

City of Fayetteville, Arkansas

113 West Mountain Street
Fayetteville, AR 72701
479-575-8333



City Council Meeting

June 1, 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 Kinion 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 Lioneld Jordan
City Attorney Kit Williams
City Clerk Kara Paxton

Zoom Information: Public Registration Link: https://zoom.us/webinar/register/WN_HAbp4cyDRy2GyoA0ABQnqw Webinar ID: 989 1287 4287

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1. 2020-0976 MONTHLY FINANCIAL REPORT

[Legislation Text](#)

Agenda Additions

2021-0428 AN ORDINANCE TO AMEND ORDINANCE 6323 PURSUANT TO THE NEW RECOMMENDATIONS OF THE CENTER FOR DISEASE CONTROL AND PREVENTION AND THE CITY BOARD OF HEALTH

[Legislation Text](#)

[Agenda Request Amend Ord 6323](#)

A. Consent

A.12020-0877 APPROVAL OF THE MAY 18, 2021 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

A.22021-0335 TSA LA GI TRAIL: A RESOLUTION TO APPROVE A PAYMENT OF \$97,030.00 TO THE UNIVERSITY OF ARKANSAS FOR THE CONSTRUCTION OF A 725 LINEAR FOOT SECTION OF THE TSA LA GI TRAIL, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$5,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[TSA LA GI TRAIL](#)

[BA TSA LA GI TRAIL](#)

A.32021-0340 LFKDF, LLC: A RESOLUTION TO APPROVE A FOUR YEAR LEASE AGREEMENT WITH LFKDF, LLC FOR FOUR TRAIL PARKING SPACES IN THE PUBLIC PARKING LOT ADJACENT TO 112 WEST CENTER STREET FOR USE BY THE FEDERAL PUBLIC DEFENDER'S OFFICE IN THE AMOUNT OF \$50.00 PER SPACE PER MONTH

[Legislation Text](#)

[LFKDF LLC](#)

A.42021-0373 SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS: A RESOLUTION TO APPROVE THE RENEWAL OF THREE SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS WITH THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN THE TOTAL AMOUNT OF \$250,129.00 FOR THE CITY TO ADMINISTER PROGRAMS TO ASSIST HOMELESS FAYETTEVILLE RESIDENTS

[Legislation Text](#)

[SPECIAL NEEDS ASSISTANCE PROGRAM GRANT AGREEMENTS](#)

A.52021-0375 FRIENDS OF YRCC SUMMER CAMP PROGRAMS DONATION: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$16,000.00 REPRESENTING A DONATION FROM FRIENDS OF YRCC TO FUND SUMMER CAMP PROGRAMS OFFERED AT THE YVONNE RICHARDSON COMMUNITY CENTER

[Legislation Text](#)

[FRIENDS OF YRCC SUMMER CAMP PROGRAMS DONATION](#)

[BA FRIENDS OF YRCC SUMMER CAMP PROGRAMS DONATION](#)

A.62021-0378 WHITING SYSTEMS, INC. CHANGE ORDER NO. 2: A RESOLUTION TO APPROVE CHANGE ORDER NO. 2 TO THE FLEET WASH FACILITY EQUIPMENT CONTRACT WITH WHITING SYSTEMS, INC. IN THE AMOUNT OF \$8,318.16

[Legislation Text](#)

[WHITING SYSTEMS, INC. CHANGE ORDER NO. 2](#)

A.72021-0390 BID # 20-36 CROSSLAND HEAVY CONTRACTORS CHANGE ORDER #5: A RESOLUTION TO APPROVE CHANGE ORDER NO. 5 WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$694,110.00 FOR THE CONSTRUCTION OF A RESTROOM AND PAVILION STRUCTURE FOR THE CENTENNIAL PARK PROJECT, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$40,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[BID # 20-36 CROSSLAND HEAVY CONTRACTORS](#)

[BA BID # 20-36 CROSSLAND HEAVY CONTRACTORS](#)

A.82021-0379 BID #21-43 MARK MCLARTY FORD: A RESOLUTION TO AWARD BID # 21-43 AND APPROVE THE PURCHASE OF TWO FORD RANGER TRUCKS FROM MARK MCLARTY FORD OF LITTLE ROCK IN THE TOTAL AMOUNT OF \$48,402.00

[Legislation Text](#)

[BID #21-43 MARK MCLARTY FORD](#)

A.92021-0380 BID #21-40 LEWIS AUTOMOTIVE: A RESOLUTION TO AWARD BID # 21-40 AND APPROVE THE PURCHASE OF FOUR FORD TRUCKS FROM LEWIS AUTOMOTIVE GROUP OF FAYETTEVILLE IN THE TOTAL AMOUNT OF \$281,376.00

[Legislation Text](#)

[BID #21-40 LEWIS AUTOMOTIVE](#)

A.102021-0381 RIGGS CAT COMPANY: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A CATERPILLAR EXCAVATOR FROM RIGGS TRACTOR COMPANY FOR THE AMOUNT OF \$60,764.31 PLUS ANY APPLICABLE TAX AND FREIGHT CHARGES, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT

[Legislation Text](#)

[RIGGS CAT COMPANY](#)

A.112021-0382 LEWIS FORD: A RESOLUTION TO APPROVE THE PURCHASE OF A DODGE RAM 1500 FORD OF FAYETTEVILLE IN THE AMOUNT OF \$22,403.00, PURSUANT TO A STATE PROCUREMENT CONTRACT, FOR USE BY THE POLICE DEPARTMENT

[Legislation Text](#)

[LEWIS FORD](#)

A.122021-0383 BID #21-31 PIG TRAIL HARLEY DAVIDSON: A RESOLUTION TO AWARD BID # 21-31 AND APPROVE THE PURCHASE OF FOUR HARLEY-DAVIDSON FLHTP MOTORCYCLES FROM PIG TRAIL HARLEY-DAVIDSON OF ROGERS IN THE TOTAL AMOUNT OF \$104,676.96 FOR USE BY THE POLICE DEPARTMENT

[Legislation Text](#)

[BID #21-31 PIG TRAIL HARLEY DAVIDSON](#)

A.132021-0384 FREEDOM POWERSPORTS: A RESOLUTION TO AWARD BID #21-45 AND AUTHORIZE THE PURCHASE OF TWO KAWASAKI MULES FROM FREEDOM POWERSPORTS OF FAYETTEVILLE IN THE TOTAL AMOUNT OF \$22,414.00 FOR USE BY THE PARKS DEPARTMENT

[Legislation Text](#)

[BID # 21-45 FREEDOM POWERSPORTS](#)

A.142021-0384 STRAIGHTS LAWN AND GARDEN: A RESOLUTION TO AUTHORIZE THE PURCHASE OF A MOWER FROM STRAIGHTS LAWN AND GARDEN IN THE AMOUNT OF \$6,028.62, PURSUANT TO A SOURCEWELL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE TRANSPORTATION DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[STRAIGHTS LAWN AND GARDEN](#)

[BA STRAIGHTS LAWN AND GARDEN](#)

A.152021-0409 BRUCKER'S TRUCK & EQUIPMENT: A RESOLUTION TO APPROVE THE REPAIR OF FIRE APPARATUS LADDER 3 BY BRUCKER'S TRUCK & EQUIPMENT OF LOWELL FOR THE ESTIMATED AMOUNT OF \$40,223.97, AND TO AUTHORIZE PAYMENT FOR THE REPAIR OF ANY ADDITIONAL DAMAGE IDENTIFIED BY THE REPAIR SHOP

[Legislation Text](#)

[BRUCKER'S TRUCK & EQUIPMENT](#)

A.162021-0366 BID #21-23 FERGUSON WATERWORKS: A RESOLUTION TO AWARD BID #21-23 AND AUTHORIZE THE PURCHASE OF PLASTIC DRAINAGE PIPE FROM FERGUSON WATERWORKS IN VARIABLE AMOUNTS AND FOR VARYING UNIT PRICES AS NEEDED THROUGH THE END OF 2021

[Legislation Text](#)

[BID #21-23 FERGUSON WATERWORKS](#)

A.172021-0408 CIVICPLUS, LLC: A RESOLUTION TO APPROVE A ONE YEAR MASTER SERVICES AGREEMENT AND STATEMENT OF WORK WITH CIVICPLUS, LLC FOR A SERVICE REQUEST MANAGEMENT MODULE IN THE AMOUNT OF \$19,987.50 FOR THE FIRST YEAR, TO APPROVE AUTOMATIC RENEWALS FOR FOUR ADDITIONAL ONE YEAR TERMS WITH AN ANNUAL PRICE INCREASE OF FIVE PERCENT (5%), AND TO APPROVE AN ANNUAL PROJECT CONTINGENCY IN THE AMOUNT OF \$2,000.00 EACH YEAR THE CONTRACT IS IN EFFECT

[Legislation Text](#)

[CIVICPLUS LLC](#)

A.182021-0386 FTN ASSOCIATES, LTD. AMENDMENT NO. 1: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH FTN ASSOCIATES, LTD. IN THE AMOUNT OF \$996,617.00 FOR THE CONSTRUCTION OF THE LAKE FAYETTEVILLE SPILLWAY CAPACITY AND RECOMMENDED IMPROVEMENTS AS REQUIRED BY THE ARKANSAS NATURAL RESOURCES COMMISSION

[Legislation Text](#)

[FTN ASSOCIATES, LTD. AMENDMENT NO. 1](#)

A.192021-0387 RFQ 21-01 HAWKINS-WEIR ENGINEERS, INC. SELECTION #4: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH HAWKINS-WEIR ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$466,000.00 FOR UTILITY RELOCATIONS ALONG HIGHWAY 112

[Legislation Text](#)

[RFQ 21-01 HAWKINS-WEIR ENGINEERS, INC. SELECTION #4](#)

A.202021-0388 RFQ 21-01 MCCLELLAND CONSULTING ENGINEERS, INC. SELECTION #5: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH MCCLELLAND CONSULTING ENGINEERS, INC., PURSUANT TO RFQ #21-01, SELECTION 5, IN THE AMOUNT NOT TO EXCEED \$273,388.00 FOR PROFESSIONAL SERVICES ASSOCIATED WITH UTILITY RELOCATIONS ALONG HIGHWAY 16

[Legislation Text](#)

[RFQ 21-01 MCCLELLAND CONSULTING ENGINEERS, INC. SELECTION #5](#)

A.212021-0389 BID #21-37 CROSSLAND HEAVY CONTRACTORS, INC.: A RESOLUTION TO AWARD BID #21-37 AND AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC. IN THE AMOUNT OF \$996,617.00 FOR THE CONSTRUCTION OF AN 18-INCH SEWER LINE NEAR GREGG AVENUE AND THE FULBRIGHT EXPRESSWAY, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$99,661.70, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[BID #21-37 CROSSLAND HEAVY CONTRACTORS, INC.](#)

[BA BID #21-37 CROSSLAND HEAVY CONTRACTORS, INC.](#)

A.222021-0407 CH2M HILL ENGINEERS, INC.: A RESOLUTION TO APPROVE AN ADDENDUM TO THE OUT-OF-SCOPE AGREEMENT WITH CH2M HILL ENGINEERS, INC. IN AN AMOUNT NOT TO EXCEED \$69,380.00 TO COMPLETE THE SUPERVISORY CONTROL AND DATA ACQUISITION UPGRADE PROJECT FOR THE CITY'S WASTEWATER TREATMENT FACILITY OPERATIONS, LIFT STATION OPERATIONS AND WATER DISTRIBUTION SYSTEM OPERATIONS; AND TO AUTHORIZE THE PURCHASE OF ADDITIONAL NETWORKING EQUIPMENT FROM CONVERGEONE, INC. IN THE AMOUNT OF \$43,303.42 PLUS APPLICABLE TAXES AND FREIGHT CHARGES, PURSUANT TO RESOLUTION 110-17

[Legislation Text](#)

[CH2M HILL ENGINEERS, INC. AND CONVERGEONE, INC.](#)

A.232021-0411 ARKANSAS DEPARTMENT OF TRANSPORTATION - RECREATIONAL TRAILS PROGRAM GRANT: A RESOLUTION TO EXPRESS THE WILLINGNESS OF THE CITY OF FAYETTEVILLE TO APPLY FOR AND UTILIZE FEDERAL-AID RECREATIONAL TRAILS PROGRAM FUNDS IN THE AMOUNT OF \$100,000.00 FOR IMPROVEMENTS TO KESSLER MOUNTAIN NATURAL SURFACE TRAILS, AND TO APPROVE A CITY MATCH OF \$25,000.00 FOR THE PROJECT

[Legislation Text](#)

[ARKANSAS DEPARTMENT OF TRANSPORTATION - RECREATIONAL TRAILS PROGRAM GRANT](#)

B. Unfinished Business

B.1 2021-0358 AMEND CHAPTER 167 TREE PRESERVATION AND PROTECTION, CHAPTER 177 LANDSCAPE REGULATIONS AND CHAPTER 151 DEFINITIONS: AN ORDINANCE TO AMEND CHAPTER 167 TREE PRESERVATION AND PROTECTION, CHAPTER 177 LANDSCAPE REGULATIONS, AND CHAPTER 151 DEFINITIONS OF THE UNIFIED DEVELOPMENT CODE TO OFFER CLARIFICATION, EFFICIENCIES, AND ADDITIONAL OPTIONS TO BOTH TREE PRESERVATION AND LANDSCAPING CODES

[Legislation Text](#)

[AMEND §167 TREE PRESERVATION AND PROTECTION, §177 LANDSCAPE REGULATIONS AND §151 DEFINITIONS](#)

[ADDITIONAL_AMEND §167 TREE PRESERVATION AND PROTECTION, §177 LANDSCAPE REGULATIONS AND §151 DEFINITIONS](#)

C. New Business

C.1 2021-0414 JUNETEENTH OFFICIAL HOLIDAY: A RESOLUTION FOR THE CITY OF FAYETTEVILLE TO RECOGNIZE AND OBSERVE JUNETEENTH AS AN OFFICIAL HOLIDAY

[Legislation Text](#)

[JUNETEENTH OFFICIAL HOLIDAY](#)

[ADDITIONAL_IN SUPPORT OF JUNETEENTH AS A HOLIDAY](#)

C.2 2021-0396 JACK TYLER ENGINEERING, INC.: AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND ACCEPT A QUOTE IN THE AMOUNT OF \$117,034.00 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FROM JACK TYLER ENGINEERING, INC. FOR THE PURCHASE OF TWO REPLACEMENT PUMPS FOR THE NOLAND WATER RESOURCE RECOVERY FACILITY, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$17,555.10

[Legislation Text](#)

[JACK TYLER ENGINEERING, INC.](#)

C.3 2021-0370 1333 SOUTH DINSMORE TRAIL STREAMSIDE PROTECTION ZONE APPEAL: A RESOLUTION TO GRANT THE APPEAL OF KARA L. STRATTON REGARDING A NOTICE OF VIOLATION AND STOP WORK ORDER ISSUED BY THE CITY ENGINEERING DIVISION FOR CLEARING AND REMOVAL OF WOODY VEGETATION WITHIN THE STREAMSIDE PROTECTION ZONE ON PROPERTY LOCATED AT 1333 SOUTH DINSMORE TRAIL

[Legislation Text](#)

[1333 SOUTH DINSMORE TRAIL STREAMSIDE PROTECTION ZONE APPEAL](#)

C.4 2021-0392 AMEND STORMWATER REGULATIONS: AN ORDINANCE TO AMEND VARIOUS CHAPTERS OF THE UNIFIED DEVELOPMENT CODE TO UPDATE STORMWATER REGULATIONS FOR DEVELOPMENTS IN FAYETTEVILLE

[Legislation Text](#)

[AMEND STORMWATER REGULATIONS](#)

[EXHIBITS A-H](#)

[City Council Presentation 06_01_21](#)

C.5 2021-0393 ONE PERCENT (1%) SALES AND USE TAX EXTENDING THE EXPIRATION DATE: AN ORDINANCE EXTENDING THE EXPIRATION DATE FOR THE CURRENT ONE PERCENT (1%) SALES AND USE TAX ENACTED BY ORDINANCE 5428 ON AUGUST 2, 2011, AND APPROVED BY ABOUT 75% OF THE FAYETTEVILLE VOTERS ON OCTOBER 11, 2011 FROM JUNE 30, 2023 TO JUNE 30, 2033

[Legislation Text](#)

[ONE PERCENT \(1%\) SALES AND USE TAX EXTENDING THE EXPIRATION DATE](#)

C.6 2021-0394 CALLING A SPECIAL ELECTION ON AUGUST 10, 2021 TO EXTEND THE ONE PERCENT (1%) SALES AND USE TAX: AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF FAYETTEVILLE, ARKANSAS ON THE QUESTION OF EXTENDING THE EXPIRATION DATE OF THE ONE PERCENT (1%) SALES AND USE TAX WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS TO EXTEND THE ONE PERCENT (1%) SALES AND USE TAX FROM THE CURRENT EXPIRATION DATE OF JUNE 30, 2023 TO THE NEW EXPIRATION DATE OF JUNE 30, 2033

[Legislation Text](#)

[EXTEND THE ONE PERCENT \(1%\) SALES AND USE TAX](#)

[ADDITIONAL INFO SALES TAX REFERENDUM PRESENTATION 06012021](#)

C.7 2021-0395 SPECIAL ELECTION BUDGET ADJUSTMENT: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$20,000.00 TO PAY FOR A SPECIAL ELECTION FOR THE PURPOSE OF CONTINUING THE ONE PERCENT CITY SALES AND USE TAX ON AUGUST 10, 2021

[Legislation Text](#)

[SPECIAL ELECTION BUDGET ADJUSTMENT](#)

[BA SPECIAL ELECTION BUDGET ADJUSTMENT](#)

D. City Council Agenda Session Presentations

D.1 2021-0415 AGENDA SESSION PRESENTATION - SALES TAX CONTINUATION ELECTION

[Legislation Text](#)

[SALES TAX REFERENDUM PRESENTATION 06012021v2](#)

D.2 2021-0417 AGENDA SESSION PRESENTATION - DISCUSSION OF CITY MASK ORDINANCE

[Legislation Text](#)

D.3 2021-0148 AGENDA SESSION PRESENTATION - SALES TAX REPORT BY PAUL BECKER ENERGY REPORT BY PETER NIERENGARTEN

[Legislation Text](#)

D.4 2021-0391 AGENDA SESSION PRESENTATION STORMWATER UDC REVISIONS

[Legislation Text](#)

D.5 2021-0416 AGENDA SESSION PRESENTATION - DISCUSSION OF CONFLICTS OF INTERESTS AND REQUIRED RECUSALS OF COUNCIL MEMBERS BY CITY ATTORNEY KIT WILLIAMS

[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 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: Deaf or 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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