

# City of Fayetteville, Arkansas

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



## City Council Meeting

August 17, 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 Kinton 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 Lionel Jordan  
City Attorney Kit Williams  
City Clerk Kara Paxton*

**Zoom Information: Public Registration Link:** [https://zoom.us/join/zoom/register/WN\\_\\_awBcVOBSmGjMNNwXl17g](https://zoom.us/join/zoom/register/WN__awBcVOBSmGjMNNwXl17g) Webinar ID: 959 6417 3208

**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.12020-0882 APPROVAL OF THE AUGUST 3, 2021 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

A.22021-0579 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM: A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT IN THE AMOUNT OF \$6,389.00 RECOGNIZING REVENUE FROM THE COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM TO PROVIDE STAFF SUPPORT FOR THE YVONNE RICHARDSON COMMUNITY CENTER KIDS NITE AFTERSCHOOL PROGRAM FOR THE 2021 FALL SEMESTER

[Legislation Text](#)

[COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM](#)

[BA\\_COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM](#)

A.32021-0583 GARVER, LLC AMENDMENT NO. 1 - 2019 DRAINAGE IMPROVEMENTS BOND PROJECT: A RESOLUTION TO APPROVE AMENDMENT NO. 1 TO THE PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH GARVER, LLC IN THE AMOUNT OF \$71,300.00 FOR DESIGN AND CONSTRUCTION PHASE SERVICES ASSOCIATED WITH THE MISSOURI CREEK DRAINAGE BASIN PROJECT, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 DRAINAGE IMPROVEMENTS BOND PROJECT

[Legislation Text](#)

[GARVER, LLC AMENDMENT NO. 1 - 2019 DRAINAGE IMPROVEMENTS BOND PROJECT](#)

[BA\\_GARVER, LLC AMENDMENT NO. 1 - 2019 DRAINAGE IMPROVEMENTS BOND PROJECT](#)

A.42021-0587 BID #21-62 KAJACS CONTRACTORS, INC.: A RESOLUTION TO AWARD BID #21-62 AND AUTHORIZE A CONTRACT WITH KAJACS CONTRACTORS, INC. IN THE AMOUNT OF \$748,000.00 FOR CONSTRUCTION OF THE RICHLAND CREEK WATERLINE CROSSING PROJECT, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$149,600.00

[Legislation Text](#)

[BID #21-62 KAJACS CONTRACTORS, INC.](#)

A.52021-0505 BID #21-52 ARCSTAR ELECTRIC, LLC - 2019 STREET IMPROVEMENT BOND PROJECT: A RESOLUTION TO AWARD BID #21-52 AND AUTHORIZE A CONTRACT WITH ARCSTAR ELECTRIC, LLC IN THE AMOUNT OF \$598,443.00 FOR THE INSTALLATION OF DECORATIVE LIGHTING ON SPRING STREET FROM WEST AVENUE TO COLLEGE AVENUE, TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$60,000.00, AND TO APPROVE A BUDGET ADJUSTMENT - 2019 STREET IMPROVEMENT BOND PROJECT

[Legislation Text](#)

[BID 21-52 ARCSTAR ELECTRIC, LLC](#)

[BA\\_BID 21-52 ARCSTAR ELECTRIC, LLC](#)

A.62021-0566 NORTHWEST ARKANSAS LAND TRUST (NWALT) WOOLSEY WORKING FARM: A RESOLUTION TO APPROVE A 3 YEAR LEASE AGREEMENT WITH THE NORTHWEST ARKANSAS LAND TRUST FOR APPROXIMATELY 4.3 ACRES OF PROPERTY LOCATED EAST OF BROYLES ROAD TO DEVELOP AND MANAGE THE WOOLSEY WORKING FARM, AND TO APPROVE A BUDGET ADJUSTMENT

[Legislation Text](#)

[NORTHWEST ARKANSAS LAND TRUST \(NWALT\) WOOLSEY WORKING FARM](#)

[BA\\_NORTHWEST ARKANSAS LAND TRUST \(NWALT\) WOOLSEY WORKING FARM](#)

#### B. Unfinished Business

B.12021-0551 APPEAL ADM-2021-038 (2512 W. MT. COMFORT RD./HAYS): A RESOLUTION TO GRANT THE APPEAL OF DANIEL HAYS AND APPROVE A MAJOR MODIFICATION OF LARGE SCALE DEVELOPMENT LSD 19-6780 BY GRANTING A VARIANCE TO THE CITY'S ACCESS MANAGEMENT STANDARDS TO ALLOW A SECOND DRIVEWAY AT 2512 WEST MOUNT COMFORT ROAD

[Legislation Text](#)

[APPEAL ADM-2021-038 \(2512 W. MT. COMFORT RD./HAYS\)](#)

[ADDITIONAL\\_08/03/21\\_APPEAL ADM-2021-038 \(2512 W. MT. COMFORT RD./HAYS\)](#)

B.22021-0571 AMEND § 158.05 OFF-SITE IMPROVEMENTS/DELAYS: AN ORDINANCE TO AMEND § 158.05 OFF-SITE IMPROVEMENTS/DELAYS TO CONFORM THIS SECTION TO THE REQUIREMENTS OF A.C.A. §14-56-103 DEVELOPMENT IMPACT FEES-DEFINITION

[Legislation Text](#)

[AMEND § 158.05 OFF-SITE IMPROVEMENTS/DELAYS](#)

[ADDITIONAL\\_08/10/21\\_AMEND § 158.05 OFF-SITE IMPROVEMENTS/DELAYS](#)

#### C. New Business

C.12021-0620 A PROGRAM TO USE FEDERAL COVID-19 FUNDS: A RESOLUTION TO REQUEST THAT THE ADMINISTRATION ESTABLISH A PROGRAM TO USE FEDERAL COVID-19 RELIEF FUNDS TO ENCOURAGE UNVACCINATED EMPLOYEES OF BUSINESSES IN FAYETTEVILLE AND FAYETTEVILLE RESIDENTS TO GET VACCINATED

[Legislation Text](#)

[PROGRAM TO USE FEDERAL COVID-19 RELIEF FUNDS](#)

C.22021-0576 OZARK TENNIS ACADEMY: AN ORDINANCE TO WAIVE THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVE A CONTRACT WITH OZARK TENNIS ACADEMY, LLC TO PROVIDE TENNIS INSTRUCTION TO FAYETTEVILLE RESIDENTS

[Legislation Text](#)

[OZARK TENNIS ACADEMY](#)

C.32021-0589 VAC-2021-020 (61 S. HARMON RD./FHS PROPERTIES): AN ORDINANCE TO APPROVE VAC 21-020 FOR PROPERTY LOCATED ADJACENT TO 61 SOUTH HARMON ROAD TO VACATE A PORTION OF AN ALLEY RIGHT-OF-WAY

[Legislation Text](#)

[VAC 2021-020 \(61 S. HARMON RD./FHS PROPERTIES\)](#)

C.42021-0573 2022 EMPLOYEE BENEFITS PACKAGE: A RESOLUTION TO APPROVE THE 2022 EMPLOYEE BENEFITS PACKAGE

[Legislation Text](#)

[2022 EMPLOYEE BENEFITS PACKAGE:](#)

C.52021-0586 AMEND § 97.081 INTOXICATING BEVERAGES: AN ORDINANCE TO AMEND § 97.081 INTOXICATING BEVERAGES OF THE FAYETTEVILLE CODE REGARDING POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON CITY PARK PROPERTY AND TRAILS WITHIN THE DOWNTOWN OUTDOOR REFRESHMENT AREA, AND TO CLARIFY THAT THE POSSESSION AND CONSUMPTION OF ALCOHOLIC BEVERAGES ON ANY OTHER CITY PARK PROPERTY OR TRAIL IS SUBJECT TO SPECIAL EVENT PERMIT APPROVAL

[Legislation Text](#)

[AMEND § 97.081 INTOXICATING BEVERAGES:](#)

C.62021-0588 AMEND § 111.07 OUTDOOR REFRESHMENT AREA: AN ORDINANCE TO AMEND § 111.07 OUTDOOR REFRESHMENT AREA TO CREATE THE CENTENNIAL PARK OUTDOOR REFRESHMENT AREA

[Legislation Text](#)

[AMEND § 111.07 OUTDOOR REFRESHMENT AREA:](#)

[ADDITIONAL\\_08/12/21\\_AMEND § 111.07 OUTDOOR REFRESHMENT AREA](#)

C.72021-0612 COMMISSION TO PRESERVE HISTORICAL BLACK STRUCTURES AND CEMETERIES: A RESOLUTION TO ESTABLISH A COMMISSION TO PRESERVE HISTORICAL BLACK STRUCTURES AND CEMETERIES AND TO CREATE BLACK HISTORICAL MARKERS IN FAYETTEVILLE

[Legislation Text](#)

[COMMISSION TO PRESERVE HISTORICAL BLACK STRUCTURES AND CEMETERIES:](#)

C.82021-0590 APPEAL RZN-2021-051 (S. FUTRALL DR. EAST OF 1-49/BARNES SOUTH PARCEL): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-051 LOCATED EAST OF FUTRALL DRIVE BETWEEN MARTIN LUTHER KING, JR. BOULEVARD AND WEDINGTON DRIVE FOR APPROXIMATELY 9.40 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO UT, URBAN THOROUGHFARE

[Legislation Text](#)

[APPEAL RZN-2021-051 \(S. FUTRALL DR. EAST OF 1-49/BARNES SOUTH PARCEL\)](#)

[ADDITIONAL\\_08/10/21\\_APPEAL RZN-2021-051 \(S. FUTRALL DR. EAST OF 1-49/BARNES SOUTH PARCEL\)](#)

C.92021-0591 APPEAL RZN-2021-052 (S. FUTRALL DR. EAST OF 1-49/BARNES CENTRAL PARCEL): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-052 LOCATED EAST OF FUTRALL DRIVE BETWEEN MARTIN LUTHER KING, JR. BOULEVARD AND WEDINGTON DRIVE FOR APPROXIMATELY 1.37 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO UT, URBAN THOROUGHFARE

[Legislation Text](#)

[APPEAL RZN-2021-052 \(S. FUTRALL DR. EAST OF 1-49/BARNES CENTRAL PARCEL\)](#)

[ADDITIONAL\\_08/10/21\\_APPEAL RZN-2021-052 \(S. FUTRALL DR. EAST OF 1-49/BARNES CENTRAL PARCEL\)](#)

C.102021-0592 APPEAL RZN-2021-053 (S. FUTRALL DR. EAST OF 1-49/BARNES NORTH PARCEL): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-053 LOCATED EAST OF FUTRALL DRIVE BETWEEN MARTIN LUTHER KING, JR. BOULEVARD AND WEDINGTON DRIVE FOR APPROXIMATELY 9.77 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO UT, URBAN THOROUGHFARE

[Legislation Text](#)

[APPEAL RZN-2021-053 \(S. FUTRALL DR. EAST OF 1-49/BARNES NORTH PARCEL\)](#)

[ADDITIONAL\\_08/10/21\\_APPEAL RZN-2021-053 \(S. FUTRALL DR. EAST OF 1-49/BARNES NORTH PARCEL\)](#)

#### D. City Council Agenda Session Presentations

D.12021-0526 AGENDA SESSION PRESENTATION - ILLINOIS RIVER WATERSHED PARTNERSHIP (IRWP) BLUE CITIES

[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 any agenda item, and Public Hearings and Public Comment 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 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](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.