

City of Fayetteville, Arkansas

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



City Council Meeting

October 5, 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: Webinar ID: 839 9524 2512 Public Registration Link: <https://us06web.zoom.us/join/83995242512>

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1. 2021-0220 NOMINATING COMMITTEE REPORT

[Legislation Text](#)

[NOMINATING COMMITTEE REPORT](#)

2. 2020-0980 MONTHLY FINANCIAL REPORT

[Legislation Text](#)

Proposed Agenda Additions

A. Consent

A.12020-0885 APPROVAL OF THE SEPTEMBER 14, 2021 SPECIAL CITY COUNCIL MEETING MINUTES AND SEPTEMBER 21, 2021 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

A.22021-0711 RFQ #20-01 OLSSON INC. AMENDMENT: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES CONTRACT WITH OLSSON, INC. IN THE AMOUNT OF \$5,519.00 FOR ADDITIONAL MATERIALS TESTING RELATED TO THE CONSTRUCTION OF THE NEW POLICE HEADQUARTERS

[Legislation Text](#)

[RFQ #20-01 OLSSON INC. AMENDMENT](#)

A.32021-0735 FLINTCO, LLC CHANGE ORDER NO. 5: A RESOLUTION TO APPROVE CHANGE ORDER NO. 5 TO THE CONSTRUCTION MANAGER AT RISK CONTRACT WITH FLINTCO, LLC FOR THE POLICE HEADQUARTERS PROJECT IN THE AMOUNT OF \$3,320,439.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 POLICE HEADQUARTERS BOND PROJECT

[Legislation Text](#)

[FLINTCO, LLC CHANGE ORDER NO. 5](#)

[BA_FLINTCO, LLC CHANGE ORDER NO. 5](#)

A.42021-0732 NABHOLZ CONSTRUCTION CORPORATION CHANGE ORDER NO. 7: A RESOLUTION TO APPROVE CHANGE ORDER NO. 7 TO THE CONTRACT WITH NABHOLZ CONSTRUCTION CORPORATION IN THE AMOUNT OF \$109,156.32 FOR WATER AND SEWER RELOCATIONS ALONG GREGG AVENUE AND IN THE FAY JONES WOODS, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 CULTURAL ARTS CORRIDOR BOND PROJECT

[Legislation Text](#)

[NABHOLZ CONSTRUCTION CORPORATION CHANGE ORDER NO. 7](#)

[BA_NABHOLZ CONSTRUCTION CORPORATION CHANGE ORDER NO. 7](#)

A.52021-0715 RFQ #21-01 SELECTION #8, MCCLELLAND CONSULTING ENGINEERS, INC.: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC. PURSUANT TO RFQ #21-01 SELECTION 8, IN AN AMOUNT NOT TO EXCEED \$85,160.00 FOR THE DESIGN OF A WATERLINE UPGRADE ALONG SOUTH SCHOOL AVENUE

[Legislation Text](#)

[RFQ #21-01 SELECTION #8, MCCLELLAND CONSULTING ENGINEERS, INC.](#)

A.62021-0716 RFQ #21-01 SELECTION #7, OLSSON, INC.: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC., PURSUANT TO RFQ #21-01 SELECTION #7, IN AN AMOUNT NOT TO EXCEED \$31,420.00 FOR THE DESIGN OF WATER SERVICE LINE REPLACEMENTS IN SKYLER PLACE SUBDIVISION

[Legislation Text](#)

[RFQ #21-01 SELECTION #7, OLSSON, INC.](#)

A.72021-0726 BID #21-63 JACK TYLER ENGINEERING, INC.: A RESOLUTION TO AWARD BID #21-63 AND AUTHORIZE THE PURCHASE OF SIX (6) SUBMERSIBLE MIXERS FROM JACK TYLER ENGINEERING, INC. IN THE TOTAL AMOUNT OF \$220,384.02, PLUS APPLICABLE TAXES AND FREIGHT CHARGES, FOR USE AT THE NOLAND WATER RESOURCE RECOVERY FACILITY

[Legislation Text](#)

[BID #21-63 JACK TYLER ENGINEERING, INC.](#)

A.82021-0719 BID #21-69 WILLIAMS TRACTOR: A RESOLUTION TO AWARD BID #21-69 AND AUTHORIZE THE PURCHASE OF AN AUTO-LOADING HAY TRAILER FROM WILLIAMS TRACTOR IN THE AMOUNT OF \$66,980.00 PLUS APPLICABLE TAXES

[Legislation Text](#)

[BID #21-69 WILLIAMS TRACTOR](#)

A.92021-0723 2022 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT: A RESOLUTION TO AUTHORIZE ACCEPTANCE OF A 2022 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT IN THE AMOUNT OF \$131,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[2022 SELECTIVE TRAFFIC ENFORCEMENT PROJECT \(STEP\) GRANT](#)

[BA_2022 SELECTIVE TRAFFIC ENFORCEMENT PROJECT \(STEP\) GRANT](#)

A.102021-0725 BIG BEAR SHREDDING: A RESOLUTION TO AUTHORIZE THE DESTRUCTION OF CERTAIN RECORDS SHOWN ON THE ATTACHED AFFIDAVITS PURSUANT TO RELEVANT SECTIONS OF THE ARKANSAS CODE RELATED TO MAINTENANCE AND DESTRUCTION OF ACCOUNTING AND OTHER CITY RECORDS

[Legislation Text](#)

[BIG BEAR SHREDDING](#)

A.112021-0727 DATA COMMUNICATIONS PRODUCTS: A RESOLUTION TO AUTHORIZE THE PURCHASE OF DATA COMMUNICATIONS PRODUCTS AND SERVICES THROUGH AUTHORIZED RESELLERS, PURSUANT TO STATE OF ARKANSAS AND NATIONAL ASSOCIATION OF PROCUREMENT OFFICIALS COOPERATIVE PURCHASING AGREEMENTS, ON AN AS NEEDED BASIS THROUGH MAY 31, 2024 AND ANY FUTURE RENEWAL PERIODS

[Legislation Text](#)

[DATA COMMUNICATIONS PRODUCTS](#)

A.122021-0733 THEATRESQUARED, INC. LEASE AGREEMENT AMENDMENT: A RESOLUTION TO APPROVE AN AMENDMENT TO THE LEASE AGREEMENT WITH THEATRESQUARED, INC. TO REMOVE 91 SQUARE FEET OF PROPERTY FROM THE LEGAL DESCRIPTION, AND TO ALLOW THE RESIDENTIAL FACILITIES TO BE USED AS SHORT TERM RENTALS WHEN NOT NEEDED FOR PERFORMANCES

[Legislation Text](#)

[THEATRESQUARED, INC. LEASE AGREEMENT AMENDMENT](#)

A.132021-0734 STREAM RESTORATION PROJECT AT WILSON PARK: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$25,000.00 RECOGNIZING PARK LAND DEDICATION FEES FROM THE SOUTHWEST PARK QUADRANT TO BE USED FOR THE PURCHASE OF ROCK SCULPTURES AND SURVEYING SERVICES ASSOCIATED WITH A STREAM RESTORATION PROJECT AT WILSON PARK

[Legislation Text](#)

[STREAM RESTORATION PROJECT AT WILSON PARK:](#)

[BA_STREAM RESTORATION PROJECT AT WILSON PARK:](#)

A.142021-0749 CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER NO. 2: A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$1,236,430.00 TO REPAIR SLOPE FAILURES AND STRENGTHEN OTHER SLOPE AREAS AT KESSLER MOUNTAIN REGIONAL PARK, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER NO. 2](#)

[BA_CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER NO. 2](#)

[ADDITIONAL 09/30/21_CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER NO. 2](#)

B. Unfinished Business

B.12021-0659 APPEAL ADM-2021-045 (1236 S. SCHOOL AVE./VAUGHN RECYCLING): A RESOLUTION TO GRANT THE APPEAL OF COUNCIL MEMBERS SARAH BUNCH, HOLLY HERTZBERG, AND D'ANDRE JONES AND APPROVE AN AMENDMENT TO CONDITIONAL USE PERMIT CUP 08-2908 TO AUTHORIZE VAUGHN RECYCLING TO LEGALLY 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 \(1236 S. SCHOOL AVE. VAUGHN RECYCLING\)](#)

B.22021-0685 2021 MILLAGE LEVY: AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2021 FIXING THE RATE THEREOF AT 2.3 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND, 2.5 MILLS FOR FAYETTEVILLE PUBLIC LIBRARY OPERATIONS AND 1.2 MILLS FOR THE FAYETTEVILLE PUBLIC LIBRARY EXPANSION; AND CERTIFYING THE CALL TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

[Legislation Text](#)

[2021 MILLAGE LEVY](#)

[ADDITIONAL 09/21/21_2022_1010_BUDGET_SUMMARY 091421 PRESENTATION](#)

B.32021-0687 AMEND § 71.065 GENERAL SPEED RESTRICTIONS: AN ORDINANCE TO AMEND §71.065 GENERAL SPEED RESTRICTIONS OF THE FAYETTEVILLE CITY CODE TO ESTABLISH A DEFAULT SPEED LIMIT OF 20 MILES PER HOUR IN RESIDENTIAL AND BUSINESS DISTRICTS

[Legislation Text](#)

[AMEND § 71.065 GENERAL SPEED RESTRICTIONS](#)

[ADDITIONAL 09/28/21_AMEND § 71.065 GENERAL SPEED RESTRICTIONS](#)

C. New Business

C.12021-0747 1776 NORTH FOX HUNTER ROAD EXTENSION OF THE CITY'S SEWERAGE SYSTEM: A RESOLUTION TO APPROVE AN EXTENSION OF THE CITY'S SEWERAGE SYSTEM BEYOND THE CITY LIMITS TO PROPERTY LOCATED AT 1776 NORTH FOX HUNTER ROAD

[Legislation Text](#)

[Sewer Extension - 1776 N Fox Hunter](#)

C.22021-0729 APPEAL RZN-2021-043: (2828 N. CROSSOVER RD./GRACE CHURCH): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-043 LOCATED AT 2828 NORTH CROSSOVER ROAD FOR APPROXIMATELY 3.58 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO P-1, INSTITUTIONAL

[Legislation Text](#)

[APPEAL RZN-2021-043: \(2828 N. CROSSOVER RD./GRACE CHURCH\)](#)

C.32021-0728 RZN-2021-063 (820 W. KELLEY ST./RICHLAND CREEK ENTERPRISES): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-063 LOCATED AT 820 WEST KELLEY STREET FOR APPROXIMATELY 0.55 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

[Legislation Text](#)

[RZN-2021-063 \(820 W. KELLEY ST./RICHLAND CREEK ENTERPRISES\)](#)

C.42021-0718 BID WAIVER FOR FLEET VEHICLES: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND AUTHORIZE THE PURCHASE OF NEW VEHICLES THROUGH VARIOUS MANUFACTURER'S AUTHORIZED DEALER NETWORKS, BUT TO REQUIRE INFORMAL QUOTES OR BIDS FOR SIMILAR VEHICLES, AND TO AUTHORIZE THE MAYOR TO EXECUTE ANY AGREEMENTS NECESSARY TO PARTICIPATE IN GOVERNMENT FLEET PROGRAMS

[Legislation Text](#)

[BID WAIVER FOR FLEET VEHICLES](#)

D. City Council Agenda Session Presentations

D.12021-0686 AGENDA SESSION PRESENTATION - FAYETTEVILLE HOUSING AUTHORITY UPDATE, MELISSA TERRY

[Legislation Text](#)

[Limited Public Forum- Comment Only Regarding Agenda Session Presentation](#)

D.22021-0153 AGENDA SESSION PRESENTATION - SALES TAX REPORT BY PAUL BECKER ENERGY REPORT BY PETER NIERENGARTEN

[Legislation Text](#)

E. City Council Tour: October 4, 2021 4:30-5:00 PM 2828 N. Crossover Rd. Parking is available off-street in the spaces nearest to Crossover. Please note, some activities at the property or neighboring dance school may be underway.

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 group without discussion 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 the audience who have signed up prior to the beginning of the agenda item they wish to address but only if 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 conduct 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.