

City of Fayetteville, Arkansas

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



City Council Meeting

**December 1, 2020
5:30 p.m.**

**City Hall Room 219
113 West Mountain**

City Council Members

Sonia Gutierrez Ward 1

Sarah Marsh Ward 1

Mark Kinion Ward 2

Matthew Petty Ward 2

Sloan Scroggin Ward 3

Sarah Bunch Ward 3

Teresa Turk Ward 4

Kyle Smith Ward 4

ELECTED OFFICIALS:

Mayor Lioneld Jordan

City Attorney Kit Williams

City Clerk Kara Paxton

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1 2019-0967 MONTHLY FINANCIAL REPORT

Legislation Text

Agenda Additions

A. Consent

A.12019-0991 APPROVAL OF THE NOVEMBER 17, 2020 CITY COUNCIL MEETING MINUTES

Legislation Text

A.22020-0691 GFAR LESSEE LLC D/B/A GRADUATE FAYETTEVILLE: A RESOLUTION TO APPROVE AN

AMENDMENT TO THE LEASE AGREEMENT WITH GFAR LESSEE LLC D/B/A GRADUATE FAYETTEVILLE BY RETROACTIVELY REDUCING THE NUMBER OF LEASED PARKING SPACES IN THE MEADOW STREET MUNICIPAL PARKING DECK FOR THE PERIOD FROM APRIL 1, 2020 TO JUNE 30, 2020, AND TO EXTEND THE LEASE AGREEMENT FOR ONE ADDITIONAL SEVEN YEAR TERM THROUGH 2033

Legislation Text

GFAR LESSEE LLC D/B/A GRADUATE FAYETTEVILLE

A.3 2020-0942 SOUTHWESTERN ELECTRIC POWER COMPANY: A RESOLUTION TO APPROVE A MEMORANDUM OF AGREEMENT WITH SOUTHWESTERN ELECTRIC POWER COMPANY TO PROVIDE AT ITS OWN COSTS ALL MATERIALS AND LABOR NEEDED TO MOVE THE OVERHEAD ELECTRICAL SERVICE TO UNDERGROUND SERVICE ALONG WEST AVENUE TO SATISFY ANY AND ALL THE DAMAGES THE CITY SUFFERED TO ELECTRICAL EQUIPMENT IN CITY HALL AND THE POLICE STATION FROM FAULTY TRANSFORMER VOLTAGE SURGES

Legislation Text

SOUTHWESTERN ELECTRIC POWER COMPANY

Complaint

A.4 2020-0996 I-49 AND MLK PARTNERING WITH ARDOT: A RESOLUTION TO EXPRESS THE INTENTION OF THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE TO WORK WITH THE ARKANSAS DEPARTMENT OF TRANSPORTATION TO COMPLETE IMPROVEMENTS TO THE I-49 AND MARTIN LUTHER KING JR. BOULEVARD INTERCHANGE

Legislation Text

I-49 AND MLK PARTNERING WITH ARDOT

A.5 2020-0992 MCCLELLAND CONSULTING ENGINEERS, INC

AMENDMENT NO. 1: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE CONTRACT WITH MCCLELLAND CONSULTING ENGINEERS, INC. IN THE AMOUNT OF \$18,725.00 TO PROVIDE ADDITIONAL DESIGN SERVICES ASSOCIATED WITH THE WEST CENTER STREET AND NORTH HARMON AVENUE INTERSECTION PROJECT - 2019 STREET IMPROVEMENTS BOND PROJECT

Legislation Text

MCCLELLAND CONSULTING ENGINEERS, INC
AMENDMENT NO. 1

A.6 2020-1005 FAYETTEVILLE POLICE DEPARTMENT POLICIES: A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICIES 33.1 TRAINING; 41.3.5 GROOMING AND UNIFORM REQUIREMENTS; AND 46.1.2 CRITICAL INCIDENTS

Legislation Text

FAYETTEVILLE POLICE DEPARTMENT POLICIES

A.7 2020-1006 ELECTRIC MOTOR CENTER: A RESOLUTION TO ACCEPT A QUOTE IN THE AMOUNT OF \$22,536.50 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FROM ELECTRIC MOTOR CENTER FOR THE REPAIR OF AN INFLUENT PUMP AT THE NOLAND WATER RESOURCE RECOVERY FACILITY

Legislation Text

ELECTRIC MOTOR CENTER

A.8 2020-1010 BID #20-81 PALADINO PAINTING CO., LLC: A RESOLUTION TO AWARD BID #20-81 AND AUTHORIZE A CONTRACT WITH PALADINO PAINTING CO., LLC IN THE AMOUNT OF \$107,575.00 FOR CONSTRUCTION RELATED TO THE REMOVAL AND REPLACEMENT OF VARIOUS SECONDARY CONTAINMENT LINER SYSTEMS AT THE NOLAND WATER RESOURCE RECOVERY FACILITY

Legislation Text

BID #20-81 PALADINO PAINTING CO., LLC

A.9 2020-1009 DUSTIN DAVIS AND RYAN YOUNGBLOOD DAVIS: A RESOLUTION TO APPROVE A LAND SALE AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND DUSTIN AND RYAN YOUNGBLOOD DAVIS TO ACQUIRE ABOUT 0.72 ACRES OF LAND LOCATED NEAR FIRE TOWER ROAD/COUNTY ROAD 4343 FOR THE CONSTRUCTION OF A NEW BENSON MOUNTAIN WATER SUPPLY TANK IN EXCHANGE FOR A PAYMENT OF \$23,000.00 PLUS CLOSING COSTS, THE CONVEYANCE OF A CITY-OWNED 0.06 ACRE PARCEL, AND OTHER CONSIDERATION

Legislation Text

DUSTIN DAVIS AND RYAN YOUNGBLOOD DAVIS

A.10 2020-0854 BID #20-83 CROSSLAND HEAVY CONTRACTORS, INC. - 2019 TRANSPORTATION BOND PROJECT: A RESOLUTION TO AWARD BID #20-83 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$4,380,859.87 FOR THE CONSTRUCTION OF THE SAIN STREET EXTENSION PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$438,086.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENTS BOND PROJECT

Legislation Text

BID #20-83 CROSSLAND HEAVY CONTRACTORS, INC. - 2019 TRANSPORTATION BOND PROJECT

BA BID #20-83 CROSSLAND HEAVY CONTRACTORS, INC. - 2019 TRANSPORTATION BOND PROJECT

A.11 2020-0949 BURNS & MCDONNELL ENGINEERING COMPANY INC. SUPPLEMENT AGREEMENT NO. 2: A RESOLUTION TO APPROVE SUPPLEMENTAL AGREEMENT NO. 2 TO THE CONTRACT WITH BURNS & MCDONNELL

ENGINEERING COMPANY, INC. IN AN AMOUNT NOT TO EXCEED \$294,086.00 FOR CONSTRUCTION MANAGEMENT SERVICES ASSOCIATED WITH THE SAIN STREET EXTENSION PROJECT

Legislation Text

BURNS & MCDONNELL ENGINEERING COMPANY INC. SUPPLEMENT AGREEMENT NO. 2

ADDITIONAL BURNS & MCDONNELL ENGINEERING COMPANY INC. SUPPLEMENT AGREEMENT NO. 2

B. Unfinished Business

B.1 2020-0943 RFQ-19-01 OLSSON , INC. AMENDMENT #2: A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC., PURSUANT TO RFQ #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

RFQ-19-01 OLSSON , INC. AMENDMENT #2

BA RFQ-19-01 OLSSON , INC. AMENDMENT #2

C. New Business

C.1 2020-1055 BANK OF FAYETTEVILLE/DEPOT LOT SITE: AN ORDINANCE TO APPROVE A CONTRACT WITH THE BANK OF FAYETTEVILLE, GREG HOUSE, FAYETTEVILLE DEPOT, LLC (AND POSSIBLY TED BELDEN) TO PURCHASE ABOUT ONE HALF ACRE IN THE DEPOT/BANK LOT FOR \$350,000.00, TO APPROVE A LEASE-TO-OWN ARRANGEMENT WITH GREG HOUSE FOR THE .2 ACRE LOT ON THE NORTH END OF THE CIVIC PLAZA, TO AGREE

TO CONVEY TO GREG HOUSE 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

C.22020-0923 EXPRESS INTENT FOR TRAIL ECONOMIC DEVELOPMENT: A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO STUDY AND DEVELOP ORDINANCES TO REGULATE AND PROMOTE TRAIL ECONOMIC DEVELOPMENT IN THE CITY OF FAYETTEVILLE

Legislation Text

EXPRESS INTENT FOR TRAIL ECONOMIC DEVELOPMENT

C.32020-0901 FAYETTEVILLE YOUTH CENTER, INC.: AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND FAYETTEVILLE YOUTH CENTER, INC. IN THE AMOUNT OF \$225,000.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE YOUTH AND CITIZENS OF FAYETTEVILLE FOR 2021

Legislation Text

FAYETTEVILLE YOUTH CENTER, INC.

C.42020-0902 AREA AGENCY ON AGING OF NORTHWEST ARKANSAS: AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE AREA AGENCY ON AGING OF NORTHWEST ARKANSAS IN THE AMOUNT OF \$109,080.00 TO PROVIDE PUBLIC RECREATION SERVICES FOR THE SENIOR CITIZENS OF FAYETTEVILLE FOR 2021

Legislation Text

AREA AGENCY ON AGING OF NORTHWEST ARKANSAS

C.52020-0991 2021 SEVEN HILLS HOMELESS CENTER FUNDING: AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH SEVEN HILLS HOMELESS CENTER IN THE AMOUNT OF \$113,400.00 FOR SERVICES TO HOMELESS AND NEEDY RESIDENTS IN FAYETTEVILLE IN 2021

Legislation Text

2021 SEVEN HILLS HOMELESS CENTER FUNDING

C.62020-0990 MIKE PARKER COST SHARE AGREEMENT: AN ORDINANCE TO WAIVE FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH MIKE PARKER FOR CONSTRUCTION OF A SEWER LINE ALONG A PORTION OF NORTH SHADY LANE AND A PORTION OF PROPERTY NORTH OF WEST HOLLY STREET WITH A REFUND IN AN AMOUNT NOT TO EXCEED \$40,885.19 TO BE PAID BY THE CITY OF FAYETTEVILLE FOR THE COST OF IMPROVEMENTS THAT EXCEED THE ROUGH PROPORTIONALITY OF THE IMPACT OF THE DEVELOPMENT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$8,177.04

Legislation Text

MIKE PARKER COST SHARE AGREEMENT

C.72020-0993 NWA LD, LLC COST SHARE AGREEMENT: AN ORDINANCE TO WAIVE FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH NWA LD, LLC FOR THE UPSIZING OF A PLANNED SEWER CREEK CROSSING ASSOCIATED WITH CRYSTAL SPRINGS SUBDIVISION PHASE IV WITH A REFUND IN AN AMOUNT NOT TO EXCEED \$26,670.00 TO BE PAID BY THE CITY OF FAYETTEVILLE FOR THE COST OF IMPROVEMENTS THAT EXCEED THE ROUGH PROPORTIONALITY OF THE IMPACT

OF THE DEVELOPMENT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,334.00

Legislation Text

NWA LD, LLC COST SHARE AGREEMENT

C.82020-0994 23 W 5TH STREET QOZB, LLC COST SHARE AGREEMENT: AN ORDINANCE TO WAIVE FORMAL COMPETITIVE BIDDING AND APPROVE A COST SHARE AGREEMENT WITH 23 W 5TH STREET QOZB, LLC FOR THE EXTENSION OF A SEWER LINE NEAR THE CORNER OF SOUTH BLOCK AVENUE AND WEST 5TH STREET WITH A REFUND IN AN AMOUNT NOT TO EXCEED \$16,898.00 TO BE PAID BY THE CITY OF FAYETTEVILLE FOR THE COST OF IMPROVEMENTS THAT EXCEED THE ROUGH PROPORTIONALITY OF THE IMPACT OF THE DEVELOPMENT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$3,379.60

Legislation Text

23 W 5TH STREET QOZB, LLC COST SHARE AGREEMENT

C.92020-0984 AMEND 50.40 RATES FOR SERVICES: AN ORDINANCE TO AMEND § 50.40 RATES FOR SERVICES OF THE FAYETTEVILLE CITY CODE TO CHANGE THE COMMERCIAL CART SIZE FROM 95 GALLON TO 96 GALLON AND TO ENACT A LEASE FEE FOR THOSE CARTS

Legislation Text

AMEND 50.40 RATES FOR SERVICES

C.102020-0997 RZN-2020-016 (1011 S. HOLLYWOOD AVE./WATSON): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-016 LOCATED AT 1011 SOUTH HOLLYWOOD AVENUE FOR APPROXIMATELY 1.3 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Legislation Text

RZN-2020-016 (1011 S. HOLLYWOOD AVE./WATSON)

C.112020-1002 RZN 2020-019 (907 S. HOLLYWOOD AVE./WATSON): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-019 LOCATED AT 907 SOUTH HOLLYWOOD AVENUE FOR APPROXIMATELY 0.3 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO CS, COMMUNITY SERVICES

Legislation Text

RZN 2020-019 (907 S. HOLLYWOOD AVE./WATSON)

C.122020-1003 RZN 2020-014(SE OF I-49 & WEDINGTON DR./MARINONI FARM): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-014 LOCATED SOUTHEAST OF I-49 AND WEDINGTON DRIVE FOR APPROXIMATELY 112.85 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE; RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE; R-O, RESIDENTIAL OFFICE; AND C-2, THOROUGHFARE COMMERCIAL TO UT, URBAN THOROUGHFARE AND CS, COMMUNITY SERVICES

Legislation Text

RZN 2020-014(SE OF I-49 & WEDINGTON DR./MARINONI FARM)

C.132020-1004 RZN-2020-018 (310 & 325 N. FLETCHER AVE./MCDONALD): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 20-018 LOCATED AT 310 AND 325 NORTH FLETCHER AVENUE FOR APPROXIMATELY 0.92 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

Legislation Text

SUPPLEMENTAL INFORMATION

C.142020-1001 AMEND § 33.341 PURPOSE AND §33.342 POWERS AND DUTIES: AN ORDINANCE TO AMEND § 33.341 PURPOSE AND §33.342 POWERS AND DUTIES OF ARTICLE XXII ARTS COUNCIL OF THE FAYETTEVILLE CODE

Legislation Text

FW Arts Council Ordinance Change

Arts Council Ordinance Change - Signed

Revised Fayetteville Arts Council Ordinance 09162020a

C.152020-1036 ENACT ARTICLE XXXI COMMUNITY DEVELOPMENT AND ASSISTANCE PROGRAMS ADVISORY BOARD: AN ORDINANCE TO ENACT ARTICLE XXXI COMMUNITY DEVELOPMENT AND ASSISTANCE PROGRAMS ADVISORY BOARD IN CHAPTER 33 DEPARTMENTS, BOARDS, COMMISSIONS AND AUTHORITIES OF THE FAYETTEVILLE CODE

Legislation Text

ORD ENACT COMMUNITY DEVELOPMENT AND ASSISTANCE ADVISORY BOARD - KYLE SMITH

MEMO - ORD ENACT COMMUNITY DEVELOPMENT AND ASSISTANCE ADVISORY BOARD - KYLE SMITH

C.162020-1012 SHORT-TERM RENTAL REGULATIONS: AN ORDINANCE TO AMEND §118.01 APPLICABILITY OF CHAPTER 118 BUSINESS REGISTRY AND LICENSES, CHAPTER 151 DEFINITIONS, CHAPTER 161 ZONING REGULATIONS, § 162.01 ESTABLISHMENT/LISTING OF CHAPTER 162 USE UNITS, AND CHAPTER 163 USE CONDITIONS OF THE UNIFIED DEVELOPMENT CODE TO CLASSIFY THE TYPES OF SHORT-TERM RENTALS AND CREATE REGULATIONS TO PERMIT AND INSPECT THE

RENTALS

Legislation Text

SHORT-TERM RENTAL REGULATIONS

SHORT-TERM RENTAL REGULATIONS

C.172020-1054 CORONAVIRUS SAFETY PROTECTIONS AND IMPROVEMENTS: AN ORDINANCE TO CLARIFY THAT CORONAVIRUS SAFETY PROTECTIONS AND IMPROVEMENTS MAY BE REQUIRED BEFORE RENEWING A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, AND TO APPROVE AN EMERGENCY CLAUSE

Legislation Text

ORD - COVID Safety Precautions for Cert of Public Convenience

D. City Council Agenda Session Presentations

D.1 2020-1037 AGENDA SESSION PRESENTATIONS: 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, 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,

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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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