

City of Fayetteville, Arkansas

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



City Council Meeting

January 4, 2022
5:30 p.m.

City Hall Room 219
113 West Mountain

City Council Members

Sonia Harvey Ward 1
D'Andre Jones Ward 1
Mark Kinton Ward 2
Vacant 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: https://us06web.zoom.us/join/register?WN_lu0W3nnhRjMzooD2k0QuQ

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

- 2021-1069 ELECTION OF VICE MAYOR

[Legislation Text](#)

- 2021-1070 REPORT OF FIREMEN'S AND POLICEMEN'S PENSION AND RELIEF FUND

[Legislation Text](#)

- 2021-1071 MONTHLY FINANCIAL REPORT

[Legislation Text](#)

Proposed Agenda Additions

A. Consent

- 12021-1041 APPROVAL OF THE DECEMBER 14, 2021 SPECIAL CITY COUNCIL MEETING AND THE DECEMBER 21, 2021 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

- 2021-0969 OZARK TENNIS ACADEMY, LLC (OTA): A RESOLUTION TO AUTHORIZE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND OZARK TENNIS ACADEMY, LLC TO PROVIDE TENNIS PROGRAMS FOR FAYETTEVILLE RESIDENTS IN 2022, WITH AUTOMATIC RENEWALS FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS AT A TOTAL ESTIMATED COST OF \$61,000.00

[Legislation Text](#)

[OZARK TENNIS ACADEMY, LLC \(OTA\)](#)

- 2021-1035 BID # 20-58 KING ELECTRICAL CONTRACTORS, INC. - 2019 STREET IMPROVEMENT BOND AND PARK IMPROVEMENT BOND PROJECT: A RESOLUTION TO APPROVE A PROPOSAL FROM KING ELECTRICAL CONTRACTORS, INC. IN THE TOTAL AMOUNT OF \$218,125.00, PURSUANT TO BID # 20-58, FOR ELECTRICAL SERVICES ASSOCIATED WITH THE SQUARE LIGHTING AND ELECTRICAL IMPROVEMENTS PROJECT AND THE DOWNTOWN WALKABILITY PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$20,000.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND AND PARK IMPROVEMENT BOND PROJECT

[Legislation Text](#)

[KING ELECTRICAL CONTRACTORS, INC.](#)

[BA_KING ELECTRICAL CONTRACTORS, INC.](#)

- 2021-1011 SEVEN HILLS HOMELESS CENTER: A RESOLUTION TO APPROVE A CONTRACT WITH SEVEN HILLS HOMELESS CENTER TO PROVIDE FUNDING ASSISTANCE IN THE AMOUNT OF \$40,000.00 FOR MAINTENANCE AND REPAIRS AT THE WALKER FAMILY RESIDENTIAL COMMUNITY COMPLEX IN 2022

[Legislation Text](#)

[SEVEN HILLS HOMELESS CENTER](#)

- 2021-1020 BURNS AND MCDONNELL ENGINEERING COMPANY, INC. AMENDMENT NO. 1: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. IN THE AMOUNT OF \$42,764.00 FOR DESIGN SERVICES ASSOCIATED WITH A PROJECT TO ADDRESS SCOUR AT THE SOUTH ARMSTRONG AVENUE BRIDGE OVER TOWN BRANCH

[Legislation Text](#)

[BURNS AND MCDONNELL ENGINEERING COMPANY, INC.](#)

- 2021-1033 CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER NO. 2 - 2019 STREET IMPROVEMENT BOND PROJECT: A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$502,949.80 FOR THE SAIN STREET EXTENSION PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND PROJECT

[Legislation Text](#)

[CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER #2](#)

[Exhibit #1](#)

[BA_CROSSLAND HEAVY CONTRACTORS, INC. CHANGE ORDER #2](#)

- 2021-1030 BLACK HILLS ENERGY ARKANSAS, INC. MIDTOWN CORRIDOR PROJECT UTILITY WORK - 2019 STREET IMPROVEMENT BOND PROJECT: A RESOLUTION TO APPROVE A UTILITY WORK AGREEMENT WITH BLACK HILLS ENERGY ARKANSAS, INC. IN THE AMOUNT OF \$93,765.40 FOR UTILITY RELOCATIONS ASSOCIATED WITH THE MIDTOWN CORRIDOR PROJECT ALONG PORTER ROAD AND DEANE STREET, AND TO APPROVE A BUDGET ADJUSTMENT- 2019 STREET IMPROVEMENT BOND PROJECT

[Legislation Text](#)

[BLACK HILLS ENERGY ARKANSAS, INC. MIDTOWN CORRIDOR PROJECT UTILITY WORK](#)

[BA_BLACK HILLS ENERGY ARKANSAS, INC. MIDTOWN CORRIDOR PROJECT UTILITY WORK](#)

- 2021-1033 BLACK HILLS ENERGY ARKANSAS, INC. MIDTOWN CORRIDOR PROJECT EASEMENT: A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO CONVEY A 25 FOOT WIDE GENERAL UTILITY EASEMENT FOR UTILITY RELOCATIONS ASSOCIATED WITH THE MIDTOWN CORRIDOR PROJECT ALONG PORTER ROAD AND DEANE STREET AT THE POLICE HEADQUARTERS AND FIRE STATION SITE

[Legislation Text](#)

[BLACK HILLS ENERGY ARKANSAS, INC. MIDTOWN CORRIDOR PROJECT EASEMENT](#)

- 2021-1028 2022 OSHER LIFELONG LEARNING INSTITUTE: A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES IN 2022 IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

[Legislation Text](#)

[2022 OSHER LIFELONG LEARNING INSTITUTE](#)

- 2021-1034 ARKANSAS DEPARTMENT OF AERONAUTICS (ADA) GRANT: A RESOLUTION TO AUTHORIZE AN APPLICATION FOR AND ACCEPTANCE OF AN ARKANSAS DEPARTMENT OF AERONAUTICS GRANT IN THE AMOUNT OF \$144,685.00 FOR REIMBURSEMENT OF THE CITY'S MATCHING PORTION OF A 90/10 FEDERAL AVIATION ADMINISTRATION GRANT USED FOR ENERGY EFFICIENCY IMPROVEMENTS AT THE AIRPORT TERMINAL, AND TO APPROVE A BUDGET ADJUSTMENT CONTINGENT UPON RECEIPT OF THE GRANT FUNDS

[Legislation Text](#)

[ARKANSAS DEPARTMENT OF AERONAUTICS \(ADA\) GRANT](#)

[BA_ARKANSAS DEPARTMENT OF AERONAUTICS \(ADA\) GRANT](#)

- 2021-1037 HAWKINS-WEIR ENGINEERS, INC. AMENDMENT NO. 5: A RESOLUTION TO APPROVE AMENDMENT NO. 5 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$110,710.00 FOR CONSTRUCTION OBSERVATION AND PROJECT MANAGEMENT SERVICES ASSOCIATED WITH THE BENSON MOUNTAIN PRESSURE PLANE IMPROVEMENTS PROJECT

[Legislation Text](#)

[HAWKINS-WEIR ENGINEERS, INC. AMENDMENT NO. 5](#)

- 2021-1040 BID #21-80 CALDWELL TANKS, INC.: A RESOLUTION TO AWARD BID #21-80 AND AUTHORIZE A CONTRACT WITH CALDWELL TANKS, INC. IN THE AMOUNT OF \$1,155,000.00 FOR THE CONSTRUCTION OF THE BENSON MOUNTAIN ELEVATED WATER STORAGE TANK IMPROVEMENTS PROJECT, ASSOCIATED SITE IMPROVEMENTS AND DEMOLITION OF THE EXISTING TANK, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$231,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[BID #21-80 CALDWELL TANKS, INC.](#)

[BA_BID #21-80 CALDWELL TANKS, INC.](#)

- 2021-1022 RIGGS CAT MINI-EXCAVATOR: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR MINI-EXCAVATOR FROM RIGGS TRACTOR COMPANY FOR THE AMOUNT OF \$72,260.34 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[RIGGS CAT MINI-EXCAVATOR](#)

- 2021-1023 P&K EQUIPMENT JOHN DEERE 5075 TRACTOR: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A JOHN DEERE 5075 TRACTOR FROM P&K EQUIPMENT IN THE AMOUNT OF \$40,963.22, PLUS ANY APPLICABLE SALES TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[P&K EQUIPMENT JOHN DEERE 5075 TRACTOR](#)

- 2021-1024 WILLIAMS TRACTOR INC.: A RESOLUTION TO APPROVE THE PURCHASE OF FOUR HUSTLER SUPER Z MOWERS FROM WILLIAMS TRACTOR, INC. IN THE TOTAL AMOUNT OF \$38,902.00, PLUS ANY APPLICABLE SALES TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[WILLIAMS TRACTOR INC.](#)

- 2021-1025 RIGGS CAT 420 BACKHOE: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR 420 BACKHOE FROM RIGGS TRACTOR COMPANY IN THE AMOUNT OF \$112,193.77 PLUS ANY APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[RIGGS CAT 420 BACKHOE](#)

B. Unfinished Business

- 2021-0952 RZN-2021-076 (5295 W. WEDINGTON RD./NWA CUSTOM HOMES, INC.): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-076 LOCATED AT 5295 WEST WEDINGTON DRIVE FOR APPROXIMATELY 2.43 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO NS-G, NEIGHBORHOOD SERVICES-GENERAL AND RI-U, RESIDENTIAL INTERMEDIATE-URBAN

[Legislation Text](#)

[RZN-2021-076 \(5295 W. WEDINGTON RD./NWA CUSTOM HOMES, INC.\)](#)

[ADDITIONAL 12/30/21_RZN-2021-076 \(5295 W. WEDINGTON RD./NWA CUSTOM HOMES, INC.\)](#)

- 2021-0983 APPEAL RZN-2021-077 (SOUTH & EAST OF DOT TIPTON RD. & DOUBLE SPRINGS RD./SMALL FISH, LLC): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-077 LOCATED SOUTH AND EAST OF DOT TIPTON ROAD AND DOUBLE SPRINGS ROAD FOR APPROXIMATELY 39.88 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL TO RSF-2, RESIDENTIAL SINGLE FAMILY, 2 UNITS PER ACRE

[Legislation Text](#)

[APPEAL RZN-2021-077 \(SOUTH & EAST OF DOT TIPTON RD. & DOUBLE SPRINGS RD./SMALL FISH, LLC.\)](#)

C. New Business

- 2021-1021 P & K EQUIPMENT WEIDENMANN SUPER 600: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND APPROVE THE PURCHASE OF A WEIDENMANN SUPER 600 FROM P&K EQUIPMENT IN THE AMOUNT OF \$42,500.00 PLUS APPLICABLE TAXES

[Legislation Text](#)

[P & K EQUIPMENT WEIDENMANN SUPER 600](#)

- 2021-1027 RPZD-2021-005 (1032 S. RAZORBACK RD./THE RETREAT AT FAYETTEVILLE): AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 2021-0005 FOR APPROXIMATELY 13.65 ACRES LOCATED AT 1032 SOUTH RAZORBACK ROAD

[Legislation Text](#)

[RPZD-2021-005 \(1032 S. RAZORBACK RD./THE RETREAT AT FAYETTEVILLE\)](#)

- 2021-1032 RZN-2021-079 (2978 N. OLD MISSOURI RD./KEENAN): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-079 LOCATED AT 2978 NORTH OLD MISSOURI ROAD FOR APPROXIMATELY 4.88 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO NS-G, NEIGHBORHOOD SERVICES-GENERAL

[Legislation Text](#)

[RZN-2021-079 \(2978 N. OLD MISSOURI RD./KEENAN\)](#)

- 2021-1039 AMEND § 151.01 DEFINITIONS, § 164.19 ACCESSORY DWELLING UNITS (ADU) AND §164.22 CLUSTER HOUSING DEVELOPMENT: AN ORDINANCE TO AMEND § 151.01 DEFINITIONS, § 164.19 ACCESSORY DWELLING UNITS (ADU) AND §164.22 CLUSTER HOUSING DEVELOPMENT OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO AMEND REQUIREMENTS FOR ACCESSORY DWELLING UNITS

[Legislation Text](#)

[AMEND § 151.01 DEFINITIONS, § 164.19 ACCESSORY DWELLING UNITS \(ADU\) AND §164.22 CLUSTER HOUSING DEVELOPMENT](#)

- 2021-1099 AMEND THE RULES OF ORDER AND PROCEDURE: A RESOLUTION TO AMEND THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL CONCERNING PUBLIC COMMENTS

[Legislation Text](#)

[AMEND THE RULES OF ORDER AND PROCEDURE](#)

- 2021-1098 ADOPT THE 2022 RULES OF ORDER AND PROCEDURE: A RESOLUTION TO ADOPT THE RULES OF ORDER AND PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL FOR 2022

[Legislation Text](#)

[ADOPT THE 2022 RULES OF ORDER AND PROCEDURE](#)

D. City Council Agenda Session Presentations

- 2021-1072 AGENDA SESSION PRESENTATION - SALES TAX REPORT, PAUL BECKER ENERGY REPORT, PETER NIERENGARTEN

[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, the Mayor or Chair will direct your 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 items 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.