

# City of Fayetteville, Arkansas

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



## City Council Meeting

August 3, 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\\_\\_3PXaUsRP60sbX9C1z\\_w](https://zoom.us/webinar/register/WN__3PXaUsRP60sbX9C1z_w) Webinar ID: 938 6906 3791

Call To Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions

City Council Meeting Presentations, Reports and Discussion Items

1. 2020-0978 MONTHLY FINANCIAL REPORT

[Legislation Text](#)

Proposed Agenda Additions

A. Consent

- A.12020-0881 APPROVAL OF THE JULY 20, 2021 CITY COUNCIL MEETING MINUTES

[Legislation Text](#)

- A.22021-0509 OSHER LIFELONG LEARNING INSTITUTE: A RESOLUTION TO APPROVE A LEASE AGREEMENT WITH THE BOARD OF TRUSTEES OF THE UNIVERSITY OF ARKANSAS FOR THE UNOCCUPIED BANQUET AREA IN THE AIRPORT TERMINAL BUILDING TO BE USED BY THE OSHER LIFELONG LEARNING INSTITUTE TO CONDUCT CLASSES FROM AUGUST 1, 2021 THROUGH DECEMBER 31, 2021, IN THE AMOUNT OF \$25.00 FOR EACH DAY THE SPACE IS USED

[Legislation Text](#)

[OSHER LIFELONG LEARNING INSTITUTE](#)

- A.32021-0511 RFQ 20-01 TREKK DESIGN GROUP, LLC: A RESOLUTION TO AUTHORIZE A CONTRACT WITH TREKK DESIGN GROUP, LLC, PURSUANT TO RFQ 20-01, TO PROVIDE PROFESSIONAL SERVICES RELATED TO THE LUCITY ASSET MANAGEMENT AND WORK ORDER SYSTEM IN AN AMOUNT NOT TO EXCEED \$25,000.00 FOR THE REMAINDER OF 2021

[Legislation Text](#)

[RFQ 20-01 TREKK DESIGN GROUP, LLC](#)

- A.42021-0529 DICKSON STREET CENTRAL IMPROVEMENT DISTRICT # 1 AMENDMENT #2: A RESOLUTION TO APPROVE AMENDMENT #2 TO THE LEASE AGREEMENT WITH DICKSON STREET CENTRAL IMPROVEMENT DISTRICT #1 FOR MANAGEMENT OF THE 55 PARKING SPACES IN THE GREGG AVENUE PARKING LOT FOR A TERM OF ONE YEAR WITH AUTOMATIC RENEWALS FOR UP TO FIVE ADDITIONAL ONE YEAR TERMS

[Legislation Text](#)

[DICKSON STREET CENTRAL IMPROVEMENT DISTRICT # 1 AMENDMENT #2](#)

- A.52021-0536 BID # 21-54 KAJACS CONTRACTORS, INC.: A RESOLUTION TO AWARD BID # 21-54 AND AUTHORIZE A CONTRACT WITH KAJACS CONTRACTORS, INC. IN THE AMOUNT OF \$3,479,500.00 FOR THE CONSTRUCTION OF APPROXIMATELY 10,835 LINEAR FEET OF WATERLINES IN VARIOUS LOCATIONS, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$347,950.00

[Legislation Text](#)

[BID # 21-54 KAJACS CONTRACTORS, INC.](#)

- A.62021-0538 JCI INDUSTRIES, INC.: A RESOLUTION TO ACCEPT A QUOTE IN THE AMOUNT OF \$21,590.50 PLUS APPLICABLE TAXES AND FREIGHT CHARGES FROM JCI INDUSTRIES, INC. FOR THE REPAIR OF AN AERATOR AT THE NOLAND WATER RESOURCE RECOVERY FACILITY

[Legislation Text](#)

[JCI INDUSTRIES, INC.](#)

- A.72021-0537 BID #21-56 MAGUIRE IRON, INC.: A RESOLUTION TO AWARD BID #21-56 AND AUTHORIZE A CONTRACT WITH MAGUIRE IRON, INC. IN THE AMOUNT OF \$153,000.00 FOR THE PAINTING AND REHABILITATION OF THE ROUND MOUNTAIN WATER STANDPIPE, AND TO APPROVE A PROJECT CONTINGENCY IN THE AMOUNT OF \$15,300.00

[Legislation Text](#)

[MAGUIRE IRON, INC.](#)

- A.82021-0540 RFQ #21-01 SELECTION #14 OLSSON, INC.: A RESOLUTION TO APPROVE A PROFESSIONAL ENGINEERING SERVICES AGREEMENT WITH OLSSON, INC., PURSUANT TO RFQ #21-01 SELECTION #14, IN AN AMOUNT NOT TO EXCEED \$107,000.00 FOR DESIGN AND OTHER SERVICES RELATED TO THE REHABILITATION OF THE MARKHAM HILL WATER STORAGE TANK

[Legislation Text](#)

[RFQ #21-01 SELECTION #14 OLSSON, INC.](#)

- A.92021-0542 BID #21-61 48FORTY SOLUTIONS, LLC: A RESOLUTION TO AWARD BID #21-61 AND AUTHORIZE A CONTRACT WITH 48FORTY SOLUTIONS, LLC FOR PALLET REMOVAL AND RECYCLING FOR THE PRICE OF \$2.50 PER PALLET FOR A TERM OF ONE YEAR WITH THE OPTION TO RENEW FOR UP TO FOUR ADDITIONAL ONE YEAR TERMS

[Legislation Text](#)

[BID #21-61 48 FORTY SOLUTIONS, LLC](#)

- A.102021-0567 2022 BUDGET TO PATROL THE CITY TRAILS: A RESOLUTION TO EXPRESS THE INTENT OF THE CITY COUNCIL TO ADD A FULL TIME POLICE OFFICER TO THE 2022 BUDGET TO PATROL THE CITY TRAILS

[Legislation Text](#)

[2022 BUDGET TO PATROL THE CITY TRAILS](#)

B. Unfinished Business

- B.12021-0466 AMEND CHAPTER 173 BUILDING REGULATIONS: AN ORDINANCE TO AMEND CHAPTER 173 BUILDING REGULATIONS OF THE FAYETTEVILLE UNIFIED DEVELOPMENT CODE TO ALIGN THE CITY'S BUILDING REGULATIONS WITH BUILDING CODES ADOPTED BY THE STATE OF ARKANSAS; TO AUTHORIZE PROSECUTION OF VIOLATIONS OF § 173.08 UNSAFE BUILDINGS AND PROPERTY NUISANCES; AND TO ADOPT THE INTERNATIONAL PROPERTY MAINTENANCE CODE

[Legislation Text](#)

[AMEND CHAPTER 173 BUILDING REGULATIONS](#)

[CITY ATTORNEY MEMO](#)

C. New Business

- C.12021-0546 RZN-2021-054: (111 & 115 S. WEST AVE./JENSEN-OSTNER): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-054 LOCATED AT 111 AND 115 SOUTH WEST AVENUE FOR APPROXIMATELY 0.31 ACRES FROM NC, NEIGHBORHOOD CONSERVATION TO MSC, MAIN STREET CENTER

[Legislation Text](#)

[RZN-2021-054: \(111 & 115 S. WEST AVE./JENSEN-OSTNER\)](#)

- C.22021-0549 RZN-2021-055 (212 N. CROSSOVER RD./AP REAL ESTATE): AN ORDINANCE TO REZONE THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 21-055 LOCATED AT 212 NORTH CROSSOVER ROAD FOR APPROXIMATELY 0.63 ACRES FROM RSF-4, RESIDENTIAL SINGLE FAMILY, 4 UNITS PER ACRE TO RI-12, RESIDENTIAL INTERMEDIATE, 12 UNITS PER ACRE

[Legislation Text](#)

[RZN-2021-055 \(212 N. CROSSOVER RD./AP REAL ESTATE\)](#)

- C.32021-0547 VAC-2021-021: (3988 W. MOUNTAIN VIEW DR./MOUNTAIN RANCH): AN ORDINANCE TO APPROVE VAC 21-0021 FOR PROPERTY LOCATED AT 3988 WEST MOUNTAIN VIEW DRIVE TO VACATE A PORTION OF A GENERAL UTILITY EASEMENT

[Legislation Text](#)

[VAC-2021-021: \(3988 W. MOUNTAIN VIEW DR./MOUNTAIN RANCH\)](#)

- C.42021-0551 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 \(2512 W. MT. COMFORT RD./HAYS\)](#)

- C.52021-0568 AMEND § 114.10 REGULATION OF EXPANDED POLYSTYRENE (EPS) FOAM SINGLE-USE PLATES, BOWLS, CLAMSHELLS, CUPS AND SIMILAR PRODUCTS: AN ORDINANCE TO AMEND § 114.10 REGULATION OF EXPANDED POLYSTYRENE (EPS) FOAM SINGLE-USE PLATES, BOWLS, CLAMSHELLS, CUPS AND SIMILAR PRODUCTS TO COMPLY WITH ACT 751 OF 2021

[Legislation Text](#)

[AMEND § 114.10](#)

- C.62021-0571 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](#)

- C.72021-0584 A RESOLUTION TO SUPPORT AND JOIN, IF FEASIBLE, THE LITIGATION TO ENJOIN THE MISGUIDED AND DANGEROUS ACT 1002 OF 2021

[Legislation Text](#)

[SUPPORT TO JOIN SUIT](#)

[TOM MARS LETTER TO GOVERNOR HUTCHINSON, PRESIDENT PRO TEMP OF SENATE, AND SPEAKER OF THE HOUSE OF REPRESENTATIVES](#)

D. City Council Agenda Session Presentations

- D.12021-0150 AGENDA SESSION PRESENTATION - SALES TAX REPORT ENERGY REPORT BY PETER NIERENGARTEN

[Legislation Text](#)

- D.22021-0527 AGENDA SESSION PRESENTATION: ECONOMIC VITALITY AND RECOVERY 5-YEAR PLAN UPDATE

[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: 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 addition (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 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.