

City of Fayetteville, Arkansas

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



City Council Meeting

September 7, 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 Lionel Jordan
City Attorney Kit Williams
City Clerk Kara Paxton*

Zoom Information: Public Registration link: <https://us06web.zoom.us/j/84811494218> Webinar ID: 848 1149 4218

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1. 2020-0979 MONTHLY FINANCIAL REPORT
[Legislation Text](#)

Proposed Agenda Additions

1. 2021-0690 FEDERAL AVIATION ADMINISTRATION GRANT: A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A FEDERAL AVIATION ADMINISTRATION GRANT IN THE AMOUNT OF \$6,135,840.00 TO FUND THE DESIGN AND CONSTRUCTION OF THE RUNWAY PAVEMENT AND LIGHTING REHABILITATION PROJECT AT DRAKE FIELD AIRPORT, AND TO AUTHORIZE THE ACCEPTANCE OF ANY ADDITIONAL GRANT FUNDS AWARDED FOR THIS PROJECT
[Legislation Text](#)
[FEDERAL AVIATION ADMINISTRATION GRANT](#)
[Kit memo RWY Rehab & Lighting signed](#)

A. Consent

- A.12020-0883 APPROVAL OF THE AUGUST 6, 2021 SPECIAL CITY COUNCIL MEETING MINUTES AND THE AUGUST 17, 2021 CITY COUNCIL MEETING MINUTES
[Legislation Text](#)
- A.22021-0543 BID #21-47 ROGERS IRON AND METAL CORPORATION: A RESOLUTION TO AWARD BID #21-47 TO ROGERS IRON AND METAL CORPORATION FOR THE REMOVAL AND RECYCLING OF SCRAP METAL ITEMS FROM THE CITY OF FAYETTEVILLE RECYCLING AND TRASH COLLECTION DIVISION IN THE AMOUNT OF \$200.00 PER TON FOR A TERM OF ONE YEAR WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS
[Legislation Text](#)
[BID #21-47 ROGERS IRON AND METAL CORPORATION](#)
- A.32021-0575 RFQ 20-01 FTN ASSOCIATES, LTD AMENDMENT NO. 1: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL SERVICES DESIGN CONTRACT WITH FTN ASSOCIATES, LTD., PURSUANT TO RFQ 20-01, IN THE AMOUNT OF \$9,600.00 FOR DRAINAGE IMPROVEMENT ANALYSIS OF LINDA JO PLACE AND SKYLER PLACE TO HELP ALLEVIATE FLOODING ASSOCIATED WITH THE MIDDLE FORK OF THE HAMESTRING CREEK
[Legislation Text](#)
[RFQ 20-01 FTN ASSOCIATES, LTD AMENDMENT NO. 1](#)
- A.42021-0577 ARKANSAS HISTORIC PRESERVATION PROGRAM: A RESOLUTION TO AUTHORIZE A CONTRACT WITH THE ARKANSAS HISTORIC PRESERVATION PROGRAM FOR ACCEPTANCE OF A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$9,990.00 FOR THE RESTORATION OF THE WOOLSEY CEMETERY, AND TO APPROVE A BUDGET ADJUSTMENT
[Legislation Text](#)
[ARKANSAS HISTORIC PRESERVATION PROGRAM](#)
[BA_ARKANSAS HISTORIC PRESERVATION PROGRAM](#)
- A.52021-0580 AURORA AVIATION, LC D/B/A ELITE AIRCRAFT SERVICES: A RESOLUTION TO APPROVE A THREE YEAR LEASE AGREEMENT WITH AURORA AVIATION, LC D/B/A ELITE AIRCRAFT SERVICES FOR OFFICE SPACE IN THE AIRPORT TERMINAL BUILDING IN THE AMOUNT OF \$300.00 PER MONTH
[Legislation Text](#)
[AURORA AVIATION, LC DBA ELITE AIRCRAFT SERVICES](#)
- A.62021-0648 BID # 21-65 SOUTHERN TIRE MART, LLC: A RESOLUTION TO AWARD BID # 21-65 AND AUTHORIZE THE PURCHASE AND INSTALLATION OF FOUR TIRE AND WHEEL ASSEMBLIES FROM SOUTHERN TIRE MART, LLC IN THE AMOUNT OF \$31,115.20 PLUS APPLICABLE TAXES
[Legislation Text](#)
[BID # 21-65 SOUTHERN TIRE MART, LLC](#)
- A.72021-0624 JACK TYLER ENGINEERING, INC.: A RESOLUTION TO ACCEPT A QUOTE IN THE AMOUNT OF \$21,409.37 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FROM JACK TYLER ENGINEERING, INC. FOR THE REPAIR OF A PUMP AT THE BROYLES AVENUE SEWER LIFT STATION
[Legislation Text](#)
[JACK TYLER ENGINEERING, INC.](#)
- A.82021-0625 OLSSON, INC. AMENDMENT NO. 5: A RESOLUTION TO APPROVE AMENDMENT NO. 5 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC. IN AN AMOUNT NOT TO EXCEED \$312,000.00 FOR ENGINEERING SERVICES RELATED TO THE EAST FAYETTEVILLE WATER SYSTEM IMPROVEMENTS PROJECT
[Legislation Text](#)
[OLSSON, INC. AMENDMENT NO. 5](#)
- A.92021-0623 CITY OF ELKINS SANITARY SEWER SERVICE: A RESOLUTION TO APPROVE A 15 YEAR CONTRACT FOR SANITARY SEWER SERVICE BETWEEN THE CITIES OF ELKINS AND FAYETTEVILLE IN WHICH FAYETTEVILLE WILL ACCEPT AND TREAT SEWERAGE FROM ELKINS IN FAYETTEVILLE'S WASTEWATER TREATMENT FACILITY
[Legislation Text](#)
[CITY OF ELKINS SANITARY SEWER SERVICE:](#)
- A.102021-0663 CH2M HILL ENGINEERS, INC.: A RESOLUTION TO AUTHORIZE A PAYMENT TO CH2M HILL ENGINEERS, INC. IN THE AMOUNT OF \$362,544.00 TO RECONCILE THE ACTUAL COSTS OF WASTEWATER TREATMENT OPERATIONS AND MAINTENANCE IN 2020 TO THE CONTRACT ESTIMATE, AND TO APPROVE A BUDGET ADJUSTMENT
[Legislation Text](#)
[CH2M HILL ENGINEERS, INC.:](#)
[BA_CH2M HILL ENGINEERS, INC.:](#)
- A.112021-0635 BID #21-60 CALDWELL TANKS, INC.: A RESOLUTION TO AWARD BID #21-60 AND AUTHORIZE A CONTRACT WITH CALDWELL TANKS, INC. IN THE AMOUNT OF \$2,325,000.00 FOR THE CONSTRUCTION OF A NEW ELEVATED WATER STORAGE TANK ON TOWNSHIP STREET AND DEMOLITION OF THE EXISTING TANK, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$232,500.00, AND TO APPROVE A BUDGET ADJUSTMENT
[Legislation Text](#)
[BID #21-60 CALDWELL TANKS, INC.](#)
[BA_BID #21-60 CALDWELL TANKS, INC.](#)
- A.122021-0653 RUBBISH REMOVAL AND ROLL-OFF RENTALS, LLC D/B/A ARKANSAS WASTE SOLUTIONS: A RESOLUTION TO APPROVE AN AGREEMENT WITH RUBBISH REMOVAL AND ROLL-OFF RENTALS, LLC D/B/A ARKANSAS WASTE SOLUTIONS FOR THE HAULING AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIAL IN THE CITY OF FAYETTEVILLE
[Legislation Text](#)
[RUBBISH REMOVAL AND ROLL-OFF RENTALS, LLC D/B/A ARKANSAS WASTE SOLUTIONS](#)
- A.132021-0654 OZARK COMPOST & SWAP, LLC: A RESOLUTION TO APPROVE AN AGREEMENT WITH OZARK COMPOST & SWAP, LLC FOR THE HAULING OF ORGANIC COMPOSTABLE AND RECYCLABLE MATERIAL IN THE CITY OF FAYETTEVILLE
[Legislation Text](#)
[OZARK COMPOST & SWAP, LLC](#)

B. Unfinished Business

- B.12021-0466 AMEND CHAPTER 173 BUILDING REGULATIONS: AN ORDINANCE TO AMEND CHAPTER 173 BUILDING REGULATIONS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ALIGN THE CITY'S BUILDING REGULATIONS WITH BUILDING CODES ADOPTED BY THE STATE OF ARKANSAS; TO AUTHORIZE PROSECUTION OF VIOLATIONS OF § 173.08 UNSAFE BUILDINGS AND PROPERTY NUISANCES; AND TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE
[Legislation Text](#)
[AMEND CHAPTER 173 BUILDING REGULATIONS](#)
[CITY ATTORNEY MEMO](#)
[CITY ATTORNEY MEMO_2](#)
[UPDATED INFORMATION 08/26/21_AMEND CHAPTER 173 BUILDING REGULATIONS](#)
- C.22021-0684 ENACT ARTICLE XXXII COMMISSION TO PRESERVE HISTORICAL BLACK STRUCTURES AND CEMETERIES AND TO CREATE BLACK HISTORICAL MARKERS: AN ORDINANCE TO ENACT ARTICLE XXXII COMMISSION TO PRESERVE HISTORICAL BLACK STRUCTURES AND CEMETERIES AND TO CREATE BLACK HISTORICAL MARKERS
[Legislation Text](#)
[ENACT ARTICLE XXXII COMMISSION TO PRESERVE HISTORICAL BLACK STRUCTURES AND CEMETERIES AND TO CREATE BLACK HISTORICAL MARKERS](#)
- C.32021-0626 PINNACLE OZONE SOLUTIONS, LLC: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND APPROVE A QUOTE FROM PINNACLE OZONE SOLUTIONS, LLC FOR REFURBISHMENT OF THE OZONE DISINFECTION SYSTEM AT THE NOLAND WATER RESOURCE RECOVERY FACILITY IN THE AMOUNT OF \$19,224.75 PLUS APPLICABLE TAXES AND FREIGHT CHARGES
[Legislation Text](#)
[PINNACLE OZONE SOLUTIONS, LLC](#)
- C.42021-0657 RZN-2021-056 (2699 W. MLK BLVD/ABAILAT, 558): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-056 LOCATED AT 2699 WEST MARTIN LUTHER JUNIOR KING BOULEVARD FOR APPROXIMATELY 0.43 ACRES FROM C-2, THOROUGHFARE COMMERCIAL AND R-A, RESIDENTIAL AGRICULTURAL TO C-2 THOROUGHFARE COMMERCIAL
[Legislation Text](#)
[RZN-2021-056 \(2699 W. MLK BLVD/ABAILAT, 558\)](#)
- C.52021-0644 VAC-2021-022 (1548 N. LEVERETT AVE./BRITTENUM PROPERTIES): AN ORDINANCE TO APPROVE VAC 21-0022 FOR PROPERTY LOCATED AT 1548 NORTH LEVERETT AVENUE TO VACATE A PORTION OF A GENERAL UTILITY EASEMENT
[Legislation Text](#)
[VAC-2021-022 \(1548 N. LEVERETT AVE./BRITTENUM PROPERTIES\)](#)
- C.62021-0615 AMEND CHAPTER 72 PARKING REGULATIONS: AN ORDINANCE TO AMEND CHAPTER 72 PARKING REGULATIONS OF THE FAYETTEVILLE CITY CODE TO INCREASE CERTAIN PARKING RATES TO REFLECT THE OPERATIONAL COSTS OF UPDATED PARKING EQUIPMENT AND TECHNOLOGY, AND TO CREATE A RESIDENTIAL PARKING PERMIT PROGRAM AND EMPLOYEE DISCOUNT PROGRAM FOR THE DOWNTOWN BUSINESS DISTRICT PARKING ZONE
[Legislation Text](#)
[AMEND CHAPTER 72 PARKING REGULATIONS:](#)
[Exhibit 1 Parking Amendments](#)

- C.72021-0661 AMEND § 111.07 OUTDOOR REFRESHMENT AREA: AN ORDINANCE TO AMEND § 111.07 OUTDOOR REFRESHMENT AREA BY ADOPTING A REVISED DOWNTOWN OUTDOOR REFRESHMENT AREA BOUNDARY MAP AND REMOVING THE EXPIRATION PROVISION
[Legislation Text](#)
[AMEND § 111.07 OUTDOOR REFRESHMENT AREA](#)
[ADDITIONAL 08/31/21_AMEND § 111.07 OUTDOOR REFRESHMENT AREA](#)
[ADDITIONAL 09/07/21_AMEND § 111.07 OUTDOOR REFRESHMENT AREA](#)
- C.82021-0665 APPEAL MILLION MIRACLES SURVEYING, P.L.L.C.: A RESOLUTION TO GRANT THE APPEAL OF A MILLION MIRACLES SURVEYING, P.L.L.C., FOR VARIANCE APPLICATION VAR 21-0034 AND ALLOW A THIRD DRIVEWAY FOR THE DEVELOPMENT AT 203, 205, AND 207 SOUTH WEST AVENUE
[Legislation Text](#)
[APPEAL: VAR-2021-034: \(203, 205, and 207 S. WEST AVE./ROUSE\)](#)

- C.92021-0659 APPEAL ADM-2021-045 (1236 S. SCHOOL AVE./VAUGHN RECYCLING): A RESOLUTION TO GRANT THE APPEAL OF VAUGHN RECYCLING SARAH BUNCH, HOLLY EXPAND ITS RECYCLING ACTIVITIES TO 1236 SOUTH SCHOOL AVENUE
[Legislation Text](#)
[APPEAL ADM-2021-045 \(1236 S. SCHOOL AVE./VAUGHN RECYCLING\)](#)
[ADDITIONAL 09/02/21_APPEAL ADM-2021-045 \(1236 S. SCHOOL AVE./VAUGHN RECYCLING\)](#)

D. City Council Agenda Session Presentations

- D.12021-0152 AGENDA SESSION PRESENTATION - SALES TAX REPORT BY PAUL BECKER ENERGY REPORT BY PETER NIERENGARTEN
[Legislation Text](#)
- D.22021-0652 AGENDA SESSION PRESENTATION - CENTENNIAL PARK UPDATE - EXPERIENCE FAYETTEVILLE AND TRAILBLAZERS
[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. 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 unsign-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.

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.