPORT STRUCTURE, AND STORAGE AREA ADJACENT TO THE TOWN CENTER PLAZA

[Legislation Text](#)

[BID #20-74 MILESTONE CONSTRUCTION COMPANY](#)

- A.132021-0126 BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 4: A RESOLUTION TO APPROVE CHANGE ORDER NO. 4 TO THE CONTRACT WITH BENCHMARK CONSTRUCTION OF NWA, INC. IN THE AMOUNT OF \$6,117.17 FOR ADDITIONAL GRAVEL NEEDED FOR THE CONSTRUCTION OF THE FLEET TRUCK WASH FACILITY

[Legislation Text](#)

[BENCHMARK CONSTRUCTION OF NWA, INC. CHANGE ORDER NO. 4](#)

B. Unfinished Business

- B.12020-1055 BANK OF FAYETTEVILLE/DEPOT LOT SITE: AN ORDINANCE TO APPROVE REAL ESTATE PURCHASE CONTRACTS WITH THE FARMERS & MERCHANTS BANK, FAYETTEVILLE DEPOT, LLC; AND DICKSON & WEST INVESTMENTS, LLC TO PURCHASE ABOUT ONE HALF ACRE IN THE DEPOT/BANK LOT FOR \$350,000.00, TO APPROVE A LEASE-TO-OWN ARRANGEMENT WITH DICKSON & WEST INVESTMENTS, LLC FOR THE 2 ACRE LOT ON THE NORTH END OF THE CIVIC PLAZA, TO AGREE TO CONVEY TO DICKSON & WEST INVESTMENTS, LLC THE OWNERSHIP OF ABOUT 14,000 SQUARE FEET OF THE BOTTOM FLOOR OF THE CITY'S PUBLIC PARKING DECK AND OTHER ITEMS, AND TO PASS AN EMERGENCY CLAUSE

[Legislation Text](#)

[BANK OF FAYETTEVILLE/DEPOT LOT SITE](#)

[ADDITIONAL_BANK OF FAYETTEVILLE/DEPOT LOT SITE](#)

- B.22020-0943 RFO-19-01 OLSSON, INC. AMENDMENT #2: A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC., PURSUANT TO RFO #19-01, IN THE AMOUNT OF \$154,900.00 FOR THE REMAINING ARCHITECTURAL SERVICES RELATED TO THE REPLACEMENT PARKING DECK FOR THE CULTURAL ARTS CORRIDOR PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 CULTURAL ARTS CORRIDOR BOND PROJECT

[Legislation Text](#)

[RFO-19-01 OLSSON, INC. AMENDMENT #2](#)

[BA_RFO-19-01 OLSSON, INC. AMENDMENT #2](#)

[ADDITIONAL_RFO-19-01 OLSSON, INC. AMENDMENT #2](#)

- B.32020-1136 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\(3435 E. ZION RD./BURGE\)](#)

[011921 ADDITIONAL_ANX 2020-0001\(3435 E. ZION RD./BURGE\)](#)

[B.4 and B.5 Public Comment](#)

[B.4 and B.5 WCRC - Clear Creek Assessment Final Report 3-30-20](#)

[1-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020](#)

[2-2 B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020-2](#)

[3-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020-2](#)

[4-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020-2](#)

[B.4 and B.5 FTN - Delineation-Chandler Crossing Subdivision Draft 02-01-2021](#)

[B.4 and B.5 WCRC - Presentation for Fayetteville - Hilton Creek - 2-8-21](#)

[B.4 and B.5 Updated additional information](#)

- B.42020-1140 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 81.89 ACRES LOCATED AT 3435 EAST ZION ROAD

[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 \(3435 E. ZION RD./CHANDLER CROSSING SD\)](#)

[011921 ADDITIONAL_PZD-2020-002 \(3435 E. ZION RD./CHANDLER CROSSING SD\)](#)

[ADDITIONAL_CHANDLER CROSSING](#)

[B.4 and B.5 Public Comment](#)

[B.4 and B.5 WCRC - Clear Creek Assessment Final Report 3-30-20](#)

[1-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020](#)

[2-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020-2](#)

[3-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020-2](#)

[4-B.4 and B.5 FTN - COF-Spillway Modification Study 11-12-2020-2](#)

[B.4 and B.5 FTN - Delineation-Chandler Crossing Subdivision Draft 02-01-2021](#)

[B.4 and B.5 WCRC - Presentation for Fayetteville - Hilton Creek - 2-8-21](#)

[B.5 Chandler](#)

[B.4 and B.5 Updated additional information](#)

[B.5 PZD Chandler Crossing](#)

- B.52021-0064 AMEND §161.22 COMMUNITY SERVICES: AN ORDINANCE TO AMEND §161.22 COMMUNITY SERVICES TO MOVE USE UNIT 8, SINGLE-FAMILY DWELLINGS AND USE UNIT 9, TWO FAMILY DWELLINGS FROM PERMITTED USES TO CONDITIONAL USES

[Legislation Text](#)

[AMEND §166.22 COMMUNITY SERVICES](#)

- B.62021-0070 RZN-2020-027 (1673 & 1675 N. FLORENE ST./HERMEZ-HERNANDEZ): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-027 LOCATED AT 1673 AND 1675 NORTH FLORENE STREET FOR APPROXIMATELY 0.30 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE

[Legislation Text](#)

[RZN-2020-027 \(1673 & 1675 N. FLORENE ST./HERMEZ-HERNANDEZ\)](#)

- B.72021-0074 AMEND §157.03 ANNEXATION AND ZONING MAP AMENDMENTS: AN ORDINANCE TO AMEND §157.03 ANNEXATION AND ZONING MAP AMENDMENTS IN CHAPTERS 157 NOTIFICATION OF FIRE STATION NO. 8, TO AWARD BID #21-22 AND AUTHORIZE A CONTRACT WITH FLINTCO, LLC IN THE AMOUNT OF \$2,510,225.00 FOR THE CONSTRUCTION OF FIRE STATION NO. 9, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$150,000.00 FOR EACH PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 FIRE FIGHTING FACILITIES IMPROVEMENTS BOND PROJECTS

[Legislation Text](#)

[AMEND §157.03 ANNEXATION AND ZONING MAP AMENDMENTS](#)

C. Public Hearing:

- C.12021-0078 PUBLIC CONVENIENCE AND NECESSITY TO THE ECCLECTIC BEE, LLC D/B/A PEDAL PUB FAYETTEVILLE: A RESOLUTION TO GRANT A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO THE ECCLECTIC BEE, LLC D/B/A PEDAL PUB FAYETTEVILLE FOR THE OPERATION OF UP TO TEN (10) PEDAL CARRIAGES IN THE CITY OF FAYETTEVILLE

[Legislation Text](#)

[PUBLIC CONVENIENCE AND NECESSITY TO THE ECCLECTIC BEE, LLC D/B/A PEDAL PUB FAYETTEVILLE](#)

[PEDAL PUB FAYETTEVILLE - FICTITIOUS NAME REGISTRATION](#)

D. New Business

- D.12021-0145 SUPPORT LAKE FAYETTEVILLE IMPROVEMENTS: RESOLUTION TO SUPPORT IMPROVEMENTS TO LAKE FAYETTEVILLE'S WATER QUALITY AND TO CREATE A HEALTHY LAKE ECOSYSTEM

[Legislation Text](#)

[SUPPORT LAKE FAYETTEVILLE IMPROVEMENTS](#)

- D.22021-0116 TLG PETERBILT: A RESOLUTION TO AUTHORIZE THE PURCHASE OF THREE PETERBILT REFUSE TRUCKS FROM TLG PETERBILT OF FORT SMITH, ARKANSAS FOR THE TOTAL AMOUNT OF \$1,027,766.00, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[TLG PETERBILT](#)

[BA_TLG PETERBILT](#)

[ADDITIONAL_PICTURES_TLG PETERBILT](#)

- D.32021-0121 HUGG & HALL: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF A TOYOTA FORKLIFT FROM HUGG & HALL EQUIPMENT COMPANY FOR THE FLEET RENTAL POOL IN THE TOTAL AMOUNT OF \$37,340.00 PLUS APPLICABLE TAXES AND FREIGHT CHARGES

[Legislation Text](#)

[HUGG & HALL](#)

- D.42021-0112 AMEND ORDINANCE NO. 2740: AN ORDINANCE TO AMEND ORDINANCE NO. 2740 TO ENSURE THAT TRANSPORTATION CUSTOMERS ARE TREATED EQUALLY TO CUSTOMERS OF NATURAL GAS FOR THE FEES THEY PAY TO BLACK HILLS ENERGY

[Legislation Text](#)

[AMEND ORDINANCE NO. 2740](#)

- D.52021-0132 RZN 2020-028 (EAST OF W. MICHAEL COLE DR & W. WEDINGTON DR./KIDDER): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-028 LOCATED EAST OF WEST MICHAEL COLE DRIVE AND SOUTH OF WEST WEDINGTON DRIVE FOR APPROXIMATELY 5.00 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RMF-18, RESIDENTIAL MULTI-FAMILY, 18 UNITS PER ACRE

[Legislation Text](#)

[RZN 20-0-028 \(EAST OF W. MICHAEL COLE DR & W. WEDINGTON DR./KIDDER\)](#)

- D.62021-0123 BID #21-21 & BID #21-22 FLINTCO, LLC: A RESOLUTION TO AWARD BID #21-21 AND AUTHORIZE A CONTRACT WITH FLINTCO, LLC IN THE AMOUNT OF \$2,374,520.00 FOR THE CONSTRUCTION OF FIRE STATION NO. 8, TO AWARD BID #21-22 AND AUTHORIZE A CONTRACT WITH FLINTCO, LLC IN THE AMOUNT OF \$2,510,225.00 FOR THE CONSTRUCTION OF FIRE STATION NO. 9, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$150,000.00 FOR EACH PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 FIRE FIGHTING FACILITIES IMPROVEMENTS BOND PROJECTS

[Legislation Text](#)

[Fire Station 8 & 9 Construction Contract Flintco](#)

[2021-0123 BA Fire Station 8 9 Construction Contract](#)

[Bid 21-22, Fire Station 9, Appendix A 2 - Project Drawings with Addendum sheets condensed](#)

[Bid 21-22, Fire Station 9, Appendix A 1 - Project Manual with Addendums condensed](#)

[Bid 21-21, Fire Station 8, Appendix A 2 - Project Drawings with Addendum sheets condensed](#)

[Bid 21-21, Fire Station 8, Appendix A 1 - Project Manual with Addendums condensed](#)

E. City Council Agenda Session Presentations

- E.12021-0157 AGENDA SESSION PRESENTATION - SALES TAX REPORT BY PAUL BECKER ENERGY REPORT BY PETER NIERENGARTEN

[Legislation Text](#)

F. City Council Tour

G. Announcements

H. 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 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 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.

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