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



## **December 7, 2021**

**City Council Meeting** 

**City Hall Room 219** 113 West Mountain

5:30 p.m.

**City Council Members** 

Sonia Harvey Ward 1

## D'Andre Jones Ward 1 Mark Kinion Ward 2 Vacant 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: Webinar ID: 856 4942 0488 Public Registration Link: https://us06web.zoom.us/webinar/register/WN td i1ndvRIe0MjN-ZofKBw

Roll Call Pledge of Allegiance

Call To Order

1. 2021-0915 UCI BIKE CITY DESIGNATION AWARD PRESENTATION <u>Legislation Text</u>

Mayor's Announcements, Proclamations and Recognitions

2. 2021-0919 AWARD RECOGNIZING FORMER A&P COMMISSIONER ROBERT RHOADS

City Council Meeting Presentations, Reports and Discussion Items

**Legislation Text** 

1. 2020-0982 MONTHLY FINANCIAL REPORT

**Legislation Text** 

**Proposed Agenda Additions** 

A. Consent

A.12020-0889 APPROVAL OF THE NOVEMBER 16, 2021 CITY COUNCIL MEETING MINUTES **Legislation Text** 

DUTY

**Legislation Text** POLICE DEPARTMENT POLICY 16.2.3 TEMPORARY LIGHT DUTY

AND OTHER SECURITY IMPROVEMENTS TO THE CITY OWNED PARKING LOTS AT THE CORNER OF BLOCK AVENUE AND ROCK STREET

BA POLICE PARKING LOT SECURITY

**Legislation Text** POLICE PARKING LOT SECURITY

A.42021-0872 GARVER, LLC AMENDMENT NO. 1 - 2019 TRANSPORTATION BOND: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES

AGREEMENT WITH GARVER, LLC IN THE AMOUNT OF \$976,235.00 FOR ADDITIONAL DESIGN SERVICES ASSOCIATED WITH THE SOUTH SCHOOL AVENUE AND COLLEGE AVENUE

A.32021-0925 POLICE PARKING LOT SECURITY: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$100,000.00 TO PAY FOR ADDITIONAL FENCING, LIGHTING

A.22021-0852 POLICE DEPARTMENT POLICY 16.2.3 TEMPORARY LIGHT DUTY: A RESOLUTION TO APPROVE FAYETTEVILLE POLICE DEPARTMENT POLICY 16.2.3 TEMPORARY LIGHT

CORRIDOR IMPROVEMENTS PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND

**Legislation Text** 

GARVER, LLC AMENDMENT NO. 1 - 2019 TRANSPORTATION BOND

GARVER, LLC AMENDMENT NO. 1 - 2019 TRANSPORTATION BOND

COLLEGE SOUTH SCHOOL STREETSCAPE PROGRAMMING DRAFT

**Legislation Text** COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA

2022, CONTINGENT ON APPROVAL OF THE 2022 ANNUAL CITY BUDGET AND WORK PROGRAM

A.62021-0904 AIRPORT RESCUE GRANT: A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF AN AIRPORT RESCUE GRANT FROM THE FEDERAL AVIATION ADMINISTRATION IN THE AMOUNT OF \$59,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

A.52021-0899 COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA: A RESOLUTION TO APPROVE A CONTRACT WITH COMMUNITY ACCESS TELEVISION, INC. D/B/A YOUR MEDIA

IN THE AMOUNT OF \$198,500.00 FOR THE PROVISION OF PUBLIC ACCESS TELEVISION SERVICES AND THE OPERATION OF THE PUBLIC ACCESS TELEVISION CHANNEL THROUGH

Kit Memo Airport Rescue Grant BA AIRPORT RESCUE GRANT

Legislation Text

**Legislation Text** 

A.72021-0907 GRAYBAR ELECTRIC COMPANY, INC.: A RESOLUTION TO APPROVE THE PURCHASE OF ELECTRICAL, LIGHTING, DATA COMMUNICATIONS AND SECURITY PRODUCTS AND RELATED PRODUCTS, SERVICES AND SOLUTIONS FROM GRAYBAR ELECTRIC COMPANY, INC., PURSUANT TO AN OMNIA PARTNERS COOPERATIVE PURCHASING CONTRACT, ON AN AS-NEEDED BASIS THROUGH JANUARY 31, 2023, AND ANY FUTURE RENEWAL PERIODS

GRAYBAR ELECTRIC COMPANY, INC.

AIRPORT RESCUE GRANT

A.82021-0909 BUDGET ADJUSTMENT FOR WATER AND SEWER CONSTRUCTION MATERIALS: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$140,000.00 FOR WATER DISTRIBUTION CONSTRUCTION MATERIALS AND WATER AND SEWER CONNECTIONS CONSTRUCTION MATERIALS FOR THE REMAINDER OF 2021 Legislation Text

A.92021-0930 BID # 21-77 GOINS ENTERPRISES, INC.: A RESOLUTION TO AWARD BID # 21-77 AND AUTHORIZE A CONTRACT WITH GOINS ENTERPRISES, INC. IN THE AMOUNT OF

\$788,000.00 FOR CONSTRUCTION OF APPROXIMATELY 2,600 FEET OF 8 INCH AND SMALLER WATERLINES FOR THE SOUTH GARLAND AVENUE WATERLINE REPLACEMENT PROJECT,

BA BUDGET ADJUSTMENT FOR WATER AND SEWER CONSTRUCTION MATERIALS

**Legislation Text** BID #21-77 GOINS ENTERPRISES, INC.

112421 GOINS ENTERPRISES SIGNED AGREEMENT ADDITIONAL INFO. A.102021-0912 VAC-CON TITAN DUAL ENGINE SEWER CLEANING TRUCK: A RESOLUTION TO APPROVE THE PURCHASE OF A VAC-CON TITAN DUAL ENGINE SEWER CLEANING TRUCK

**Legislation Text** 

FROM VAC-CON, INC. IN THE AMOUNT OF \$499,784.00 PLUS ANY APPLICABLE DELIVERY CHARGES, PURSUANT TO A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE UTILITIES DEPARTMENT

BA BID # 21-77 GOINS ENTERPRISES, INC.:

BUDGET ADJUSTMENT FOR WATER AND SEWER CONSTRUCTION MATERIALS

TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$157,600.00, AND TO APPROVE A BUDGET ADJUSTMENT

CUES, INC. FORD F550 BOX TRUCK WITH SEWER INSPECTION CAMERA

VAC-CON TITAN DUAL ENGINE SEWER CLEANING TRUCK

A.112021-0932 CUES, INC. FORD F550 BOX TRUCK WITH SEWER INSPECTION CAMERA: A RESOLUTION TO APPROVE THE PURCHASE OF A FORD F550 BOX TRUCK WITH SEWER INSPECTION CAMERA FROM CUES, INC. IN THE AMOUNT OF \$287,970.00 PLUS ANY APPLICABLE DELIVERY CHARGES, PURSUANT TO A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING CONTRACT, FOR USE BY THE UTILITIES DEPARTMENT, AND TO APPROVE A BUDGET ADJUSTMENT

BA CUES, INC. FORD F550 BOX TRUCK WITH SEWER INSPECTION CAMERA A.122021-0923 PARKS AND RECREATION DEPARTMENT DONATION REVENUE: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE TOTAL AMOUNT OF \$14,681.00 RECOGNIZING DONATION REVENUE FROM CITIZENS AND LOCAL BUSINESSES TO THE PARKS AND RECREATION DEPARTMENT

**Legislation Text** 

**Legislation Text** 

BA PARKS AND RECREATION DEPARTMENT DONATION REVENUE:

PARKS AND RECREATION DEPARTMENT DONATION REVENUE:

A.132021-0921 LUSHBAUGH HOLDINGS, LLC: A RESOLUTION TO APPROVE AN AGREEMENT FOR EASEMENTS WITH LUSHBAUGH HOLDINGS, LLC AS WELL AS PARKING AND ACCESS, SIDEWALK, AND TEMPORARY CONSTRUCTION AND GRADING EASEMENTS FOR PROPERTY LOCATED AT 418 WEST MEADOW STREET ASSOCIATED WITH THE WEST AVENUE STREETSCAPES IMPROVEMENT PROJECT

Legislation Text LUSHBAUGH HOLDINGS, LLC

**Legislation Text** 

**Legislation Text** 

BOSTON MOUNTAIN SOLID WASTE DISTRICT MEMORANDUM OF UNDERSTANDING

PPL-2021-018 (3855 W. WEIR RD./MAGNOLIA PARK SD PH. III & IV)

CERTIFIED LOCAL GOVERNMENT GRANT

A.152021-0913 CERTIFIED LOCAL GOVERNMENT GRANT: A RESOLUTION TO AUTHORIZE AN APPLICATION FOR A CERTIFIED LOCAL GOVERNMENT GRANT IN THE AMOUNT OF \$60,000.00 THROUGH THE ARKANSAS HISTORIC PRESERVATION PROGRAM TO COMPLETE A COMMUNITY WIDE PRESERVATION PLAN AND A CULTURAL RESOURCE SURVEY OF THE UNIVERSITY HEIGHTS AND HASKELL HEIGHTS NEIGHBORHOODS

A.162021-0928 PPL-2021-018 (3855 W. WEIR RD./MAGNOLIA PARK SD PH. III & IV): A RESOLUTION PURSUANT TO § 166.04(B)(2) OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO

A.142021-0935 BOSTON MOUNTAIN SOLID WASTE DISTRICT MEMORANDUM OF UNDERSTANDING: A RESOLUTION TO APPROVE A MEMORANDUM OF UNDERSTANDING WITH BOSTON

MOUNTAIN SOLID WASTE DISTRICT IN THE AMOUNT OF \$24,000.00 FOR THE COLLECTION OF HOUSEHOLD HAZARDOUS WASTE IN FAYETTEVILLE IN 2022

APPROVE THE DEDICATION OF A REDUCED AMOUNT OF RIGHT OF WAY FOR INTERNAL RESIDENTIAL LINK STREETS ASSOCIATED WITH PHASES 3 AND 4 OF THE MAGNOLIA PARK SUBDIVISION BY APPROXIMATELY TWO FEET TO PROVIDE FOR FIVE-FOOT SIDEWALKS TO MATCH PREVIOUS PHASES OF THE SUBDIVISION. AND TO REDUCE THE MASTER STREET PLAN RIGHT OF WAY DEDICATION FOR THESE INTERNAL STREETS **Legislation Text** 

APPROXIMATELY 0.25 ACRES OF CITY PROPERTY LOCATED AT 900 SOUTH HOLLYWOOD AVENUE **Legislation Text** 

2021-0920 A.182021-0947 JOHNSON RE-ZONING APPROVAL: A RESOLUTION PURSUANT TO ARKANSAS CODE ANNOTATED § 14-56-306(b) AGREEING TO A CHANGE IN ZONING FROM A-1 AGRICULTURAL TO H-C HIGHWAY CORRIDOR AND L-I LIGHT INDUSTRIAL FOR PROPERTY LOCATED IN THE CITY OF JOHNSON THAT ADJOINS THE CITY OF FAYETTEVILLE

B.2 2021-0867 RPZD-2021-004: (SOUTH OF 2936 S. BLACK OAK RD./RIVERSIDE VILLAGE): AN ORDINANCE TO APPROVE A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD

C.12021-0914 WATER AND SEWER OPERATIONS DIVISION EMPLOYEES RETENTION PAY PLAN: A RESOLUTION TO APPROVE A RETENTION PAY PLAN FOR WATER AND SEWER

A.172021-0920 EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL APPROXIMATELY 0.25 ACRES: A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO SELL

**B.** Unfinished Business

**Legislation Text** 

JOHNSON RE-ZONING APPROVAL

ADDITIONAL PUBLIC COMMENT

ADDITIONAL PUBLIC COMMENT

2022 ANNUAL BUDGET AND WORK PROGRAM

CC Report - Ball St. RZN - Johnson AR - Staff Recommendation

B.1 2021-0853 ANX-2021-003 (SOUTH OF 2936 S. BLACK OAK RD./RIVERSIDE VILLAGE): AN ORDINANCE TO ANNEX THAT PROPERTY DESCRIBED IN ANNEXATION PETITION ANX 21-003 SUBMITTED BY RAUSCH COLEMAN HOMES, INC. FOR PROPERTY LOCATED SOUTH OF 2936 SOUTH BLACK OAK ROAD CONTAINING APPROXIMATELY 101.77 ACRES **Legislation Text** 

2021-004 FOR APPROXIMATELY 101.77 ACRES LOCATED SOUTH OF 2936 SOUTH BLACK OAK ROAD TO ALLOW THE DEVELOPMENT OF 2.2 ACRES FOR COMMERCIAL AND MULTI-FAMILY RESIDENTIAL USES AND 97.8 ACRES FOR SINGLE-FAMILY TO FOUR-FAMILY RESIDENTIAL USES AND PARKLAND/OPEN SPACE Legislation Text

C. New Business

**Legislation Text** 

<u>Legislation Text</u>

**Legislation Text** 

**Legislation Text** 

B.3 2021-0843 ADOPT THE 2022 ANNUAL BUDGET AND WORK PROGRAM: A RESOLUTION TO ADOPT THE 2022 ANNUAL BUDGET AND WORK PROGRAM <u>Legislation Text</u>

Use No Digital Signature B.2 112421 SWL-2021-00266 AJD PACKET ADDITIONAL INFO.

112421 RIVERSIDE VILLAGE - WOTUS REPORT ADDITIONAL INFO.

ANX-2021-003 (SOUTH OF 2936 S. BLACK OAK RD./RIVERSIDE VILLAGE)

RPZD-2021-004 (SOUTH OF 2936 S. BLACK OAK RD.RIVERSIDE VILLAGE)

11/30/21 ADDITIONAL WATER AND SEWER OPERATIONS DIVISION EMPLOYEES RETENTION PAY PLAN C.22021-0917 RENAME STREET TO STEPHEN CARR MEMORIAL BOULEVARD: A RESOLUTION TO RENAME THAT PORTION OF PORTER ROAD BETWEEN DEANE STREET AND MOUNT COMFORT ROAD TO STEPHEN CARR MEMORIAL BOULEVARD AND TO APPROVE A BUDGET ADJUSTMENT

RENAME STREET TO STEPHEN CARR MEMORIAL BOULEVARD:

BA RENAME STREET TO STEPHEN CARR MEMORIAL BOULEVARD

NABHOLZ CONSTRUCTION CORPORATION CHANGE ORDER NO.8:

VAC-2021-028 (3428 E. JASPER LN./MCMILLEN)

WATER AND SEWER OPERATIONS DIVISION EMPLOYEES RETENTION PAY PLAN

C.32021-0916 NABHOLZ CONSTRUCTION CORPORATION CHANGE ORDER NO.8 - 2019 CULTURAL ARTS CORRIDOR BOND PROJECT: A RESOLUTION TO APPROVE CHANGE ORDER NO. 8 TO THE CONTRACT WITH NABHOLZ CONSTRUCTION CORPORATION IN THE AMOUNT OF \$10,373,888.00 FOR THE GUARANTEED MAXIMUM PRICE RELATED TO THE CULTURAL ARTS CORRIDOR REPLACEMENT PARKING DECK PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 CULTURAL ARTS CORRIDOR BOND PROJECT

OPERATIONS DIVISION EMPLOYEES WHO SERVE IN A PUBLIC HEALTH AND SAFETY CAPACITY

BA NABHOLZ CONSTRUCTION CORPORATION CHANGE ORDER NO.8: C.42021-0903 VAC-2021-028 (3428 E. JASPER LN./MCMILLEN): AN ORDINANCE TO APPROVE VAC 21-028 FOR PROPERTY LOCATED AT 3428 EAST JASPER LANE TO VACATE PORTIONS OF A GENERAL UTILITY EASEMENT AND DRAINAGE EASEMENT

**Legislation Text** RZN-2021-058 (2390 S. DEAD HORSE MOUNTAIN RD./ROUSE & ROUSE) C.62021-0926 APPEAL RZN 2021-073 (2434 N. DEANE SOLOMON RD./LEWIS BROS. LEASING): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-

**COMMERCIAL** 

**Legislation Text** 

**Legislation Text** RZN 2021-073 (2434 N. DEANE SOLOMON RD./LEWIS BROS. LEASING) C.72021-0900 RZN 2021-074 (340 N. DOUBLE SPRINGS RD./DOUBLE SPRINGS ROAD REZONE): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-

OF ASSURANCE TO RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE

RZN 2021-074 (340 N. DOUBLE SPRINGS RD./DOUBLE SPRINGS ROAD REZONE) D. City Council Agenda Session Presentations

3:00-4:00 PM Address:

Unaddressed; Approx. ¼ mile south of 2936 S. Black Oak Road

Annex the property in to the Fayetteville city limits and zone it R-PZD, Residential Planned

C.52021-0933 APPEAL RZN-2021-058 (2390 S. DEAD HORSE MOUNTAIN RD./ROUSE & ROUSE): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-

058 LOCATED AT 2390 SOUTH DEAD HORSE MOUNTAIN ROAD FOR APPROXIMATELY 51.33 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE SUBJECT TO A BILL

073 LOCATED AT 2434 NORTH DEANE SOLOMON ROAD FOR APPROXIMATELY 5.06 ACRES FROM RMF-24, RESIDENTIAL MULTI FAMILY, 24 UNITS PER ACRE TO C-2, THOROUGHFARE

074 LOCATED AT 340 NORTH DOUBLE SPRINGS ROAD FOR APPROXIMATELY 9.92 ACRES FROM R-A, RESIDENTIAL AGRICULTURAL, RSF-1, RESIDENTIAL SINGLE FAMILY, 1 UNIT PER

G. Adjournment

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.

ACRE AND RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RSF-8, RESIDENTIAL SINGLE FAMILY, 8 UNITS PER ACRE

D.12021-0929 AGENDA SESSION PRESENTATION- UPDATE ON YVONNE RICHARDSON COMMUNITY CENTER FACILITY, STAFFING AND BUDGET

December 3rd, 2021 Time:

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.

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.

**Legislation Text** D.22021-0155 AGENDA SESSION PRESENTATION - SALES TAX REPORT BY PAUL BECKER ENERGY REPORT BY PETER NIERENGARTEN **Legislation Text** 

Parking is available off-street through the northern gate in to the property Request: Parking: **Zoning District.** F. Announcements

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

E. City Council Tour: Riverside Village annexation Date:

Unfinished Business and New Business:

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.

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.