

# City of Fayetteville, Arkansas

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



## City Council Final Agenda

**Tuesday, August 16, 2022**

**5:30 PM**

**City Hall Room 219**

### **City Council Members**

*Council Member Sonia Harvey Ward 1*

*Council Member D'Andre Jones Ward 1*

*Council Member Mark Kinion Ward 2*

*Council Member Mike Wiederkehr Ward 2*

*Council Member Sloan Scroggin Ward 3*

*Council Member Sarah Bunch Ward 3*

*Council Member Teresa Turk Ward 4*

*Council Member Holly Hertzberg Ward 4*

*Mayor Lioneld Jordan*

*City Attorney Kit Williams*

*City Clerk Treasurer Kara Paxton*

**Zoom Information:**

**Public Registration Link:**

[https://us06web.zoom.us/webinar/register/WN\\_w9xNGhaiRZqR9bxCPNXaIA](https://us06web.zoom.us/webinar/register/WN_w9xNGhaiRZqR9bxCPNXaIA)

**Webinar ID: 818 4889 5709**

**Call To Order**

**Roll Call**

**Pledge of Allegiance**

**Mayor's Announcements, Proclamations and Recognitions**

**City Council Meeting Presentations, Reports and Discussion Items**

**Proposed Agenda Additions**

**A. Consent**

**A.1 2021-1056**

APPROVAL OF THE AUGUST 2, 2022 CITY COUNCIL MEETING MINUTES

**A.2 2022-0719**

**UNIVERSITY OF ARKANSAS ATHLETIC DEPARTMENT:**

A RESOLUTION TO CONGRATULATE THE UNIVERSITY OF ARKANSAS ATHLETIC DEPARTMENT FOR BEING SELECTED BY CBS SPORTS AS THE FIFTH BEST IN THE NATION

**A.3 2022-0632****AMENDMENT NO. 2, BURNS & MCDONNELL ENGINEERING COMPANY, INC.:**

A RESOLUTION TO APPROVE AMENDMENT NO. 2 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH BURNS & MCDONNELL ENGINEERING COMPANY, INC. IN THE AMOUNT OF \$33,880.00 FOR A HYDRAULIC ANALYSIS AND SURVEY ASSOCIATED WITH A PROJECT TO ADDRESS SCOUR AT THE SOUTH ARMSTRONG AVENUE BRIDGE OVER TOWN BRANCH

**A.4 2022-0686****CHANGE ORDER NO. 5 TRI STAR CONTRACTORS, LLC:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 5 TO THE CONTRACT WITH TRI STAR CONTRACTORS, LLC FOR ADDITIONAL WORK ASSOCIATED WITH THE ZION ROAD - VANTAGE DRIVE TO CROSSOVER ROAD PROJECT IN THE AMOUNT OF \$264,597.22, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$120,000.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 TRANSPORTATION BOND PROJECT

**A.5 2022-0690****RFQ 22-07 CROSSLAND HEAVY CONTRACTORS, INC.:**

A RESOLUTION TO AUTHORIZE A CONTRACT WITH CROSSLAND HEAVY CONTRACTORS, INC., PURSUANT TO RFQ 22-07, IN THE INITIAL AMOUNT OF \$78,550.00, TO PROVIDE CONSTRUCTION MANAGER AT RISK SERVICES FOR THE MIDTOWN CORRIDOR PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT

**A.6 2022-0684****AMENDMENT 1, BOSTON MOUNTAIN SOLID WASTE DISTRICT:**

A RESOLUTION TO APPROVE A CONTRACT AMENDMENT WITH THE BOSTON MOUNTAIN SOLID WASTE DISTRICT FOR ENVIRONMENTAL EDUCATION AND OUTREACH SERVICES THROUGH THE END OF 2022 IN THE AMOUNT OF \$9,500.00

**A.7 2022-0692****COMMERCIAL ELECTRONICS CORP:**

A RESOLUTION TO APPROVE THE PURCHASE OF A PHONE SYSTEM RECORDER FROM COMMERCIAL ELECTRONICS CORP IN THE AMOUNT OF \$139,125.90 PLUS ANY APPLICABLE TAXES AND SHIPPING CHARGES, PURSUANT TO A HOUSTON-GALVESTON AREA COUNCIL COOPERATIVE PURCHASING CONTRACT

**A.8 2022-0694****THERMAL DRYER AT THE BIOSOLIDS MANAGEMENT SITE:**

A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$346,580.00 TO FUND SITE PREPARATION WORK PRIOR TO THE INSTALLATION OF THE THERMAL DRYER AT THE BIOSOLIDS MANAGEMENT SITE

**A.9 2022-0681****AMENDMENT NO. 1, MILLER BOSKUS LACK ARCHITECTS, P.A.:**

A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ARCHITECTURAL SERVICES AGREEMENT WITH MILLER BOSKUS LACK ARCHITECTS, P.A IN THE AMOUNT OF \$754,200.00 FOR ARCHITECTURAL SERVICES ASSOCIATED WITH THE YVONNE RICHARDSON COMMUNITY CENTER EXPANSION, AND TO APPROVE A BUDGET ADJUSTMENT - 2022 PARK IMPROVEMENT BOND PROJECT

**A.10 2022-0682****CHANGE ORDER NO. 5 JBZ, INC. D/B/A ELLINGSON CONTRACTING:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 5 TO THE CONTRACT WITH JBZ, INC. D/B/A ELLINGSON CONTRACTING IN THE AMOUNT OF \$148,038.00 FOR ADDITIONAL CONSTRUCTION ASSOCIATED WITH THE WOOLSEY FARMSTEAD RESTORATION PROJECT

**A.11 2022-0683****NABHOLZ CONSTRUCTION CHANGE ORDER 11, CULTURAL ARTS CORRIDOR:**

A RESOLUTION TO APPROVE CHANGE ORDER NO. 11 TO THE CONTRACT WITH NABHOLZ CONSTRUCTION CORPORATION IN THE AMOUNT OF \$4,984,952.00 FOR WEST AVENUE IMPROVEMENTS AND THE GREENWAY TRAIL IMPROVEMENTS RELATED TO THE CULTURAL ARTS CORRIDOR PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2022 CULTURAL ARTS CORRIDOR BOND PROJECT

**B. Unfinished Business****B.1 [2022-0595](#)****RZN 22-025 (507 S. CHURCH AVE.):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-025 LOCATED AT 507 SOUTH CHURCH AVENUE IN WARD 1 FOR APPROXIMATELY 0.17 ACRES FROM NC, NEIGHBORHOOD CONSERVATION TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

This agenda item was tabled to the August 16, 2022 City Council Meeting.

**C. New Business****C.1 2022-0689****WALTON FAMILY FOUNDATION GRANT ACCEPTANCE:**

A RESOLUTION TO AUTHORIZE THE ACCEPTANCE OF A 50/50 MATCHING GRANT OF UP TO \$1,400,000.00 FROM THE WALTON FAMILY FOUNDATION TO CONSTRUCT AN EXPANSION OF THE YVONNE RICHARDSON COMMUNITY CENTER AND SUPPORT PUBLIC ENGAGEMENT AND PROGRAMMING, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 PARK IMPROVEMENT BOND PROJECT

**C.2 2022-0631****2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN:**

A RESOLUTION TO APPROVE THE 2022 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) ACTION PLAN, TO AUTHORIZE MAYOR JORDAN TO EXECUTE THE CDBG AGREEMENT FOR 2022 IN THE AMOUNT OF \$725,638.00 WHEN RECEIVED

**C.3 2022-0644****GRIFFIN RESIDUALS, LLC:**

AN ORDINANCE TO WAIVE COMPETITIVE BIDDING AND APPROVE THE GRIFFIN RESIDUALS DRYING AS A SERVICE AGREEMENT WITH THE CITY OF FAYETTEVILLE, TO APPROVE A CONTINGENCY AMOUNT OF \$81,250.00, AND TO APPROVE A BUDGET ADJUSTMENT

**C.4 2022-0693****WEST END APARTMENTS:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN AN OFFER TO PURCHASE APPROXIMATELY 1.74 ACRES OF LAND LOCATED AT 1125, 1137, 1153, AND 1189 NORTH WEST END AVENUE FOR THE AMOUNT OF \$1,390,000.00 PLUS CLOSING COSTS, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,000.00, AND TO APPROVE A BUDGET ADJUSTMENT

**C.5 2022-0707****SCHOOL RESOURCE OFFICER:**

A RESOLUTION TO APPROVE THE ADDITION OF A NEW FULL TIME EQUIVALENT POLICE OFFICER POSITION TO BE ASSIGNED TO THE FAYETTEVILLE PUBLIC SCHOOL DISTRICT AS A SCHOOL RESOURCE OFFICER BEGINNING IN THE 2022-2023 SCHOOL YEAR, TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD TWO NEW SCHOOL RESOURCE OFFICER POSITIONS EACH YEAR THEREAFTER UNTIL EVERY SCHOOL IN THE DISTRICT IS ABLE TO HAVE AN OFFICER ON SITE EACH SCHOOL DAY, AND TO APPROVE A BUDGET ADJUSTMENT

**C.6 2022-0691****RZN 22-028 (1466 N. GREGG AVE./REYNOLDS):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-028 LOCATED AT 1466 NORTH GREGG AVENUE IN WARD 2 FOR APPROXIMATELY 0.43 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE

**C.7 2022-0695****APPEAL RZN 22-029 (1678 W. PALMER PL./RICH):**

AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 22-029 LOCATED AT 1678 WEST PALMER PLACE IN WARD 1 FOR APPROXIMATELY 0.35 ACRES FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE TO RI-U, RESIDENTIAL INTERMEDIATE-URBAN

**C.8 2022-0718****JOHNSON CONTROLS INC.:**

A RESOLUTION TO AUTHORIZE MAYOR JORDAN TO SIGN AN ENERGY SAVINGS PERFORMANCE CONTRACT WITH JOHNSON CONTROLS INC., PURSUANT TO RFQ 20-06, IN THE AMOUNT OF \$4,448,399.00, TO AUTHORIZE MAYOR JORDAN TO NEGOTIATE AND SIGN AGREEMENTS WITH THE ADVERTISING & PROMOTION COMMISSION AND THE FAYETTEVILLE PUBLIC LIBRARY FOR THE PAYMENT OF THEIR RESPECTIVE PROJECT COSTS, AND TO APPROVE A BUDGET ADJUSTMENT

**D. City Council Agenda Session Presentations****D.1 2022-0724**

AGENDA SESSION PRESENTATION - TIME TO ACKNOWLEDGE A DIFFERENT HISTORY, COUNCIL MEMBER JONES AND DR. BANTON

**E. City Council Tour**

**Rich Rezoning Appeal Tour (Agenda Item 2022-0695) Date: August 15, 2022, Time: 4:00 PM, Address: 1678 W. Palmer Place, Parking: Parking is available on-street along Hartman Avenue, Request: An appeal to the Planning Commission's denial to rezone the property from RSF-4, Residential Single-Family, 4 Units per Acre, to RI-U, Residential Intermediate-Urban.**

**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 discuss the agenda item being considered by the City Council. 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. As part of a person's public comments allowed above, the speaker may use electronic visual aids during their five (5) minutes presentation period concerning the agenda item being considered by the City Council.

**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 comments that are harassing or amount to a personal attack against any identifiable individual including abusive comments and derogatory remarks about integrity or offer any other comments that are also not limited to the discussion of the specific agenda item being considered by the City Council. 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](http://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.