

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
March 04, 2008**

A meeting of the Fayetteville City Council will be held on March 04, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: Agenda Session Only

Agenda Additions: None

A. Consent:

1. Approval of the February 19, 2008 City Council meeting minutes. **APPROVED.**
2. **Walton Arts Center Council, Inc. By-laws:** A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 40-08.

3. **Dead Horse Mountain Bridge Replacement Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of \$20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 41-08.

4. **Brasfield & Gorrie, LLC Change Order # 4:** A resolution approving Change Order # 4 to the construction contract with Brasfield & Gorrie, LLC in the amount of \$624,521.00 for construction of the Hamstring Sewer Lift Station.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 42-08.

5. **2008 ESRI Software Maintenance Fees:** A resolution approving purchase requests in the amount of \$30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software service and maintenance fees.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 43-08.

6. **2008 D.I.S.C. Software Maintenance Fees:** A resolution approving the 2008 service and support agreement in the amount of \$38,265.48 with Dynamic Information Solutions Company, Inc.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 44-08.

7. **Fire Pension Drug Law Enforcement Fund:** A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of \$36,902.00 and for the Fire Pension Fund in the amount of \$70,844.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 45-08.

8. **Bid # 07-70 Ark-O Petroleum:** A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 46-08.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals: **NONE.**
2. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. *This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5114.

C. New Business:

1. **2008 Hansen Software Maintenance Fees:** A resolution approving purchase requests to Hansen Technology, Inc. in the amount of \$64,634.28 for 2008 software service and maintenance fees.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 47-08.

2. **Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5115.

3. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities.

THIS ITEM WAS TABLED TO THE MARCH 18, 2008 CITY COUNCIL MEETING.

4. **Water/Sewer Rate Approval:** A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 48-08 FOR WATER RATE CHANGES.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 49-08 FOR THE SEWER RATE CHANGES.

5. **RZN 07-2856 (Parks and Recreation):** An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5116.

6. **C-PZD 07-2858 (Farmer's Market):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5117.

7. **Amend Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 50-08.

- 8. ADM 08-2929 (Stonebridge Square Tree Preservation Variance):** A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 51-08.

Announcements:

- 1. City Council Tour: None**

Adjournment: Meeting adjourned at 9:40 p.m.

Adjourn 9:40 PM

Subject: Roll					
Motion To:					
Motion By:					
Seconded:					
	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody	✓			

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Lucas			
Minutes approved Approved Res. 40-08 to 46-08	Jordan	✓			
	Gray	absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

Subject: Hiring Freeze					
Motion To:					
Motion By:					
Seconded:					
B.1. Unfinished Business	Jordan	NONE			
	Gray				
	Thiel				
	Cook				
	Allen				
NONE	Rhoads				
	Ferrell				
	Lucas				
	Mayor Coody				

Subject: RZN 07-2889- Cooper					
Motion To:		3rd Read	Pass		
Motion By:		Cook			
Seconded:		Allen			
B.2. Unfinished Business passed 5114	Jordan	✓	✓		
	Gray	Absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Allen	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Mayor Coody				

7-0

7-0

City Council Meeting March 04, 2008

Subject: 2008 Hansen Software Maintenance Fee					
Motion To:		Approve			
Motion By:		Jordan Cook			
Seconded:					
C. 1. New Business <u>Passed</u> 47-08	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				
7-0					

Subject: Jayetteville Municipal Property Owners IP # 24					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Rhoads	Rhoads		
Seconded:		Ferrell	Ferrell		
C. 2. New Business <u>Passed</u> 5115	Jordan	✓	✓	✓	
	Gray	Absent	Absent	absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: Ambulance Service Interlocal Agreement					
Motion To:		Table to 3/18/08			
Motion By:		Thiel			
Seconded:		Allen			
C. 3. New Business	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
Tabled to March 18, 2008	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Subject: Water / Sewer Rate Approval					
Motion To:	Approve	(Water Rates only)			
Motion By:		Jordan			
Seconded:		Cook			
C. 4. New Business	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
Water Rate Section approved	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
48-08	Mayor Coody				

7-0

City Council Meeting March 04, 2008

Subject: Water & Sewer Rate					
Motion To:		Table to March 18, 2008 (Sewer Only)			
Motion By:		Ferrell			
Seconded:					
C.4. New Business	Jordan	NO Second so motion died for lack of a			
	Gray				
	Thiel	Second.			
	Cook				
	Allen				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Coody				

Subject: Water & Sewer Rates					
Motion To:		Approve Option #3 for Sewer Only			
Motion By:		Thiel			
Seconded:		Ferrell			
C.4. New Business	Jordan	N			
	Gray	Absent			
	Thiel				
	Cook	N			
	Allen	N			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody	✓			

5-3 (Mayor voted yes)

Passed

49-09

City Council Meeting March 04, 2008

Subject: R Z N 07-2856 Parks & Recreation					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Thiel	Rhoads		(Aubrey)
Seconded:		Jordan	Ferrell		(Shepherd)
C. 5. New Business 5116	Jordan	✓	✓	✓	
	Gray	absent	absent	absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	absent during the vote	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	6-0	

Subject: C - P Z D 07-2858 Farmers Market					
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Jordan	Jordan		
Seconded:		Lucas	Lucas		
C. 6. New Business 5117	Jordan	✓	✓	✓	
	Gray	absent	absent	absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Coody				
		7-0	7-0	7-0	

Subject: Amend Rules of Order & Procedure					
Motion To:		Approve			
Motion By:		Cook			
Seconded:		Thiel			
C. 7. New Business <u>Passed</u> 50-08	Jordan	✓			
	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	N			
	Lucas	N			
	Mayor Coody				

5-2

Subject: ADM 08-2929 Stonebridge Square					
Motion To:		Approve			Tree
Motion By:		Rhoads			Preservation
Seconded:		Ferrell			
C. 8. New Business 51-08	Jordan	✓			
	Gray	absent			
	Thiel	✓			
	Cook	✓			
	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Coody				

7-0

Aldermen

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Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

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1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. *This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.*

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3. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities.
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6. **C-PZD 07-2858 (Farmer's Market):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
7. **Amend Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.
8. **ADM 08-2929 (Stonebridge Square Tree Preservation Variance):** A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.

Announcements:

1. **City Council Tour: None**

Adjournment:

Aldermen

Ward 1 Position 1 – Adella Gray
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Ward 4 Position 2 – Lioneld Jordan

Mayor Dan Coody

City Attorney Kit Williams

City Clerk Sondra Smith



**City of Fayetteville Arkansas
City Council Meeting Minutes
February 19, 2008**

A meeting of the Fayetteville City Council was held on February 19, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Coody called the meeting to order.

PRESENT: Alderman Gray, Thiel, Cook, Allen, Rhoads, Ferrell, Jordan, Lucas, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience

ABSENT: Alderman Rhoads was absent until 6:20 PM

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items:

Alderman Cook announced the Board and Committee openings and he encouraged all those interested to apply.

Alderman Allen inquired about an item that was place in her City Council mailbox.

A discussion followed.

Consent:

Approval of the February 5, 2008 City Council meeting minutes.

Approved

Washington County Interlocal Agreement: A resolution to approve an Interlocal Agreement with Washington County so that the county may continue to monitor and manage Community Sewer Systems that have been annexed into Fayetteville.

Resolution 22-08 as Recorded in the office of the City Clerk.

Garney Companies Cost-Share: A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$376,060.48 to contract with Garney Companies, Inc. as Fayetteville's share of construction of the Farmington Sewer Force Main, WSIP subproject WL-11, Bid # 08-01; and approving a 10% contingency in the amount of \$37,500.

Resolution 23-08 as Recorded in the office of the City Clerk.

Redford Construction, Inc Cost-Share: A resolution approving a cost-share with the City of Farmington pursuant to the Fayetteville-Farmington Wastewater Agreement of April 3, 2007, in the amount of \$66,296.34 to contract with Redford Construction, Inc. as Fayetteville's share of construction of the Farmington gravity sewer line, WSIP subproject WL-10, Bid # 08-01; and approving a 10% contingency in the amount of \$7,000.

Resolution 24-08 as Recorded in the office of the City Clerk.

Bid # 08-03 Kim Construction Company, Inc: A resolution awarding Bid # 08-03 and approving a contract with Kim Construction Company, Inc. in the amount of \$1,501,102.00 for construction of manhole rehabilitation, basins I-15, W-02, W-05, W-06 & W-13; and approving a contingency in the amount of \$75,000.

Resolution 25-08 as Recorded in the office of the City Clerk.

Bids # 08-05 – # 08-13 and Bid # 08-29 Bulk Construction Materials: A resolution awarding Bids # 08-05 - # 08-13 and Bid # 08-29 and approving the purchase of bulk construction materials and services utilized by various divisions of the City of Fayetteville in the estimated amount of \$3,516,486.00.

Resolution 26-08 as Recorded in the office of the City Clerk.

Bid # 08-15 Six Pedestrian Bridges: A resolution awarding Bid # 08-15 and approving the purchase of six (6) prefabricated weathering steel pedestrian bridges from Thompson Culvert Company in the amount of \$189,520.00 plus all applicable taxes for Scull Creek Trail.

Resolution 27-08 as Recorded in the office of the City Clerk.

Bid # 08-16 Six Trail Bridges: A resolution awarding Bid # 08-16 and approving a contract with Kinco Contractors, LLC in the amount of \$240,784.72 for the installation of six (6) trail bridges for Scull Creek Trail; and approving a 15% project contingency in the amount of \$36,117.71.

Resolution 28-08 as Recorded in the office of the City Clerk.

Landers Ford, One Sedan: A resolution approving the purchase of one (1) Ford Fusion from Landers Ford of Benton through the state vehicle purchase contract in the amount of \$14,195.00 for use by the Parks & Recreation Division.

Resolution 29-08 as Recorded in the office of the City Clerk.

Landers Ford, Eight Trucks: A resolution approving the purchase of eight (8) Ford Trucks from Landers Ford through the state vehicle purchase contract in the amount of \$113,471.00.

Resolution 30-08 as Recorded in the office of the City Clerk.

Landers Chevrolet, Two Trucks: A resolution approving the purchase of two (2) ½-ton extended cab 4WD pickup trucks from Landers Chevrolet of Benton through the state vehicle purchase contract in the amount of \$39,888.00.

Resolution 31-08 as Recorded in the office of the City Clerk.

Bale Chevrolet, One Passenger Van: A resolution approving the purchase of one (1) Chevrolet 15-passenger van from Bale Chevrolet of Little Rock through the state vehicle purchase contract in the amount of \$21,322.00.

Resolution 32-08 as Recorded in the office of the City Clerk.

Mobile Vision Inc: A resolution approving the purchase of twenty-eight (28) digital in-car video systems pursuant to the bid waiver granted in Ordinance No. 4551, from Mobile Vision Inc. in the amount of \$148,592.15; and approving a budget adjustment in the amount of \$11,593.00.

Resolution 33-08 as Recorded in the office of the City Clerk.

Arkansas Parks and Tourism Outdoor Recreation Grant: A resolution to approve a budget adjustment in the amount of \$100,000.00 to recognize revenue from an Arkansas Parks and Tourism Outdoor Recreation Grant.

Resolution 34-08 as Recorded in the office of the City Clerk.

Alderman Jordan moved to approve the Consent Agenda as read. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

Unfinished Business:

Hiring Freeze: Hiring Freeze Appeals: A resolution to approve the hiring of one replacement employee.

Police Chief Greg Tabor described the vacant position to the Council.

Alderman Gray moved to approve the hiring of one Dispatcher. Alderman Cook seconded the motion. Upon roll call the resolution passed 7-0. Alderman Rhoads was absent during the vote.

Police Department – One Position

1. Dispatcher - Approved

Resolution 35-08 as Recorded in the office of the City Clerk.

Hobson, Inc. Appeal: An ordinance rezoning a portion of property described in rezoning petition RZN 07-2667, for approximately 1.38 acres, located at 7613 Wedington from R-A, Residential Agricultural, to C-2, Thoroughfare Commercial. *This ordinance was left on the First Reading at the September 18, 2007 City Council meeting. This ordinance was tabled indefinitely at the October 2, 2007 City Council meeting. This ordinance was left on the Second Reading at the February 5, 2008 City Council meeting.*

Alderman Jordan moved to suspend the rules and go to the third and final reading. Alderman Cook seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent during the vote.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: We amended this at the last meeting so it is smaller than the original request.

Donald Wilson, representative of Hobson Inc. addressed the issue that was brought up previously regarding spot zoning and he stated he did not believe that this was spot zoning. He stated that this fits in that community with the other businesses. We are not asking to rezone something we want to build, this is something that existed already and we are just asking for the treatment that we have had the last 30 years.

Alderman Ferrell: When you did the Bill of Assurance didn't you rearrange or separate the structures?

Donald Wilson: Yes we did that due to some suggestions from some City Council members. He described what steps they took to obtain the lot split and lot line adjustment.

Alderman Thiel asked the staff about the recommendation. She asked whenever they recommended denial of this was that with the use units and the conditions that they have provided now.

Andrew Garner, Senior Planner: When it went before the Planning Commission I don't believe they were offering a Bill of Assurance at that time. The Planning staff would still recommend denial of the request even with the Bill of Assurances.

Alderman Thiel read the zonings for some of the other use units. She asked how does that differ from an R-O zoning.

Andrew Garner gave an explanation of the differences.

Alderman Thiel: So under trades and services, that includes auto repair and some of the things that you felt were a concern.

Andrew Garner: Yes Ma'am.

Alderman Jordan: According to staff and the Planning Commission did they say that this did not line up with the 2025 Plan?

Andrew Garner: Yes sir, the future land use plan shows this area as rural.

Alderman Jordan: Would you consider this spot zoning?

Andrew Garner: We consider it a spot zoning. That wasn't one of the major issues.

Alderman Jordan: You recommended that they could use it for what it is with a conditional use, is that true?

Andrew Garner: Yes sir, we feel like that is a more appropriate way to handle the types of uses that are proposed.

Alderman Jordan: The Bill of Assurance is between the City and whoever offers the Bill of Assurance is that correct?

City Attorney Kit Williams: Yes, but it does run with the land so if the land is sold it would still bind the future owner.

Alderman Jordan: But the owner of the land could come back to the City and change the Bill of Assurance, is that true?

City Attorney Kit Williams: They could come back and ask to have it changed. If the City Council wanted to change it they could do it.

Alderman Jordan: And they could go to a full C-2 if they wanted it that way?

City Attorney Kit Williams: It is a C-2; it could go to C-2 without any restrictions.

Alderman Jordan: And Planning Commission voted unanimously not to approve this?

Andrew Garner: Yes sir, they voted 7-0 against the original request.

Alderman Ferrell: There is commercial property in close proximity to this that would not be considered spot zoning, is that correct?

Andrew Garner: Yes, we feel like the commercial zoning when you get back to the Conoco Station as you are getting back into town that is not really spot zoning.

Alderman Ferrell: The ones west of there that were grandfathered, they are far enough out that you are not considering them spot zoning either?

Andrew Garner: We would just have to take a look at each individual property. It is too difficult to answer that.

Alderman Allen: Is the definition that Mr. Wilson gave of spot zoning the same as yours?

Tim Conklin, Planning and Development Management Director: I believe he was reading case law from the Arkansas Supreme Court with regard to how we look at land use and recommendations to the City Council on zonings. We have tried to concentrate our commercial activity at intersections.

He went on to give examples of other zonings. He stated we have tried to limit commercial from being completely zoned down our arterial systems. While we may not have a definition of spot zoning we have tried to limit individual parcels in the middle of residential areas.

Alderman Allen: Do you consider this spot zoning?

Tim Conklin: I would consider allowing Use Unit 17 in a residential area as spot zoning.

Alderman Jordan: Is there any other businesses in here that are in a nonconforming use status?

Andrew Garner: Yes.

Alderman Jordan: How many?

Andrew Garner: I am not sure. There are several.

Alderman Jordan: So potentially if we zone this C-2 then the same businesses could come in and ask for the same zoning.

Andrew Garner: That is correct.

Alderman Lucas: You brought up the Bill of Assurance but I wanted to make it clear. If they bring it back to the Council later on, they don't have to notify the neighbors around there is that correct?

City Attorney Kit Williams: I think that is correct, I am not aware of anything in the Unified Development Code that requires notification for a Bill of Assurance as the same for a rezoning change which you have to notify all your surrounding neighbors.

Alderman Lucas: One of the advantages that we told the people that we were proposing to annex was that there would be zoning to where they would have some protection, they would be notified. This was a sparsely populated area it is very conducive to letting our Planning Department do what they do best and that is plan an area. I just can't support this.

Alderman Ferrell: Kit, if they were going to try to change the use unit wouldn't they have to go before the Planning Commission and the City Council?

City Attorney Kit Williams: The reason they are in an especially difficult position is that this is rental property. The other businesses out there that are continuing to operate are owner occupied, they are continuing their business as a previously existing non-conforming use and they can do that for years. When you have a rental property, if the type of business you have in your property changes and you have a conditional use, the conditional use is over. You have to come back to get a new conditional use for a different type of business. They are in a more difficult situation because they can't continue to rent it to a similar business, if their tenant leaves.

Alderman Ferrell confirmed what City Attorney Kit Williams said.

City Attorney Kit Williams: They would have to go before the Planning Commission to get a conditional use. It is not an unusual situation for people to get a conditional use.

Alderman Lucas: We think of individual people but we as a Council need to look ahead to the future. If we can just go with our Planning Department and their planning I think it can be very successful for everyone.

Alderman Cook: I strongly believe that we need to keep our commercial around the nodes as we have outlined in our 2025 Plan. I don't know if you want to call it spot zoning or not but I just don't think it is an appropriate zoning in that particular spot.

Alderman Allen: I know denying this for them is going to make it harder so it is with regret that we have to go by the Planning rules or we will open a can of worms that we just can't stop.

Mayor Coody clarified for the citizens the concerns with spot zoning.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 1-7. **Alderman Ferrell** voting yes. **Alderman Lucas, Jordan, Gray, Thiel, Cook, Allen and Rhoads** voting no.

The ordinance failed.

R-PZD 07-2680 (Arcadian Court): An ordinance establishing a residential planned zoning district titled R-PZD 07-2680, Arcadian Court, located at 1631 West Deane Street; containing approximately 1.69 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the Second Reading at the September 18, 2007 City Council meeting. This ordinance was Tabled indefinitely at the October 2, 2007 City Council meeting.*

Alderman Cook moved to suspend the rules and go to the third and final reading. **Alderman Allen** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Jesse Fulcher, Current Planner gave an update on the item since it had been tabled.

Alderman Thiel: The Planning staff and the Planning Commission recommends approval of this and the planning Commission voted 7-0 in favor of this?

Jesse Fulcher: Yes Ma'am.

Alderman Lucas: What did you see changed from when we tabled it before other than the landscaping?

Jesse Fulcher: As far as the actual development layout I think just varying the side setbacks, I don't believe to a great degree, from when it was originally reviewed. There still are the zero foot side setbacks on one half of the property.

Alderman Lucas: I couldn't see any real difference so that is why I was asking.

Alderman Thiel: I thought at the last meeting that the Council indicated that we wanted to see something come back with less density and they did not reduce the density at all did they?

Jesse Fulcher: No, it is still at 6.5 units.

Alderman Cook: At the meeting last night I think the bottom line for the neighborhood is still the density. The neighborhood feels like the number of units that are placed here is not compatible to what they have in their area.

Alderman Ferrell: Does Planning staff still recommend approval.

Jesse Fulcher: Yes.

Alderman Allen: We have a petition from neighbors objecting to the project.

Tim Briesel, the developer and builder spoke on the efforts they have put forth to accommodate the requests from the neighbors and the City Council. We are asking for three additional units on these 1.7 acres. Regarding City Plan 2025 we are accomplishing infill and discouraging urban sprawl. Tim gave a brief description of the proposed development.

Mayor Coody expressed his concerns with developers not fulfilling their promises.

Tim Briesel: The description in the packet is how we will create this subdivision. This is my oath in writing that this is what you can expect.

Alderman Jordan: This is zoned RSF-4 isn't it?

Tim Briesel: RSF-4.

Alderman Jordan: So you would be able to build approximately four units under the present zoning is that correct?

Tim Briesel: No sir it is 1.7 acres multiplied by four.

Alderman Jordan: So how many units could you build under the present zone?

Tim Briesel: Seven or eight. In the previous presentation I heard some members of the City Council say positive things about the Planning Commission. Their recommendation was approval of this project, a unanimous recommendation to the Council for approval. I will stick by what I have presented to you and I will put together a quality product.

Alderman Rhoads: In this neighborhood how many other homes have you built on lots that you've bought?

Tim Briesel: In this vicinity we have built five or six within this ward.

Alderman Rhoads: Would you say they are about 1,200-1,500 square feet?

Tim Briesel: They are between 1,250 and 1,350 square feet.

Alderman Rhoads: What do they price out as far as per square foot?

Tim Briesel: About \$100 per foot. \$132, \$135, \$137 is about where we are seeing them sell. I have not sat on them; they have been before we finished construction.

Alderman Lucas: I just had a thought after the meeting last night. You talked about the distance between the houses, its eight to ten feet is that what you are saying?

Tim Briesel: There is a zero lot line setback on one particular side and then the minimum setback on the far side is eight feet.

Alderman Lucas: What is the maximum?

Tim Briesel: The way we have it layed out there is between 10 to 12 feet and that is what we planned on building.

Alderman Lucas: In the back yard what is it?

Tim Briesel: The back yards range from about 15 to about 30 feet.

Alderman Lucas: Which ones have 30 feet?

Tim Briesel: If you look at homes 4 and 9 that is where the 30 feet is.

Alderman Lucas: That would be ten yards?

Tim Briesel: I would like to point out too that a RSF-4 zoning has side setbacks of eight feet. We chose to go with the PZD at this particular location because it allowed us the flexibility of doing some zero lot lines and creating our own side setbacks and just trying to create usable space.

Alderman Allen: I had a few comments from the neighbors and I know that one Council can undo another Council but I just wanted clarification of this. There had been some projects in that area and the neighborhood was assured that there would not be more zoning.

Alderman Jordan explained the history of those projects.

Tim Conklin confirmed what Alderman Jordan said.

Tim Briesel: One of the particular homes that we constructed was in that direct vicinity at Mt. Comfort and Hendrix. I purchased a lot that was zoned RMF-24, I had a single family house on one side and a single family house on the other side. We built a single family home, it was a spot zoning, we had every right to build a multi-family house on that property but we built a single family home because it fit in best with the neighborhood. We have that house under contract to be sold at the end of this week.

Alderman Lucas: Tim Conklin brought that up last night and I thought we had checked all that property and there were was no more RMF-24.

Tim Conklin: I would have to look into it; I am not familiar with the situation. If I can get an address or a parcel number after the meeting I will check.

Alderman Gray: I am going to have to go along with our City staff and vote in favor of this project. We ask our developers to come forth with attainable housing and they have done that. He has done what we have asked him to do. I think it is very important that when we ask developers to design something that fits with our 2025 Plan that give them the go ahead. It is dense but the people that are going to buy those homes are going to know that they are 8 to 10 feet from their neighbors. If they don't want to be 8 to 10 feet from their neighbors they will not buy a home there. I appreciate you coming forth with this development and I will support it.

Alderman Allen: I think you have a very attractive project. I am certainly an advocate of affordable or attainable housing. I believe the neighborhood in which that is going is already affordable housing and it is like putting some less affordable housing that isn't compatible with the affordable housing into the same basket which doesn't make sense to me.

She went on to mention the mail and phone calls that she has received regarding this project. She stated I do not feel that I can support your project in that location.

Alderman Jordan: Last night you said really to make the project work if you didn't get this zoning you would have to put in four big houses.

Tim Briesel: No sir I did not say that, I don't think that four big houses would sell in this particular location.

Joyce Richards, resident of Stephens Street stated we presented you all with a packet of our concerns and history and a list of names of what the people in the neighborhood think. There are more names being added to that petition and we think it is too dense and we don't think it is a good fit. How many houses are actually allowable on that lot?

Tim Conklin: It's going to be six and it will depend on whether or not you will get the lot frontage with the street. It could even be less than six in order for it to actually work.

Alderman Thiel: This is the problem we continuously run into with fairly good infill projects. On one hand we want to listen to our Planning staff, we have told them we want infill and affordable housing. I just don't know how we can work out both issues. At the last meeting we asked for the density to be reduced and it didn't come back that way. I thought we made that clear. I won't be supporting this like it is.

Alderman Lucas: This is an old established neighborhood. I promised I was going to protect this neighborhoods, I live in one. I am not opposed to infill but I think it has to be appropriate to the neighborhood that it is going into. We promised these people we wouldn't erode their neighborhood any further.

She went on to voice her concerns about sprawl. If we keep eroding the family type homes we are creating sprawl by making these people move farther out. If we reduce these neighborhoods and reduce them to where there are no children in them we are going to have problems with our schools. This is one way we can work with the school system. Two to three yards for children

to play in is not very much. We promised these people that we would not erode their neighborhood any more.

Alderman Ferrell: We have a unanimous recommendation by the Planning Commission and the staff. Every infill project that we have had come before us there have been objections. There is going to be objections to every one that comes and so we either have to disconnect or deal with them.

Alderman Cook: Planning staff and the Planning Commission operate on a different set of rules than we do. We have to consider a lot broader issues than they do. There will be questions and differences of opinion.

Alderman Thiel spoke on projects approved in the past and the differences between them versus this project. She stated this is a lot of density on a small parcel of land.

Alderman Rhoads: Did we specifically indicate what we thought would be a better density?

Jesse Fulcher: According to the minutes from last years two meetings there was not a specific number put out by anyone, it was simply the density as a whole was too high. The other concerns were the side setbacks and the overall compatibility.

Alderman Rhoads: Has there been any discussion from the applicant about cutting back the number of units?

Jesse Fulcher: I have not had discussions with the applicant regarding reduction in the density. We were supportive of the project with the current density.

Tim Briesel stated there was a significant amount of time invested with the Planning Commission up front and we gained their unanimous approval.

Alderman Rhoads: Have you considered fewer units and if so what is your take on that?

Tim Briesel: We have but from the public comments it's always been that it needs to be RSF-4.

Alderman Rhoads: Do you have in your mind a break even point or a point where you can still make a decent profit?

Tim Briesel: Its right at that 10 or 11 units. I don't know quite how to reconfigure it. We are so limited by the 1.7 acres; it is difficult to break it down further.

Alderman Jordan stated in the previous minutes he stated this was too dense but he did not specify a number.

Alderman Gray: I think the problem when we go to larger homes is the price; we price ourselves out of the affordable housing market. That is what we have to keep in mind.

She stated that she would rather see children have 8 or 10 feet of greenspace than none. We have some children that live in apartments that do not have any green space. I think this is a doable starter home for families that need this size home.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance failed 2-6. Alderman Gray and Ferrell voting yes. Alderman Lucas, Jordan, Thiel, Cook, Allen and Rhoads voting no.

The ordinance failed.

New Business:

General Improvement Fund Grant: A resolution authorizing the Aviation & Economic Development Department to apply for a General Improvement Fund Economic Development Infrastructure Grant in the amount of \$250,000.00 for the creation of an Aerospace & Technology Park east of Drake Field.

Ray Boudreaux, Aviation and Economic Development Director gave a description of the item.

Paul Becker, Finance and Internal Services Director: I asked for some wording changes to clarify to the agency that we weren't in fact not committing the million dollars that was suggested we could commit up to the point. I tried to clarify that specifically for the agencies in the executive summary.

Alderman Lucas: Just \$250,000, they have got lots of money down there.

Ray Boudreaux: This is a new grant that was just given by Governor Beebe to the Commission.

Alderman Lucas: So we can't ask for more?

Ray Boudreaux: There is \$1.6 million available for the whole state and they are probably going to put out small sums. We would hope to get at least the infrastructure research.

Alderman Lucas: I just thought we should ask for more.

Ray Boudreaux: I thought we were asking for quite a large percentage of the whole thing.

Alderman Cook: What is the end result?

Ray Boudreaux: We have no property available for the client that might come in and look for a place to invest their wealth in or community to create jobs.

He went on to describe the benefits of this grant.

Alderman Cook: We are looking for more space to expand our businesses.

Ray Boudreaux: Currently we have no place if a client comes to town to show them.

Alderman Cook: I do see the value as potential economic development in that part of town.

Ray Boudreaux: A couple of years ago we were able to get an agreement from the railroad to put a spur across Highway 71, once that spur is in that whole area opens up for development of small industry and technology firms, etc.

Alderman Thiel: I just want to say that with the proximity to the Research and Technology Park, I can't see a better way to start looking at economic development and utilizing funds that we could get from the State. I commend you for looking at more uses for that airport. I certainly support this.

Alderman Allen: I feel supportive of it too. I think there are more uses for the airport. I wanted to ask whether or not this land would have sufficed for Project Shining Star that we were told about.

Ray Boudreaux: It could work as well. The key is the utilities are not there like they were at the other site. The other site had utilities at the boundary. We have gas but not enough power. The water and sewer would have to be run down 156. We could get it there.

Alderman Cook: It mentions in here the economic development money that we have. Do we have \$1 million set aside?

Paul Becker: We have \$1.2 million in Economic Development. That is the money from the sale of Wilson Springs.

Ray Boudreaux: That money is designated as the Economic Development Match Fund.

Alderman Ferrell: I am in favor of this too. Are we going to be obligating any funds if we don't get the grant?

Mayor Coody: I think the answer is no, if we don't get the grant there is no money obligated. Isn't that right Ray?

Ray Boudreaux: The answer is no, not at this point in time. I think we have a good shot of getting the grant.

Alderman Ferrell: It certainly doesn't hurt for Councilmen and citizens to vote with their State Representatives and Senators. That is going to be a competitive deal down there. Every little bit helps.

Alderman Jordan moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 36-08 as Recorded in the office of the City Clerk.

RZN 07-2889 (Cooper): An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

Jesse Fulcher gave a brief description of the item. He stated the Planning Commission forwarded this to the City Council with a recommendation for approval with a vote of 9-0.

Tim Cooper, the petitioner stated Jesse did a good job explaining what we were doing and so if you have any questions I would be glad to answer them.

Alderman Thiel: Did we get an explanation as to what happened to the other project?

Tim Cooper: There were three partners on the project and the partners got involved in different things and it just didn't ever happen.

Alderman Thiel: This project by rezoning it you are keeping a lot of the same uses but you just don't see it layed out the way it was when we saw it as a PZD.

Tim Cooper: Due to the climate I basically took the property myself and was going to wait and redevelop at some point then the City approached and said we need to do something. This just seemed to be the best zoning that fit what we had planned before. We were trying to keep Nick's garage and we did some construction work on it. Building Safety said it's not structurally sound, you need to take it down, and that is what really ended the PZD.

Alderman Allen: I have not heard anything negative and have received a couple of positive comments from people in the neighborhood. I feel like this is something we can move forward with.

Alderman Cook: I have not heard any comment son it either. I would just request that we leave it on the second reading for one more round because I want to make sure that everybody has a chance to comment on it.

Tim Cooper: I called and spoke individually with the neighbors and they were fine. Ms. Reddick came to the meeting and had one or two questions.

Mayor Coody asked what is the difference between Downtown General and this PZD.

Jesse Fulcher: Not a lot of differences.

Mayor Coody: So they are pretty close to being the same?

Jesse Fulcher: Yes. The main uses are neighborhood shopping goods, professional offices, single family, two family, three family, and multi family are all allowed in those zoning districts.

Alderman Cook moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

VAC 07-2743 (Advanced Auto Parts): An ordinance approving VAC 07-2743 submitted by Freeland-Kauffman and Fredeen, Inc. for property located at South School Avenue, just south of O'Reilly's Automotive to vacate a portion of a utility easement, a total of 2,419.62 square feet.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Rhoads** and **Ferrell** were absent during the vote.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: I support this.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Lucas: They are moving the line in this situation.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5110 as Recorded in the office of the City Clerk.

VAC 07-2888 (Clabber Creek III Lot 103): An ordinance approving VAC 07-2888 submitted by Northstar Engineering Consultants, Inc. for property located at Lot 103, Clabber Creek Phase III, to vacate a portion of a utility easement on the south side of the subject property, a total of 54 square feet.

City Attorney Kit Williams read the ordinance.

Alderman Thiel: It is so unfair to the people that comply with our ordinances and then you have an oops and you get excused for it. Is this a deck or is it part of the structure?

Jesse Fulcher: It is a portion of the structure.

Alderman Thiel: This was built when?

Jesse Fulcher: The Planning Division approved the permit September of 2006 for the house.

Mayor Coody: What was the reason that it got overlooked?

Steve Cattaneo, Building Safety Official: We try to keep these things from happening. It is almost impossible to stop these things completely. The site plan that was on the site that our inspector used to verify this was missing some of the information. This particular easement was not on the plat that came through our office.

Alderman Lucas: I noticed the plat that he was looking at almost looks like it is hand drawn. Are they always that way?

Steve Cattaneo: The plat that was submitted was done by an engineer or surveyor.

Alderman Lucas: So they were done by surveyors?

Steve Cattaneo: Yes ma'am.

Alderman Lucas: We talked about them putting pegs down and string, they don't have to do that?

Steve Cattaneo: If we go out there and it is not clear then the inspectors say string the line and show me exactly where it's going to be. In this case the plat showed that it had the eight foot billing setbacks. Our inspector didn't feel like that was necessary in this case.

Alderman Lucas: Are there consequences to a builder if he does do this?

Steve Cattaneo: I don't know of any statutes.

Alderman Lucas: There are no consequences?

Steve Cattaneo: Not in Building Safety.

Jesse Fulcher: No there is no fining process. The biggest item that would occur is that you would have to remove a portion of your house if the easement vacation was not approved.

Alderman Lucas: Do they pay for this process of coming back?

Jesse Fulcher: There is a filing fee for the vacation request.

Alderman Lucas: There needs to be something so that they are more careful with what they do, the builders and the surveyors.

Tim Conklin gave another example of a similar situation in the past that occurred. Improvements have been made in the process.

Alderman Lucas: At the committee meeting we talked about if a certain builder or surveyor makes frequent mistakes that we will watch them closer.

Doug Drakemore with Northstar Engineering: We did not plat this subdivision. We were hired to do a lot line adjustment and that is when this was found.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Ferrell** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5111 as Recorded in the office of the City Clerk.

King Electrical Contractors: An ordinance waiving the requirements of formal competitive bidding and approving a contract with King Electrical Contractors in the amount of \$165,000.00 for electrical work associated with the Fayetteville Square Improvements.

City Attorney Kit Williams read the ordinance.

Alderman Jordan: Why didn't we put this out for bid? We are giving it to King Electrical is that because they are doing all the rest of the work?

Allison Jumper: That is right. They are so familiar with the existing conditions there because they have done a lot of the previous work on the Square. They have had the City contract for a couple of years preceding this.

Alderman Jordan: We looked at the square, sidewalks, and street improvements, what I don't remember is street lights, benches, brick planters and plantings, water features and adding street grates. I don't remember seeing that come before the Council.

Allison Jumper: Those are the items that the A & P Commission agreed to fund as part of the project.

Mayor Coody: I think the issue may be that the A & P Commission can fund some things and what they can't fund we are funding. The other factor is we are talking to the surrounding property owners around the square on their willingness to participate in a cost share with the City for the work in front of their business.

Gary Dumas, Director of Operations reiterated what Allison Jumper previously stated.

Alderman Jordan: I would like to see some sort of itemized list on who is paying for what, do we have that?

Allison Jumper: Yes, I can provide you with that.

Alderman Jordan: I would feel better voting for this if I could see an itemized list of some sort.

Alderman Ferrell: When you get the money from the people downtown I hope we can recognize the ones that are contributing.

Gary Dumas: I think the purpose is when we have the grand opening we will have some type of celebration and invite all the donors to participate in that.

Alderman Jordan: Will we be looking at anymore of this stuff coming to the City Council besides this?

Gary Dumas: I don't think so. Most of the other items are covered by the A & P and the others are just general maintenance.

Alderman Cook: Does this come out of the Sidewalk Improvements Fund?

Allison Jumper: Yes.

Alderman Cook: Is the City going to match the same amount the A & P is putting into this?

Gary Dumas: The City and the private donors.

Alderman Cook: Do we anticipate the cost being more than all that put together which is \$920,000?

Gary Dumas: Not at this time unless there is something unusual that comes up.

Alderman Cook: So is all the money coming out of the Sidewalk Improvements Fund?

Gary Dumas: Some of it is coming out of the Street Overlay Program because the street will be reoverlaid also with new curbs and gutters all around the square inside and outside.

Alderman Jordan: I would prefer to hold this until I have time to look at this and sort this out.

Alderman Rhoads: Timing wise it would seem that as quickly as we can get this project done the better off we are and the Farmers Market is upon us. What will slowing this down two more weeks do?

Allison Jumper: Right now, King Electric does have a contract that is up to \$20,000 so they could work up to that amount on the current project.

Gary Dumas: It could become problematic if we wait another two weeks.

Mayor Coody: Another issue is the Farmer's Market opens April 5th.

Alderman Rhoads: Can we table this to the end of the meeting to give Lioneld time to peer over it?

Alderman Thiel: Lioneld, are you suggesting that we not finish the project?

Alderman Jordan: We may not be looking at this again. I don't know who is paying for what and I would like to know.

Alderman Thiel: Instead of turning King Electrical down why don't you request that they bring some kind of discussion item that gives us more information.

Gary Dumas: We could bring you that at Agenda Session next week.

Alderman Thiel: Why don't we do that and go ahead and move this forward because we don't want to stop the project.

Alderman Jordan: The only thing I am saying is this is half a million dollars of tax payers money here and I need to know exactly where this is going.

Mayor Coody: This has been in front of the Street Committee hasn't it?

Alderman Jordan: The streets and the sidewalks have been in front of the Street Committee. The other stuff has not been in front of the Street Committee.

Alderman Lucas: Usually you come back and say if it is more or less than what was anticipated. What is this on this case?

Allison Jumper: This is what we anticipated. There are so many unknowns on the Square because it is so old and so many things have happened over the years. Hopefully it will be less than what you are seeing.

Mayor Coody: So this has a lot of the risk of the unknown built into the price and there is a chance it will be less than this.

Alderman Allen: What do you estimate the period of time for this project to hold once it is all done? How long do you see the square being in good shape before we would have to refurbish again?

Allison Jumper: I would venture to say 50 years. As we are redoing this we are building it for longevity.

Alderman Lucas: Mayor, you are going to get the A & P to improve the lights on the Town Center.

Mayor Coody: I brought that up at a meeting.

Alderman Cook: The square lights are off is that related to the construction?

Gary Dumas: Yes. On the west side of the square all the electrical has been removed and they have rewired most of that already but it is not tied into a power source yet.

Alderman Cook: The City is really taking on more of the risks than anyone here because they are the ones doing all the ditching and boring.

Mayor Coody: The beauty of that is we can be guaranteed good quality work and fast paced. They are doing a good job out there.

Alderman Ferrell: Is the \$460,000 labor inclusive or is it our work plus \$460,000.

Gary Dumas: The budget was based on labor also. Labor, equipment and materials is included.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Rhoads moved to suspend the rules and go to the third and final reading. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5112 as Recorded in the office of the City Clerk.

Alderman Thiel reiterated Alderman Jordan's request for a status report to be submitted at Agenda Session.

Beaver Watershed Management Plan: An ordinance waiving the requirements of §34.23, (purchases and contracts not in excess of \$20,000.00), of the Fayetteville Code of Ordinances and approving an agreement with the Northwest Arkansas Community Foundation (NWACF) in the amount of \$10,000.00 for development of the Beaver Watershed Management Plan.

City Attorney Kit Williams read the ordinance.

Susan Thomas: This is an opportunity for the City to participate in a watershed management plan for the Beaver Lake Watershed. The lake is a source of drinking water. It serves nine percent of the population of the entire State of Arkansas, over 200,000 people.

If you choose to fund this it will count against the \$200,000 a year that we are required to spend. It will count towards the agreement that we have with Beaver Water District. Other public entities are participating.

Alderman Thiel: I think the Environmental Concerns Committee was supportive of this.

Susan Thomas: They are using a firm called Tetro-Tech which is the leading firm. They wrote the EPA Handbook on Watershed Management Planning.

Alderman Jordan moved to suspend the rules and go to the second reading. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Alderman Jordan moved to suspend the rules and go to the third and final reading. **Alderman Thiel** seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed unanimously.

Ordinance 5113 as Recorded in the office of the City Clerk.

2007 Rebudgets: A resolution approving a budget adjustment to reappropriate \$107,975,386.00 for on-going capital and grant funded projects and to approve reductions in this amount from year end finalization of the 2007 budget.

Paul Becker, Finance Director: This adds the previously appropriated items to the current budget. Arkansas statutes do not allow for multi year budgeting. Anything previously

authorized to be spent in the current year has to be appropriated again. This happens due to unspent project funds, unspent bond proceeds and purchase orders that have been let and are under contract but were not delivered in 2007. If this is approved our total budget will be \$234.5 million.

Alderman Ferrell: Are there states that allow multi year budgeting? Why does Arkansas not allow it?

Paul Becker: I don't know why Arkansas doesn't. There are many states that do not.

Alderman Ferrell: Do you see a down side to it?

Paul Becker: Personally I favor it.

Alderman Jordan moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 37-08 as Recorded in the office of the City Clerk.

Southpass Development LLC: A resolution to grant approval to allow Southpass Development LLC to submit a Planned Zoning District (PZD) to the City of Fayetteville prior to annexation into the city pursuant to 166.06 (A) (1) of the Unified Development Code.

Tim Conklin, Planning and Development Management Director: This is a request from Southpass Development LLC to apply for a planned zoning district prior to annexation. We recently amended Chapter 166.06 to allow an applicant to apply to the City Council permission to seek a planned zoning district prior to annexation.

Tim discussed the contract conditions.

At the time the development is reviewed and approved along with the zoning and annexation a deed for a 200 acre community park will be deeded to the City of Fayetteville and the deed for the existing ten acre water tank site will be deeded to the city. The city will facilitate in the planning, zoning and other development approval process. Southpass Development and the City will cost share for extending sewer to the community park site. Southpass Development, LLC will contribute \$1 million towards the community park.

Tim showed the Council where this property is located on the map. He also gave a brief description of the proposed project. He stated there is a mutual relationship here of the City understanding what the developer will be providing to the City and what the City will be providing to the developer.

Alderman Cook: What we really want to get to is discussion of the project. We have been talking about this for almost four years. I think we should go ahead and pass this and get the process going.

Alderman Rhoads: I agree.

Alderman Jordan: The advantage of this is we can look at the plan before the annexation comes in.

Alderman Ferrell: I thought at agenda session we were real close to this coming into the city limits. Is there any progress on the school boundary limits?

Tim Conklin: Regarding the annexation they moved that further back. Originally it was going to happen last week however it is scheduled for March 4 for the County Judge to hear the item. With regard to the school district we have not had any discussions at this time.

Gary Dumas: They are working with the various school districts to try to accomplish that.

Alderman Lucas: I know on one of the resolutions or something we signed it said that it was contingent on the school district being changed. Will that affect the park?

Gary Dumas: I think that was a condition that the developer wanted and if that change can not be accomplished then it will be their choice on whether to proceed or not. It is not an issue that really affects us.

Jeff Erf, citizen: The contingency with the requirement that the property be accepted by the Fayetteville School District that is in the contract seems premature to be planning for a PZD. In my opinion it is unlikely or a difficult task to get the Fayetteville School Board to accept a development that is proposing 2,200 residential units at a time when we are discussing a Millage increase to support a new high school. I think it will contribute significantly to the number of students that attend Fayetteville Schools. It is conceivable that this project could be annexed into the City and the property not be accepted into the Fayetteville School District.

Tim Conklin: I asked them about that provision in the contract and I can not speak for them but with regard to this project they have invested a lot of time and money already. As we keep moving forward I think they have a vested interest in this project. It is conceivable that the school boundaries will not change and this project could get built and some units will be in the Greenland School District.

I think it is just a matter of time before we will see the Fayetteville city limits adjacent to or concurrent with other municipalities in Northwest Arkansas. I think there is an opportunity here as we look at this regardless of the Southpass development because of the location.

Jeff Erf: Another contingency is the City of Fayetteville shall recommend to the Fayetteville School Board and Greenland School Board that this property should be within the Fayetteville School District. Are you prepared to do that?

Mayor Coody: I will be.

Jeff Erf: Are the developers of this project some of the same developers that are involved with the Renaissance Tower?

Mayor Coody: Yes.

Jeff Erf: Are you comfortable with the performance with that partnership and continuing forward with them on this one?

Mayor Coody: I think we are all disappointed that the Renaissance is not built and full of people. They are making a lot of progress in that block.

Todd Jacobs, Director of Design gave a brief update of the project. He stated the design has been geared around the regional park. This allows us to speed the project up three to four months. I have been working with this project for two years and I think it has the potential to be one of the most unique and premiere projects in the country.

Alderman Cook moved to approve the resolution. **Alderman Thiel** seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 38-08 as Recorded in the office of the City Clerk.

Hiring Freeze Appeal Reconsideration:

Police Department – One Position – Park Patrol Employee – Approved February 5, 2008:
A resolution to amend resolution 20-08 to remove the approval to hire a replacement part-time park patrol officer.

Alderman Ferrell moved to reconsider the approval of one Park Patrol position that was approved at the February 5, 2008 City Council meeting. **Alderman Lucas** seconded the motion. Upon roll call the motion passed 6-2. **Alderman Gray** and **Thiel** voting no.

Alderman Ferrell: We talk about allocating our money and budgeting and then we pass one after another. I understand we need public safety but this to me is not an urgent public safety.

Mayor Coody: So we would be going from two part time parks patrol people to one part time parks patrol person is that right?

Greg Tabor, Police Chief: That is correct.

Alderman Ferrell confirmed funding allocations for this position.

Alderman Lucas: At the time of budgeting this was one of the positions that you said if you had to cut you might cut.

Greg Tabor: One of the programs, the entire program.

Alderman Lucas: Yes. We did not want to cut a person. Since this is vacant position now I agree with Alderman Ferrell.

A discussion followed on when and if this position will be filled.

Alderman Thiel: I asked the chief at the last meeting if this is as critical in the winter as it is in the summer and he explained it is just about as critical now as it is then. We have a lot of activities in our parks and I like the presence of the park patrol. I will continue supporting this position. I feel it is an important position that should not be cut.

Mayor Coody: Will you please tell me how effective the parks patrol is in helping the public, health, safety and welfare.

Greg Tabor: Our police officers are busy going from call to call. They do not have the time to patrol the parks and be seen in the parks. The parks patrol drives a marked patrol car; it looks just like a police car. I think that visibility is a deterrent for things in the parks.

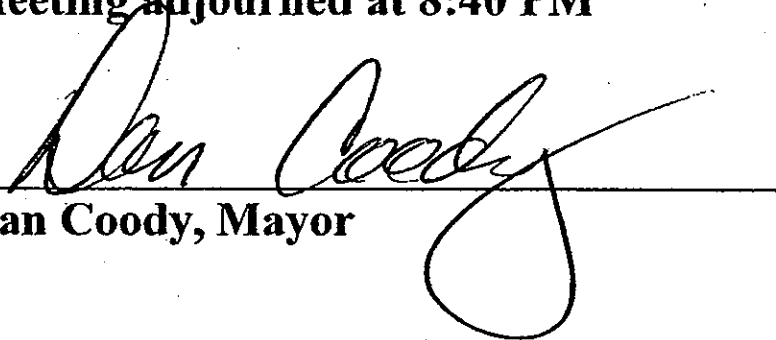
Alderman Allen: How would you determine the hours for one person patrolling?

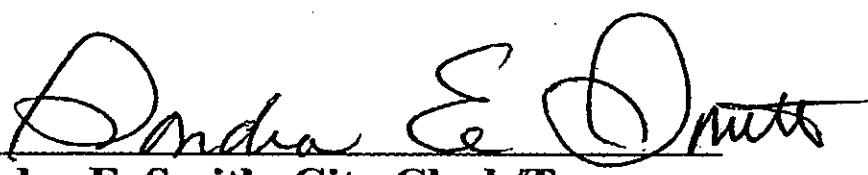
Greg Tabor: I am not sure how we would allocate 20 hours because 20 hours is not very much.

Alderman Thiel moved to approve the one Park Patrol position again. Alderman Gray seconded the motion. Upon roll call the motion failed 3-5. Alderman Gray, Thiel and Rhoads voting yes. Alderman Lucas, Jordan, Cook, Allen and Ferrell voting no.

The approval of the Park Patrol position failed.

Meeting adjourned at 8:40 PM


Dan Coody, Mayor


Sondra E. Smith, City Clerk/Treasurer



*Handed out at the
City Council Meeting
3/4/08*

March 3, 2008

The Honorable Jerry Hunton
Washington County Judge
280 North College
210 Court House
Fayetteville, AR 72701

The Honorable Dan Coody
Mayor, City of Fayetteville
Administration Building
113 W. Mountain St
Fayetteville, AR 72701

Gentlemen:

As the predominant healthcare provider for the City of Fayetteville and Washington County, Washington Regional Medical Center believes it important to offer its perspective on the discussion occurring between the City and County with regard to the merits of having an exclusive provider service the emergency transport needs for the entire County or the County and City having separate arrangements for such services. Our perspective on this issue derives from our daily operation of the largest acute care hospital in the region and one of the state's busiest emergency departments. That perspective is further influenced by our charitable mission to serve the healthcare needs of all of Washington County's citizens and the surrounding area.

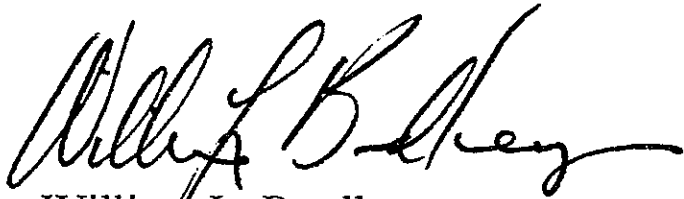
Any resolution of this issue must keep two important considerations in mind. First, healthcare services do not follow typical free market economic tenets. Healthcare is for the most part a technological and capital-intensive endeavor where competition often produces expensive duplication of services with no measurable qualitative benefit – either in the realm of improved patient care or reduction in overall healthcare costs. Indeed, it has been my experience that where duplication of services occur higher prices for consumers generally follow.

Second, ambulance services are considered a low to no margin business as there is a continual need to maintain, upgrade and replace equipment and train personnel while operating in a reimbursement environment that is heavily regulated, and therefore unpredictable, and where a large number of the consumers of the service are uninsured or unable to pay for the service.

Washington Regional Medical Center, therefore, believes that the concept of a single ambulance provider for emergency services remains the only prudent and logical means of ensuring that the overall emergency transport needs of all citizens are adequately met, whether they live in the City or elsewhere. While it remains unclear as to whether an exclusive provider would enjoy the prerogative of serving both the emergent and non-emergent transport needs for all citizens, such course may be necessary to ensure the economic viability of the overall service. Washington Regional would be concerned that multiple emergent transport providers servicing Fayetteville, Springdale, and the larger County would have a deleterious effect on the overall delivery of healthcare in our County.

While establishment of an exclusive emergent transport arrangement requires attention to detail and the development of adequate safeguards to ensure that the County, each municipality and the overall citizenry receive the highest quality of service at the most effective cost, benefits that are not traditionally associated with a monopoly, Washington Regional Medical Center believes that the single emergent transport provider ensures the most effective emergency care for all citizens of the County.

Sincerely,

A handwritten signature in black ink, appearing to read "William L. Bradley", with a stylized, flowing script.

William L. Bradley
President and Chief Executive Officer

Handed out at the ^{P.2}
City Council Meeting
3/4/08



March 4, 2008

The Honorable Jerry Hunton
Washington County Judge
280 N. College Ave.
210 Court House
Fayetteville, AR 72701

Dear Judge Hunton:

As our earlier correspondence indicates, we endorse the concept of an exclusive, centralized ambulance service for the county's emergency transport needs. While we did not specifically address a vendor for this critical service, our experience with Central EMS has been positive.

With that in mind, we do not see any rationale for a change in this regard unless necessary to meet regulatory or fiduciary requirements unknown to us.

Sincerely,

William L. Bradley
President & Chief Executive Officer

Aldermen

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 04, 2008**

A meeting of the Fayetteville City Council will be held on March 04, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

King Electrical Contractors Contract Discussion - Alderman Lioneld Jordan.
Ordinance was approved at the February 19, 2008 City Council meeting.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the February 19, 2008 City Council meeting minutes.
2. **Walton Arts Center Council, Inc. By-laws:** A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.

3. **Dead Horse Mountain Bridge Replacement Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of \$20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.
4. **Brasfield & Gorrie, LLC Change Order # 4:** A resolution approving Change Order # 4 to the construction contract with Brasfield & Gorrie, LLC in the amount of \$624,521.00 for construction of the Hamstring Sewer Lift Station.
5. **2008 ESRI Software Maintenance Fees:** A resolution approving purchase requests in the amount of \$30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software service and maintenance fees.
6. **2008 D.I.S.C. Software Maintenance Fees:** A resolution approving the 2008 service and support agreement in the amount of \$38,265.48 with Dynamic Information Solutions Company, Inc.
7. **2008 Hansen Software Maintenance Fees:** A resolution approving purchase requests to Hansen Technology, Inc. in the amount of \$64,634.28 for 2008 software service and maintenance fees.
8. **ADM 08-2929 (Stonebridge Square Tree Preservation Variance):** A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.
9. **Fire Pension Drug Law Enforcement Fund:** A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of \$36,902.00 and for the Fire Pension Fund in the amount of \$70,844.00.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals:
2. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. *This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.*

C. New Business:

1. **Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project.

2. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities.
3. **Water/Sewer Rate Approval:** A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.
4. **RZN 07-2856 (Parks and Recreation):** An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.
5. **C-PZD 07-2858 (Farmer's Market):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
6. **Bid # 07-70 Ark-O Petroleum:** A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.
7. **Amend Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

Announcements:

1. **City Council Tour: March 03, 2008**

Adjournment:

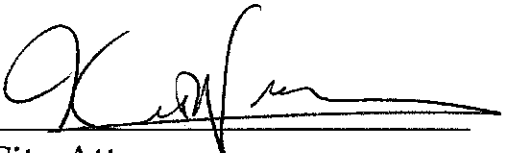
AGENDA REQUEST

FOR: COUNCIL MEETING OF MARCH 4, 2008

FROM:
KIT WILLIAMS, CITY ATTORNEY

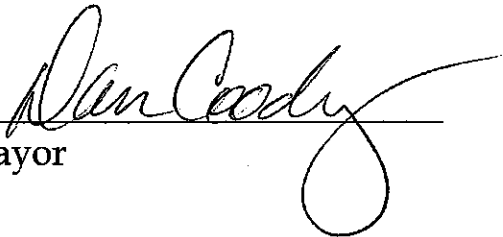
ORDINANCE OR RESOLUTION TITLE AND SUBJECT:
A RESOLUTION TO APPROVE THE THIRD AMENDMENT TO THE BY-LAWS OF THE
WALTON ARTS CENTER COUNCIL, INC.

APPROVED FOR AGENDA:



City Attorney

2-8-08
Date



Mayor

2/12/08
Date

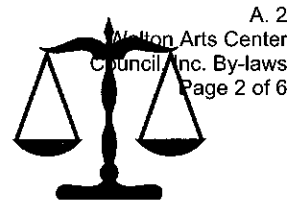


FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY
DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE



LEGAL DEPARTMENT

TO: **City Council**

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to be "Kit Williams", written over a horizontal line.

DATE: **February 8, 2008**

RE: **Third Amendment to Walton Arts Center Council, Inc.'s By-laws**

The Walton Arts Center Council, Inc. would like to be able to teleconference in board members for meetings. The proper number of board members have signed the proposed Third Amendment which has also been approved by the University Board of Trustees. In order to go into effect, the Fayetteville City Council must also approve the Third Amendment and authorize Mayor Coody to execute the documents.

I see no legal problems with this authorization, and so recommend we approve this requested change.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE THE THIRD AMENDMENT
TO THE BY-LAWS OF THE WALTON ARTS CENTER
COUNCIL, INC.**

WHEREAS, the Walton Arts Center Council, Inc.'s Board of Directors has recommended by at least two-thirds majority an amendment to its by-laws that would allow teleconferencing to be used during meetings of the Board.

**NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE
CITY OF FAYETTEVILLE, ARKANSAS:**

Section 1: The City Council hereby approves the attached Third Amendment To The By-Laws Of The Walton Arts Center, Inc. so that Board meetings may be conducted by teleconferencing or other means of simultaneous communications and authorizes Mayor Coody to sign such amendment.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

THIRD AMENDMENT TO THE BY-LAWS
OF
THE WALTON ARTS CENTER COUNCIL, INC.

WE, THE UNDERSIGNED, constituting at least two-thirds of the membership of the Board of Directors of THE WALTON ARTS CENTER COUNCIL, INC., at a regular meeting of the Board of Directors, pursuant to the authority granted in Article V, Section 1, of the By-Laws, do hereby amend the By-Laws of the Corporation as follows:

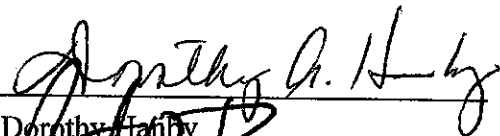
1. Article II, Section 6 shall be amended by adding the following paragraph:

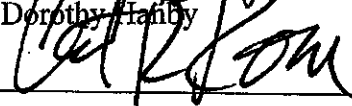
Teleconferencing or any other means of communication that permits all participants to communicate simultaneously and instantaneously may be used during meetings of the Board. Any Director participating in a meeting by means of a communication system as previously described shall be deemed to be present in person at the meeting.

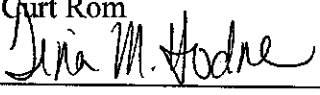
2. In all other respects consistent herewith, said By-Laws are ratified and confirmed.

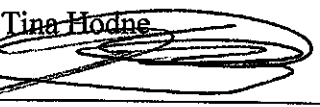
APPROVED AND ADOPTED this ____ day of _____, 2007. IN WITNESS

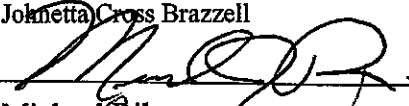
whereof, we set our hands:

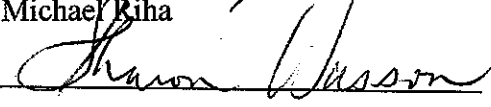

Dorothy Hanby

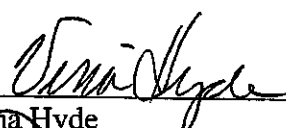

Curt Rom

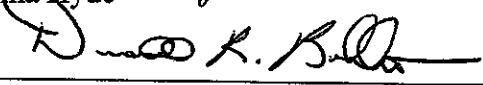

Tina M. Hodne

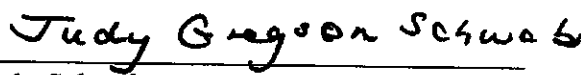

Johnetta Cross Brazzell

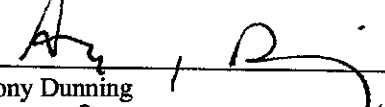

Michael Riha

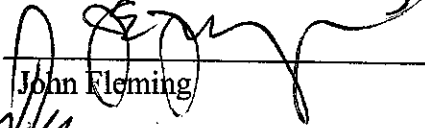

Sharon Wasson

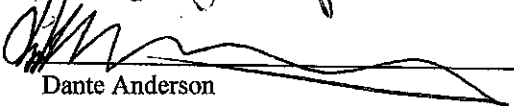

Tina Hyde

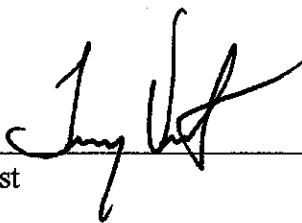

Donald Bobbitt


Judy Gregson Schwab


Tony Dunning


John Fleming


Dante Anderson



Jerry Vest

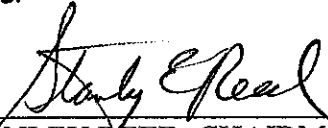
APPROVED by Resolution adopted by the Fayetteville City Council on the ____ day
of _____, 2007.

DAN COODY, MAYOR

Attest:

SONDRA SMITH, CITY CLERK

APPROVED by Resolution adopted by the Board of Trustees of the University of
Arkansas on the 25 day of January, 2007.



STANLEY REED, CHAIRMAN
BOARD OF TRUSTEES OF THE
UNIVERSITY OF ARKANSAS

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

A. 3
Dead Horse Mountain
Bridge Replacement Project
Page 1 of 6

3/4/2008

City Council Meeting Date

Ron Petrie

Submitted By

Engineering

Division

Operations

Department

Action Required:

A resolution to approve a payment in the amount of \$20,000.00 to the Arkansas Highway & Transportation Department for utility relocations associated with the Dead Horse Mountain Bridge Replacement project.

\$ 20,000.00

Cost of this request

\$ 987,000.00

Category / Project Budget

State Bridge Cost Sharing Program

Program Category / Project Name

4470.9470.5817.00

Account Number

\$ 57,983.00

Funds Used to Date

Capital Improvements

Program / Project Category Name

03005

Project Number

\$ 929,017.00

Remaining Balance

Sales Tax

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

[Signature]
Department Director

2/15/08

Date

Previous Ordinance or Resolution #

Original Contract Date:

[Signature]
City Attorney

2/19/08

Date

Original Contract Number:

Paul a. Becker
Finance and Internal Service Director

2-19-08

Date

Received in City Clerk's Office



[Signature]
Mayor

2/20/08

Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Ron Petrie, City Engineer

Date: February 15, 2008

Subject: A resolution approving payment to the Arkansas Highway & Transportation Department in the amount of \$20,000.00 for utility relocations associated with the Dead Horse Mountain Bridge Replacement project.

RECOMMENDATION:

Staff recommends approval of this \$20,000.00 payment to the Arkansas Highway & Transportation Department (AHTD) in order to proceed with this bridge replacement project.

BACKGROUND:

On February 7, 2006 the City Council passed Resolution No. 24-06 expressing the willingness of the City of Fayetteville to participate with the AHTD to utilize Federal-aid funds provided by the Federal Bridge Replacement and Rehabilitation Program. The resolution provided the funding split of eighty percent (80%) Federal and twenty percent (20%) city with a one million dollar cap on the Federal funds.

DISCUSSION:

The AHTD has developed preliminary design plans for the bridge replacement project and has estimated that the utility replacement/relocation costs for this project is \$100,000.00. According to the agreement, the City is responsible for 20% of these utility relocation costs and the AHTD is currently requesting payment in order to proceed with the project.

BUDGET IMPACT:

The City currently has \$929,017.00 budgeted for this project.

RESOLUTION NO. _____

A RESOLUTION APPROVING A PAYMENT TO THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT (AHTD) IN THE AMOUNT OF \$20,000.00 FOR UTILITY RELOCATIONS FOR THE DEAD HORSE MOUNTAIN BRIDGE REPLACEMENT PROJECT.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of \$20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

RECEIVED 3
Dead Horse Mountain
Bridge Replacement Project
FEB 07 2008 4 of 6
ENGINEERING DIV

Dan Flowers
Director
Phone (501) 569-2000 Fax (501) 569-2400



P.O. Box 2261
Little Rock, Arkansas 72203-2261
WWW.ARKANSASHIGHWAYS.COM

February 5, 2008

The Honorable Dan Coody
Mayor of Fayetteville
113 West Mountain Street
Fayetteville, AR 72701

Re: Job 040474
F.A.P. BRO-9142(21)
W. Fork White River Str. & Apprs.
(Fayetteville) (S)
Washington County

Dear Mayor Coody:

The Department has recently completed a gross utility estimate on the referenced project. The utility adjustments are estimated to cost \$100,000.00. As previously agreed, the City is responsible for the 20% matching share of these costs. In order for the Department to proceed, please submit a check in the amount of \$20,000.00 (made payable to the Arkansas State Highway and Transportation Department) to this office.

If you have any questions, please contact Randy Lively in our Utilities Section at (501) 569-2146.

Sincerely,

Frank Vozel
Deputy Director and
Chief Engineer

c: Assistant Chief Engineer - Planning
Programs and Contracts
Fiscal Services (2)
Planning and Research
Right of Way (2)
District 4
Job 040474 "C" File
Ron Petrie, City of Fayetteville

RESOLUTION NO. 24-06

A RESOLUTION EXPRESSING THE WILLINGNESS OF CITY OF FAYETTEVILLE TO UTILIZE FEDERAL-AID MONIES FOR THE REPLACEMENT OF STRUCTURE No. 17332 OVER THE WEST FORK OF THE WHITE RIVER ON DEAD HORSE MOUNTAIN ROAD.

WHEREAS, the City of Fayetteville understands Federal-aid Bridge Replacement and Rehabilitation Program funds are available for certain city projects at the following federal participating ratios:

	<u>Work Phase</u>	<u>Federal Share</u>	<u>City Match</u>
1. Bridge & Approach Construction on City Streets	Preliminary engineering	80%	20%
	Right-of-Way & Utilities	80%	20%
	Construction & Engineering	80%	20%
2. City projects programmed but not let to contract	All Phases	-0-	100%

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City will participate in accordance with its designated responsibilities in this project.

Section 2. That the Mayor, or their designee, is hereby authorized and directed to execute all appropriate agreements and contracts necessary to expedite the construction of this city project.

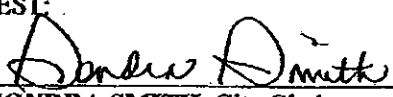
Section 3. That the City pledges its full support and hereby authorizes the Arkansas State Highway and Transportation Department to initiate action to implement this project.

PASSED and APPROVED this 7th day of February, 2006.

APPROVED

By: 
DAN COODY, Mayor

ATTEST:

By: 
SONDRA SMITH, City Clerk



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

A. 4
Brasfield & Gorrie, LLC
Change Order # 4
Page 1 of 8

4-Mar-08

City Council Meeting Date

David Jurgens
Submitted By

Wastewater System Improv Proj
Division

Water/Wastewater
Department

Action Required:

City Administration recommends approval of change order # 4 to the construction contract with Brasfield & Gorrie, LLC., in the amount of ~~\$674,121.00~~ ^{624,521} for construction of the Hamestring Sewer Lift Station, WL-6, and maintain the existing \$95,194 currently approved contract contingency.

\$ <u>624,521</u> 674,121.00 Cost of this request	\$ <u>113,086,082</u> Category / Project Budget	<u>Wastewater System Imp Project</u> Program Category / Project Name
<u>4520.9520.5801.00</u> Account Number	\$ <u>89,150,585</u> Funds Used to Date	<u>Water and Wastewater</u> Program / Project Category Name
<u>02133.0362</u> Project Number	\$ <u>23,935,497</u> Remaining Balance	<u>Water/Sewer</u> Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

[Signature]
Department Director 15 Feb 08
Date

[Signature]
City Attorney 2/19/08
Date

Paul A. Beebe
Finance and Internal Service Director 2-19-08
Date

[Signature]
Mayor 2/20/08
Date

Previous Ordinance or Resolution # 126-06

Original Contract Date: 18-Jul-06

Original Contract Number: 1045

Received in City Clerk's Office
3/13/08

Received in Mayor's Office
2/19/08

Comments:

City Council Meeting of 4 March, 2008

CONTRACT REVIEW MEMO

To: Mayor Dan Coody

From: David Jurgens, Water and Wastewater Director
Fayetteville Sewer Committee



Date: February 15, 2008

Subject: Approval of change order # 4 to the construction contract with Brasfield & Gorrie, LLC., in the amount of \$674,121.00, for construction of the Hamestring Sewer Lift Station, WL-6. Funds are available within the WSIP project budget.

624,521

RECOMMENDATION

City Administration recommends approval of change order # 4 to the construction contract with Brasfield & Gorrie, LLC., in the amount of \$674,121.00 for construction of the Hamestring Sewer Lift Station, WL-6, and maintain the existing \$95,194 currently approved contract contingency.

BACKGROUND

The Hamestring Lift Station (WL-6) pumps over 85% of the wastewater to the new West Wide Wastewater Treatment Plant, with a capacity of 36 million gallon per day through seven 350 horsepower pumps. The lift station pumps water through the 24" and 30" sewer force mains and is the single critical pivot point to the City's wastewater system on the west side of town. The lift station is where 51st Street crosses Hamestring Creek.

In the last four years, there have been two significant failures at the Noland WWTP due to large items entering the influent pump station. Each of these failures resulted in more than \$100,000 damages; one resulted in a substantial overflow. This grinder unit, purchased last month by the City, will prevent these type failures from occurring on the West Side WWTP system by screening the flow at the Hamestring lift station.

DISCUSSION

This change order is for two major items. (1) Installation of a Channel Grinder style screening and grinding unit and the associated concrete vault, electrical system, controls, piping, and other associated hardware (to save time, the grinder unit was already purchased by the City and is scheduled to arrive in April) placed on the front end of the lift station. A screen is now required by Ten State Standards. It was considered but specifically excluded from the design several years ago to reduce costs. Staff and consultants strongly recommend this screen be installed to protect both the pump station and the plant from foreign items entering the lift station. (2) An automatic valve actuator that allows both live operators and the SCADA system to automatically control which force main the Hamestring lift station pumps into. This will be employed automatically via SCADA during high flow periods, and by operator control during maintenance activities.

This change order has been reviewed by RJN Group, the Engineer; they recommend approval.

BUDGET IMPACT

Funds are available within the WSIP project budget. This proposal would keep the contingency at the existing approved value of \$95,194.

RESOLUTION NO. _____

A RESOLUTION APPROVING CHANGE ORDER #4 TO THE CONSTRUCTION CONTRACT WITH BRASFIELD & GORIE, LLC IN THE AMOUNT OF \$624,521.00 FOR CONSTRUCTION OF THE HAMESTRING SEWER LIFT STATION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas, hereby approves Change Order #4 to the construction contract with Brasfield & Gorie, LLC in the amount of \$624,521.00 for construction of the Hamestring Sewer Lift Station.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

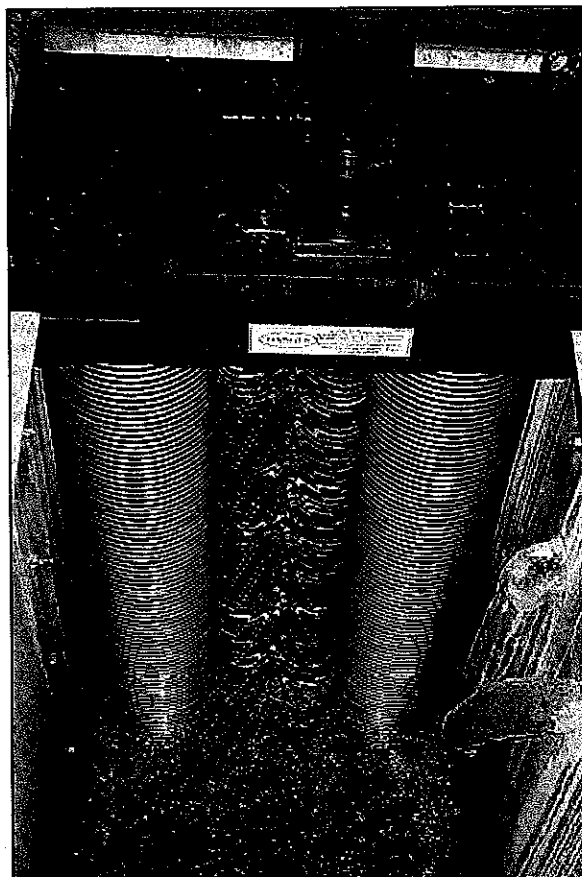
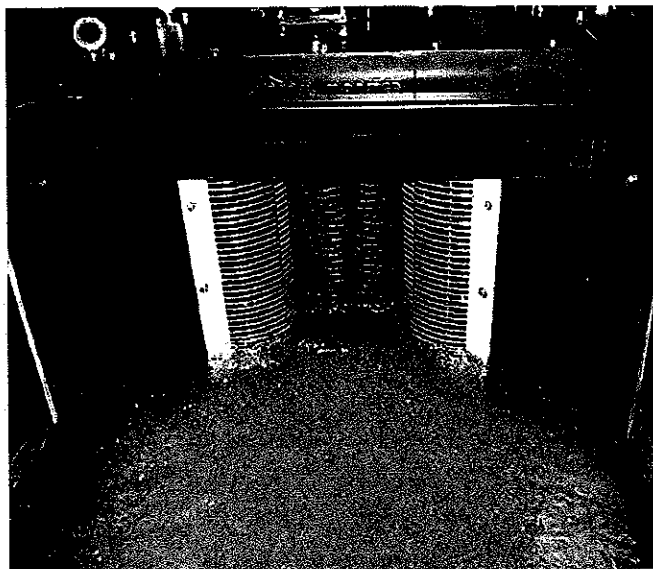
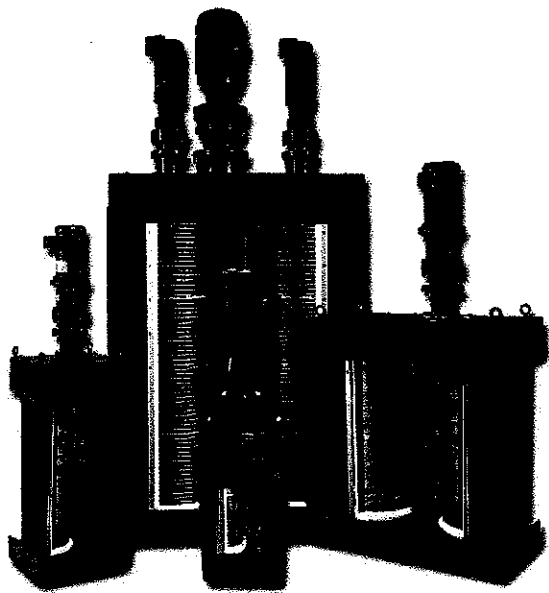
CONTRACT CHANGE ORDER		Change Order No.	4	Page	1	of	1
		Contract		Schedule			
		Section		Date	2/19/2008		
RLF Project No.:	CS-050808-03	Owner Project No.:	WL-6				
Project Name:	Hamestring Lift Station	Location:	Fayetteville, Arkansas				
Owner:	City of Fayetteville	Contractor:	Brasfield & Gorrie				
Address:	113 West Mountain	Address:	3021 7th Avenue South				
	Fayetteville, AR 72701		Birmingham, AL 35233				
THE FOLLOWING CHANGES ARE HEREBY AMENDED INTO THE CONTRACT PLANS AND SPECIFICATIONS:							
ITEM #	DESCRIPTION	DECREASE	INCREASE				
	Furnish the necessary labor, materials, equipment, tools and supervision to:						
1	Install Channel Monster Structure in 48 inch gravity sewer to the Hamestring Lift Station		\$596,278.00				
2	Install valve actuator on the 30 inch valve on the force main		\$26,436.00				
3	Install limit switches on the hydraulic check valves to provide local shutoff control		\$4,469.00				
4	Install additional controls on the dehumidifiers for electric heating.		\$3,569.00				
5	Exclude test & Letter Certification for Harmonic Study	\$1,910					
6	Exclude testing of carbon absorbtion	\$4,321					
TOTAL DECREASE AMOUNT		\$6,231.00					
TOTAL INCREASE AMOUNT			\$630,752.00				
NET CHANGE ORDER			\$624,521.00				
CHANGE TO CONTRACT AMOUNT:		TOTAL AMOUNT		ENGINEERS FINAL ELIGIBLE AMOUNT			
Original Contract Amount		\$6,130,000.00					
Total Previous Change Order(s)		\$181,439.00					
Net Amount This Change Order		\$624,521.00		\$624,521.00			
TOTAL CONTRACT AMOUNT TO DATE		\$6,935,960.00					
CHANGE TO CONTRACT COMPLETION DATE:							
Original Completion Date		Wednesday, December 19, 2007					
Previous Adjusted Completion Date		Friday, February 15, 2008					
(Increase)(Decrease) This Change Order		Increase 122 days					
NEW CONTRACT COMPLETION DATE:		Monday, June 16, 2008					
RECOMMENDED: RJN GROUP							
Engineer							
BY:	Signature		Project Manager		2/19/2007		
			Title		Date		
ACCEPTED: Brasfield & Gorrie, LLC							
Contractor							
BY:	Signature		Title		Date		
APPROVED: City of Fayetteville							
Owner							
BY:	Signature		Title		Date		



Hamestring Lift Station
 Channel Monster Site and Structure Breakdown
 2/14/2008

Description	Amount
General Requirements	\$24,753.00
Construction Equipment	\$84,847.00
Other General Requirements ** Contingency **	
Dewatering	\$25,124.00
Excavation Grding & Backfill	\$78,280.00
Piling/Casing/Rock Anchors ** No Rock Anchors **	
Roads and Walks Concrete Paving	\$65,166.00
Site Improvements Remove / Replace Fence	\$1,433.00
Landscaping Grassing	\$1,000.00
Concrete Work	\$120,290.00
Metals - Misc - Hatches Hatches Handrail Grating Include Bar Screen	\$36,541.00
Caulking & Sealants	\$377.00
Equipment - Process	\$25,854.00
Instrumentation	\$23,988.00
Mechanical - Process Pipe Modifications	\$56,561.00
Electrical Baily Electric	\$57,500.00
Indirect Costs Sales Tax PT&I Builders Risk Bond	\$21,000.00
TOTAL	\$622,714.00

WSIP WL-6 Channel Monster



CONTRACT CHANGE ORDER		Change Order No. <u>4</u> Page <u>1</u> of <u>1</u>																																						
		Contract <u>Schedule</u>																																						
		Section <u>Date 2/14/2008</u>																																						
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NEW CONTRACT COMPLETION DATE: _____																																								
RECOMMENDED: <u>RJN GROUP</u> <u>Engineer</u>																																								
BY:	<u>Signature</u> <u>Brasfield & Gorrie, LLC</u> Contractor	<u>Project Manager</u> Title <u>12/4/2007</u> Date																																						
ACCEPTED:	<u>Signature</u> <u>City of Fayetteville</u> Owner	<u>Title</u> <u>Date</u>																																						
BY:	<u>Signature</u> <u>City of Fayetteville</u> Owner	<u>Title</u> <u>Date</u>																																						
APPROVED:	<u>Signature</u> <u>City of Fayetteville</u> Owner	<u>Title</u> <u>Date</u>																																						
BY:	<u>Signature</u> <u>City of Fayetteville</u> Owner	<u>Title</u> <u>Date</u>																																						

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

Item #1

A. 5
2008 ESRI Software
Maintenance Fees
Page 1 of 10

3/3/2008

3/4/08

City Council Meeting Date

S. Huddleston

Submitted By

Information Technology

Division

Finance

Department

Action Required:

Approve payment for 2008 ESRI Software Maintenance Fees.

\$ 30,821.25

Cost of this request

\$ 290,770.00

Category / Project Budget

Maintenance

Program Category / Project Name

1010-1710-5416.00

Account Number

\$ 85,139.25

Funds Used to Date

Program / Project Category Name

\$ 205,630.75

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Paul A. Bueh
Department Director

2-15-08
Date

Previous Ordinance or Resolution # 13-07

Original Contract Date: 3/5/2002

Original Contract Number: _____

D. P. White
City Attorney

2/19/08
Date

Received in City Clerk's Office



Paul A. Bueh
Finance and Internal Service Director

2-19-08
Date

Received in Mayor's Office



Don Coody
Mayor

2/20/08
Date

Comments:

February 26, 2008 Agenda Session

February 5, 2008

TO: Mayor Coody

THRU: Paul Becker, Finance Director

FROM: Scott Huddleston, Information Technology Director 

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO ESRI FOR 2008 SERVICE AND MAINTENANCE FEES.

Recommendations:

Staff recommends approval of purchase request to ESRI for 2008 Service and Maintenance Fees.

Discussion:

Service and Maintenance fees are necessary to keep software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from ESRI are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

The City began using ESRI software products in 1996. ESRI provides software utilized for the development, analysis and utilization of the City's Geographic Information System data. All maps and analysis of the City's geographic information are stored and produced through the utilization of ESRI software products.

RESOLUTION NO. _____

A RESOLUTION APPROVING PURCHASE REQUESTS IN THE AMOUNT OF \$30,821.25 WITH ESRI, INC. FOR GEOGRAPHIC INFORMATION SYSTEM (GIS) SOFTWARE SERVICE AND MAINTENANCE FEES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves purchase requests in the amount of \$30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software Service and Maintenance fees.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Of Fayetteville (Not a Purchase Order)										Requisition No.:		Date: 12/20/2007	
Vendor #: 5221										P.O. Number:		Expected Delivery Date:	
Address:										Mail Yes: No:		Quotes Attached Yes: No:	
City: Los Angeles										Taxable Yes: No:		Division Head Approval: 	
Requester: John Goddard										Extension: 219		Fixed Asset #:	
File # 54630										Project/Subproject #		Inventory #	
State: CA										2055			
Zip Code: 90074-4630										Account Numbers		4470-9470-5209.00	
Ship to code: 030										Requester's Employee #:		1062	
Fob Point:										Quantity		Unit of Issue	
Unit Cost										Extended Cost			
Item Description										1 2008 Software Maint		\$29,000.00	
2												\$0.00	
3												\$0.00	
4												\$0.00	
5												\$0.00	
6												\$0.00	
7												\$0.00	
8												\$0.00	
9												\$0.00	
10												\$0.00	
Shipping/Handling										Lot		\$0.00	
Special Instructions:													
Subtotal:										\$29,000.00			
Tax:										\$1,821.25			
Total:										\$30,821.25			
Approvals:													
Mayor:										Department Director:		Purchasing Manager:	
Finance & Internal Services Director:										Budget Manager:		IT Manager:	
Dispatch Manager:										Utilities Manager:		Other:	



ESRI Inc
380 New York Street
REDLANDS CA 92373

SUBJECT: MAINTENANCE QUOTE

DATE: 10/02/2007
TO: John Goddard
ORGANIZATION: CITY OF FAYETTEVILLE
INFORMATION TECHNOLOGY DEPT
FAX #: 479-575-8316 **PHONE #:** 479-575-8219
FROM: Allison Waymire
FAX #: 909-307-3083 **PHONE #:** 888-377-4575 Ext. 2961
EMAIL: awaymire@esri.com

Number of pages transmitted
(including this cover sheet): 5

QUOTATION #25277806

Please find the attached quotation for your forthcoming software maintenance term. Keeping your maintenance current entitles you to exclusive benefits, and if you choose to discontinue your coverage, you will become ineligible for these valuable benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your coverage at a later date. For details about the maintenance program benefits for your licensing, please visit <http://gis.esri.com/software/maintenance/qualifying.cfm>

Customers who have multiple copies of some ESRI products may have the option of supporting some of their licenses with secondary maintenance. Please contact Customer Service to find out more about the availability of secondary maintenance.

For information about ESRI Desktop terms and conditions, please visit http://www.esri.com/legal/pdfs/mla_e204_e300/english.pdf; for information about ESRI Server software, Developer software, or Web services terms and conditions, please visit <http://www.esri.com/legal/pdfs/mls.pdf>

Maintenance fees for ArcIMS, ArcSDE, and ArcGIS Server current with maintenance prior to December 31, 2006 have been transferred to the new ArcGIS Server 9.2 licenses. The ArcGIS Server 9.2 migration policy allows these transferred licenses to be eligible for maintenance fees with no increase in pricing for software maintenance. For detailed information regarding this policy, please visit <http://www.esri.com/software/maintenance/about/announcements.html>

If you have any questions or need additional information, please contact Customer Service at 888-377-4575.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752961
Fax #: 909-307-3083

Quotation

Date: 10/02/2007

Quotation Number: 25277806

CITY OF FAYETTEVILLE
INFORMATION TECHNOLOGY DEPT
113 W MOUNTAIN
FAYETTEVILLE AR 72701
Attn: John Goddard

Customer Number: 23472

For questions regarding this document, please contact Customer Service at 888-377-4575.

Send Purchase Orders To:

ESRI, Inc.
380 New York Street
Redlands, CA 92373-8100
Attn: Allison Waymire

**Please include the following
remittance address on your
Purchase Order:**

ESRI Inc.
File #54630
Los Angeles, CA 90074-4630

Item	Qty	Product#	Unit Price	Extended Price
10	1	52384 ArcInfo Concurrent Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	3,000.00	3,000.00
1010	2	52385 ArcInfo Concurrent Use Secondary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	1,200.00	2,400.00
2010	1	86497 ArcEditor Concurrent Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	1,500.00	1,500.00
3010	1	86500 ArcEditor Concurrent Use Secondary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	1,200.00	1,200.00
4010	1	86500 ArcEditor Concurrent Use Secondary Maintenance Start Date: 01/16/2008	1,200.00	1,200.00

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Allison Waymire **Ext:** 2961

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752961
Fax #: 909-307-3083

Quotation

Page 2

Date: 10/02/2007

Quotation Number: 25277806

Item	Qty	Product#	Unit Price	Extended Price
End Date: 01/15/2009				
5010	1	87232 ArcGIS Spatial Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	500.00	500.00
6010	1	87198 ArcGIS 3D Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	500.00	500.00
7010	1	98696 ArcGIS Publisher Concurrent Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	500.00	500.00
8010	4	87192 ArcView Single Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	400.00	1,600.00
9010	32	87193 ArcView Single Use Secondary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	300.00	9,600.00
10010	1	93303 ArcEditor Single Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	1,500.00	1,500.00
11010	1	100571 ArcGIS Network Analyst Concurrent Use Primary Maintenance Start Date: 01/16/2008 End Date: 01/15/2009	500.00	500.00
12010	1	106548 ArcGIS Server Aggregated Migrated Maintenance Bundle	5,000.00	5,000.00

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Allison Waymire

Ext: 2961

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752961
Fax #: 909-307-3083

Quotation

Page 3

Date: 10/02/2007

Quotation Number: 25277806

Item	Qty	Product#	Unit Price	Extended Price
------	-----	----------	------------	----------------

12050	1	106509		
		ArcGIS Server Standard Enterprise Up to Two Sockets Maximum Two Cores per Socket Migrated Maintenance		
		Start Date: 01/16/2008		
		End Date: 01/15/2009		
12060	1	106510		
		ArcGIS Server Basic Enterprise Up to Two Sockets Maximum Two Cores per Socket Migrated Maintenance		
		Start Date: 01/16/2008		
		End Date: 01/15/2009		

Subtotal	29,000.00
Estimated Taxes	1,821.25
Total	\$ 30,821.25

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Issued By: Allison Waymire

Ext: 2961

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.



ESRI

380 New York Street
REDLANDS, CA 92373
Phone: 888-377-45752961
Fax #: 909-307-3083

Quotation

Page 4

Date: 10/02/2007

Quotation Number: 25277806

Item	Qty	Product#	Unit Price	Extended Price
------	-----	----------	------------	----------------

BY SIGNING BELOW, YOU ARE INDICATING THAT YOU ARE AUTHORIZED TO OBLIGATE FUNDS FOR YOUR ORGANIZATION. DO NOT USE THIS FORM FOR ORDER ACTIVATION IF YOUR ORGANIZATION WILL NOT HONOR AND PAY AN INVOICE THAT HAS BEEN ISSUED AT YOUR DIRECTION WITHOUT ADDITIONAL AUTHORIZING PAPERWORK.

To expedite your order, either attach a copy of this quotation to your purchase order when it is remitted to ESRI, or sign below and return this quotation to indicate your acceptance. ESRI's address and fax number are provided on the first page of this quotation.

If you have made ANY alterations to the line items included in this quote and have chosen to sign the quote to indicate your acceptance, you must fax ESRI the signed quote in its entirety in order for the quote to be accepted. You will be contacted by your Customer Service Representative if additional information is required to complete your request.

If your organization is a US Federal, state, or local government agency; an educational facility; or a company that will not pay an invoice without having issued a formal purchase order, a signed quotation will not be accepted unless it is accompanied by your purchase order.

If you choose to discontinue your support, you will become ineligible for support benefits and services. All maintenance fees from the date of discontinuation will be due and payable if you decide to reactivate your support coverage at a later date.

By signing below, you are authorizing ESRI to issue a software support invoice in the amount of \$_____ plus sales tax, if applicable.

Please check one of the following:

_____ I agree to pay any applicable sales tax.

_____ I am tax exempt. Please contact me if ESRI does not have my current exempt information on file.

Signature of Authorized Representative

Date

Name (Please Print)

Title

This quotation is valid for 90 days and is subject to your ESRI License Agreement. The quotation information is proprietary and may not be copied or released other than for the express purpose of system selection and purchase/license. This information may not be given to outside parties or used for any other purpose without consent from Environmental Systems Research Institute, Inc. (ESRI).

Any estimated sales and/or use tax has been calculated as of the date of this quotation and is merely provided as a convenience for your organization's budgetary purposes. ESRI reserves the right to adjust and collect sales and/or use tax at the actual date of invoicing. If your organization is tax exempt or pays state taxes directly, then prior to invoicing, your organization must provide ESRI with a copy of a current tax exemption certificate issued by your state's taxing authority for the given jurisdiction.

Issued By: Allison Waymire

Ext: 2961

[CSBATCHDOM]

To expedite your order, please reference your customer number and this quotation number on your purchase order.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

Item #2

A. 6
2008 D.I.S.C. Software
Maintenance Fees
Page 1 of 10

3/3/2008

3/4/08

City Council Meeting Date

S. Huddleston

Submitted By

Information Technology

Division

Finance

Department

Action Required:

Approve payment for 2008 D.I.S.C. Software Maintenance Fees.

\$ 38,265.48

Cost of this request

\$ 290,770.00

Category / Project Budget

Maintenance

Program Category / Project Name

1010-1710-5416.00

Account Number

\$ 115,960.50

Funds Used to Date

Program / Project Category Name

\$ 174,809.50

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

2-15-08
Date

Previous Ordinance or Resolution #

15-07

Original Contract Date:

3/15/2005

Original Contract Number:

City Attorney

2/19/08
Date

Received in City Clerk's Office



2/15/08

Finance and Internal Service Director

2-19-08
Date

Received in Mayor's Office



Mayor

2/20/08
Date

Comments:

February 26, 2008 Agenda Session

February 5, 2008

TO: Mayor Coody

THRU: Paul Becker, Finance Director

FROM: Scott Huddleston, Information Technology Director *SH*

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO D.I.S.C. FOR 2008 SERVICE AND MAINTENANCE.

Recommendations:

Staff recommends approval of a 1-Year Standard Software Maintenance Agreement Contract with Dynamic Information Solutions Company, Inc. (D.I.S.C.)

Discussion:

Service and Maintenance fees are necessary to keep software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from D.I.S.C. are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

The City implemented an Electronic Document Management System (EDMS) in the third quarter of 2005 from Dynamic Information Solutions Company, Inc (D.I.S.C.) The EDMS is a city-wide document management system. The implementation consisted of Appxtender Document Management, Appxtender Image Capture, Webxtender, Verity Teleforms, and Records Management. Currently, the system has approximately 190,000 documents containing over 1,044,000 pages.

RESOLUTION NO. _____

**A RESOLUTION APPROVING THE 2008 SERVICE AND
SUPPORT AGREEMENT IN THE AMOUNT OF \$38,265.48 WITH
DYNAMIC INFORMATION SOLUTIONS COMPANY, INC.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the 2008 Service and Support Agreement in the amount of \$38,265.48 with Dynamic Information Solutions Company, Inc. A copy of the Annual Service and Support Agreement, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



D.I.S.C.

Dynamic Information Solutions Company, Inc. (D.I.S.C.)
15 Shackleford Drive, Suite A
Little Rock, AR 72211

CONTRACT # 08-1013

SYSTEM SERIAL # FAY001

Original Contract

x Renewal

ApplicationXtender; Verity Teleform, includes additional three new AX sets added in 2007

Dynamic Information Solutions Company, Inc. (D.I.S.C.)
SERVICE AND SUPPORT AGREEMENT

Dynamic Information Solutions Company, Inc. agrees to provide maintenance service and technical support and the Customer agrees to accept maintenance service and technical support for the invoiced system identified by the serial number listed above (the "System") according to the Terms and Conditions of this Agreement. The Customer will render payment of the Total Amount stated below prior to the commencement of service/support. The Customer may, from time to time by written notice referencing this Agreement and payment to Dynamic Information Solutions Company, Inc., add additional authorized equipment to this Agreement at the then applicable charges, terms and conditions.

Customer: City of Fayetteville
Address: 113 West Mountain
City: Fayetteville, AR 72701
Contact: Lesa Brosch

Contract Amount: 35,025.61
Applicable Taxes: 3,239.87
Contract Total: 38,265.48

Invoice Date: January 1, 2008
Commencement Date: January 1, 2008
Expiration Date: December 31, 2008

The additional terms and conditions of the following pages are part of this agreement. The customer acknowledges that the customer has read this agreement, understands it and agrees to be bound by its terms and conditions. Further, the customer agrees that this agreement is the complete and exclusive statement of the agreement between the parties, superseding all proposals or prior agreements, oral or written, and all other communication between the parties relating to the subject matter of this Agreement.

City of Fayetteville

Customer

Accepted by
Dynamic Information Solutions Company, Inc.
D.I.S.C.

By: _____ Date: _____
Title: _____

By: John P. Boham Date: 1-14-2008
Title: CEO

Name (Type or Print)

PLEASE MAKE CHECK PAYABLE TO:
Dynamic Information solutions company, Inc.
15 Shackleford Drive, Suite A
Little Rock, AR 72211

ADDITIONAL TERMS AND CONDITIONS

1. TERM:

- a. This Agreement, signed by Dynamic Information Solutions Company, Inc. and the Customer, will go into effect the first day following the 90 Day Limited Warranty Policy provided the Customer has rendered payment of the Total Amount (Payment) to Dynamic Information Solutions Company, Inc. on or before the 89th calendar day after the original Invoice Date.
- b. The Commencement Date is considered the 91st calendar day after the original Invoice Date.
- c. In order for the Term to be automatically renewed one or more times in yearly increments, Payment, at the then applicable Charges, must be received by Dynamic Information Solutions Company, Inc. prior to the Expiration Date then in effect. Once this Payment is received, the Term is renewed for one year commencing on the day after the Expiration Date for the preceding year.
- d. If payment is not received by the expiration date, Dynamic Information Solutions Company will no longer provide hardware or software support for the items covered under the terms of this agreement. All telephone and onsite support after the expiration date will be billed at the rate of \$250.00 per hour in addition to any travel expenses and/or parts and repair expenses.

2. MAINTENANCE SERVICE & TECHNICAL SUPPORT:

- a. For all Systems under this Agreement, Dynamic Information Solutions Company, Inc. agrees to provide within a reasonable time, during Dynamic Information Solutions Company, Inc. normal business hours, the availability of Maintenance Service and Technical Support described as follows:

Maintenance Service to keep the System in, or restore the System to, good working order. Maintenance service includes repair or replacement of maintenance parts, as deemed necessary by Dynamic Information Solutions Company, Inc. and repair or replacement of peripheral components, as deemed necessary by Dynamic Information Solutions Company, Inc. Maintenance parts, which may be used parts, will be furnished on an exchange basis and the replaced (returned) parts will become the property of Dynamic Information Solutions Company, Inc..

Technical Support to ensure operational techniques are proper and to provide technical advice and problem solving expertise. Also included is the support required to install any Dynamic Information Solutions Company, Inc. authorized updates.

- b. Under this Agreement, the Customer agrees to (i) provide Dynamic Information Solutions Company, Inc. with their serial numbers; (ii) provide a suitable environment as specified by Dynamic Information Solutions Company, Inc., including adequate space, electrical power, air conditioning and humidity control; phone line for modem access for remote diagnostics, (iii) implement appropriate safeguards for the Customer's data, including proper storage of discs and sufficient data backups; and (iv) provide qualified and trained personnel for operation of the System.

3. ENGINEERING CHANGES:

- a. Engineering changes, determined applicable by Dynamic Information Solutions Company, Inc. will be installed by the Customer unless otherwise specified by Dynamic Information Solutions Company, Inc. The Customer may elect to have only mandatory changes, as determined by Dynamic Information Solutions Company, Inc. installed under this Agreement.

4. **CHARGES:**

- a. *For each System under this Agreement, the Customer agrees to pay on the Effective Date to Dynamic Information Solutions, Inc. the service agreement price of the system in this Agreement. This amount shall constitute the Annual Charge.*
- b. *If the Customer requests maintenance service and/or technical support outside the Dynamic Information Solutions Company, Inc. normal business hours, and if such maintenance service and/or technical support is available and provided, the Customer agrees to pay travel expense, then applicable hourly service rates, however, there will be no additional charge for maintenance parts.*
- c. *Maintenance service and/or technical support Charges under this Agreement are not refundable.*

5. **PRICE CHANGES:**

- a. *Dynamic Information Solutions Company, Inc. may, effective on the first day of the succeeding Term which commences on the Effective Date specified in the Service Contract Renewal Form, change the Annual Charge.*

6. **TERMINATION OF THIS AGREEMENT:**

- a. *The Customer may withdraw any or all Systems from this Agreement by not paying the Annual Charge as applicable at the time of renewal.*
- b. *Either party may withdraw any or all Systems from this Agreement at any time by providing 30 days written notice of failure of any other party to comply with any of the Agreement's terms and conditions.*
- c. *Dynamic Information Solutions Company, Inc. may cancel this Agreement if the Customer becomes insolvent or a petition is filed by or against Customer, voluntarily or involuntarily, under any bankruptcy law.*

7. **SERVICES FOR ADDITIONAL CHARGE:**

- a. *The following are not considered maintenance service and/or technical support as described in the section "MAINTENANCE SERVICE AND TECHNICAL SUPPORT":*
 1. *Repair of damage, replacement of maintenance parts, or any increase in service time caused by accident, disaster, neglect, abuse, or misuse;*
 2. *Use of the System for purposes other than for which designed; and*
 3. *Transportation; alterations; attachments; accessories; supplies; and expendable items, e.g., bulbs, printer cartridges, power supply batteries, general batteries or any item that has a lifespan due to normal usage.*
- b. *The following are not eligible for maintenance service and/or technical support as described in the section "MAINTENANCE SERVICE AND TECHNICAL SUPPORT":*
 1. *Dynamic Information Solutions Company, Inc. Systems not under an agreement;*
 2. *Non - Dynamic Information Solutions Company, Inc. parts; and*
 3. *Non-Dynamic Information Solutions Company, Inc. repairs or activities, e.g. tampering or unauthorized repair, or attempted repair.*
- c. *Maintenance service and/or technical support as described in the section "MAINTENANCE SERVICE AND TECHNICAL SUPPORT" will not be provided when the Customer fails to provide a suitable environment.*

- d. *The services listed in (a), (b) and (c) above, if available and practical for Dynamic Information Solutions Company, Inc. to render, may be provided under this Agreement, however, the Customer agrees to pay travel expenses and parts prices plus travel at the Dynamic Information Solutions Company, Inc. then applicable hourly service rates and minimum charges.*

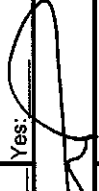
8. **GENERAL:**

- a. *Services provided under this Agreement do not ensure uninterrupted operation of the System and Dynamic Information Solutions Company, Inc. is not responsible for failure to render services or delay to render services due to causes beyond its control.*
- b. *This Agreement does not extend to any product which has been repaired or altered by other than service representatives qualified by Dynamic Information Solutions Company, Inc.*
- c. *This Agreement is not assignable without the prior written consent of Dynamic Information Solutions Company, Inc. Any attempt to assign any of the rights, duties or obligations of this Agreement without such consent is void.*
- d. *Dynamic Information Solutions Company, Inc. charges do include sales, use, excise, value-added or similar taxes. Consequently, in addition to the charges specified herein, the amount of any present or future sales, use, excise, value-added or similar tax applicable to the manufacturer, sale, price, delivery or use of the parts or services furnished hereunder shall be paid by the Customer, in lieu thereof, the Customer will provide Dynamic Information Solutions Company, Inc. with a tax exemption certificate acceptable to Dynamic Information Solutions Company, Inc. and taxing authorities.*
- e. *This Agreement will be governed by the laws of the State of Arkansas.*
- f. *Dynamic Information Solutions Company, Inc. is not responsible for lost data and images. Cost associated with recovery of lost data or images is solely the responsibility of the customer. The customer is to maintain sufficient backups of all data and images. The customer agrees to routinely check backup systems.*
- g. *Dynamic Information Solutions Company, Inc. is not responsible for disasters affecting the systems and hardware provided. Disasters may include but are not limited to any act of God (i.e., tornado, flood, lightning, earthquake), power surges or power sags, employee theft/vandalism, misuse/neglect, and any other cause beyond the control of Dynamic Information Solutions Company, Inc.*

DISCLAIMER: *The warranties contained in this agreement are in lieu of all other warranties, express or implied including any regarding merchantability or fitness for a particular purpose, relating to the use or performance of the products. In no event will Dynamic Information Solutions Company, Inc. be liable for any damages, including but not limited to lost profits, lost savings, or any other consequential damages, even if Dynamic Information Solutions Company, Inc. has been advised of the possibility of such damages, or for any claim against the customer by any other party. Some states do not allow the exclusion or limitation of consequential damages, so the above limitations or exclusions may not apply to the customer. This agreement gives the customer specific legal rights and the customer may also have other rights which may vary from state to state.*

City Of Fayetteville

(Not a Purchase Order)

Vendor # 14540		Vendor Name: Dynamic Info Solutions, Inc		Requisition No.:		Date: 2/15/2008	
Address: 15 Shackleford Dr Ste A		City: Little Rock		P.O Number:		Expected Delivery Date:	
State: AR		Zip Code: 72211		Mail Yes: ☒ No: ☐		Quotes Attached Yes: ☒ No: ☐	
Requester: Scott Huddleston		Ship to code: 030		Division Head Approval: 		No: _____	
Requester's Employee #: 331		Account Numbers: 1010-1710-5416.00		Extension: 320		Inventory #	
Fixed Asset #		Project/Subproject #		Inventory #		Fixed Asset #	

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost
1	Annual Maintenance Fees	1	EA	35,025.61	\$35,025.61
2					\$0.00
3					\$0.00
4					\$0.00
5					\$0.00
6					\$0.00
7					\$0.00
8					\$0.00
9					\$0.00
10					\$0.00
Shipping/Handling					\$0.00
Special Instructions:					

Subtotal:	\$35,025.61
Tax:	\$3,239.87
Total:	\$38,265.48

2008 D.I.S.C. Software Maintenance Fee Page 8 of 8

Revised 05/17/06

Approvals:

Mayor: _____ Department Director: _____

Finance & Internal Services Director: _____ Budget Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

Purchasing Manager: _____ IT Manager: _____ Other: _____

INVOICE

City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701
Attn: Lesa Brosch

Date	Invoice #	P.O. #	Terms	Due Date	Tax ID
1/1/2008	08-1013		Net 30	1/31/2008	71-0842791

Qty	Description	Rate	Amount
	Support Agreement Contract for the following components: ApplicationXtender Verity Teleform Includes additional three new AX Seats added in 2007 Term: 01/01/2008 - 12/31/2008	35,025.61	35,025.61T
	City Tax	2.00%	700.51
	County Tax	1.25%	437.82
	State Sales Tax	6.00%	2,101.54

INVOICE TOTAL

\$38,265.48

Please show the invoice number on your check. A FINANCE CHARGE of 1.5% (18% per annum) may be chargeable after 30 days.

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

Item #3

A. 7
2008 Hansen Software
Maintenance Fees
Page 1 of 6

3/3/2008

3/4/08

City Council Meeting Date

S. Huddleston

Submitted By

Information Technology

Division

Finance

Department

Action Required:

Approve payment for 2008 Hansen Software Maintenance Fees.

\$ 64,634.28

Cost of this request

\$ 290,770.00

Category / Project Budget

Maintenance

Program Category / Project Name

1010-1710-5416.00

Account Number

\$ 184,225.98

Funds Used to Date

Program / Project Category Name

\$ 106,544.02

Remaining Balance

General

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Paul a. Behn
Department Director

2-15-08
Date

Previous Ordinance or Resolution # 243-05

Original Contract Date: 1/15/2002

D. P. Whit
City Attorney

2/19/08
Date

Original Contract Number:

Paul a. Behn
Finance and Internal Service Director

2-19-08
Date

Received in City Clerk's Office



2/15/08

Don Coady
Mayor

2/20/08

Date

Received in Mayor's Office



Comments:

February 26, 2008 Agenda Session

February 5, 2008

TO: Mayor Coody

THRU: Paul Becker, Finance Director

FROM: Scott Huddleston, Information Technology Director SH

SUBJECT: AGENDA ITEMS TO APPROVE PURCHASE REQUESTS TO HANSEN FOR
2008 SERVICE AND MAINTENANCE FEES.

Recommendations:

Staff recommends approval of purchase requests to Hansen Information Technologies 2008 Service and Maintenance Fees.

Discussion:

Service and Maintenance fees are necessary to keep software current. These fees allow the City to receive updates and enhancements to the software as they become available. In addition, Service and Maintenance fees provide technical phone support and problem troubleshooting and resolution. The software products that we have purchased from Hansen are essential to the City's day to day operations and it is important that we keep these assets current.

Background:

January 15, 2002, City Council approved a resolution (7-02) contracting with Hansen Information Technologies for purchase of software, and professional services for installation and training. Installation began in March of 2002, and the first module went live in April of 2002. Installation of all modules was completed by year end 2002. The Hansen software provides modules and applications utilized by the City for many daily operations. Hansen applications include Building Permits and Inspections, Code Enforcement, Planning, Customer Service, Asset Management, Work Orders, and Citizen Requests for Service processed from the web.

To date, the Hansen system has been used to process over 65,500 Customer Service Requests, over 6,200 Code Enforcement Cases, approximately 33,100 Building Applications, and over 140,300 Inspections. In addition, over 48,300 city maintained assets have been entered into the system. Work orders associated with assets total approximately 15,500 with total allocated work order costs of approximately 18 million dollars. Total paid Fees generated through Hansen applications equals over 14.5 million dollars.

RESOLUTION NO. _____

**A RESOLUTION APPROVING PURCHASE REQUESTS TO
HANSEN TECHNOLOGY, INC. IN THE AMOUNT OF \$64,634.28
FOR 2008 SOFTWARE SERVICE AND MAINTENANCE FEES.**

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1. That the City Council of the City of Fayetteville, Arkansas
hereby approves purchase requests to Hansen Technology, Inc. in the amount of
\$64,634.28 for 2008 software service and maintenance fees.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

City Of Fayetteville

(Not a Purchase Order)

Vendor # 11273		Vendor Name: Hansen Information Technologies		Requisition No.: _____		Date: 2/15/2008	
Address: 4213 Solutions Center		Fob Point:		P.O Number: _____		Expected Delivery Date: _____	
City: Chicago		State: IL		Mail Yes: ☐ No: ☒		Quotes Attached Yes: ☐ No: ☐	
Requester: Scott Huddleston		Zip Code: 60677-4002		Taxable Yes: ☒ No: ☐		Division Head Approval: 	
		Ship to code: 030		Extension: 320			
		Requester's Employee #: 331		Project/Subproject #: _____		Inventory #: _____	
		Account Numbers: 1010-1710-5416.00					
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost		Fixed Asset #
1	Annual Maintenance Fees	1	EA	60,975.74	\$60,975.74		
2					\$0.00		
3					\$0.00		
4					\$0.00		
5					\$0.00		
6					\$0.00		
7					\$0.00		
8					\$0.00		
9					\$0.00		
10					\$0.00		
	Shipping/Handling		Lot		\$0.00		
Special Instructions:						Subtotal: \$60,975.74	
						Tax: \$3,658.54	
						Total: \$64,634.28	

2008 Hansen Software Maintenance Fee Page 4 of 4

Revised 8/17/03

Approvals:

Mayor: _____ Department Director: _____

Finance & Internal Services Director: _____ Budget Manager: _____

Dispatch Manager: _____ Utilities Manager: _____

Purchasing Manager: _____

IT Manager: _____

Other: _____

Billing Office	Invoice No	Invoice Date	Due Date	
00H1	P - 1434- 00H1	16 Jan 2008	16 Jan 2008	H1GM01000

Invoice

Bill to: FAYETTEVILLE, CITY OF
113 WEST MOUNTAIN AVE
FAYETTEVILLE AR 72701
USA
Attn : TED WEBBER

Deliver to: FAYETTEVILLE, CITY OF
113 WEST MOUNTAIN AVE
FAYETTEVILLE AR 72701
USA
Attn : TED WEBBER

Customer No.	Tax Reg. No.	Customer PO No.	Currency	Contract Information
372262			USD	Renewal Maintenance

Deliverable	Quantity	Rate	Amount
Hansen 7.x - Inventory Control Advanced Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	0.00	0.00
Hansen 7.x - Customer Service - COMBINED Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	2,568.35	2,568.35
Hansen Integrated Map Viewer Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	0.00	0.00
Hansen GEOAssistant Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	541.22	541.22
Hansen 7.x - Construction & Use Permits Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	8,724.38	8,724.38
Hansen 7.x - Formula Based TV Insp. Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	493.91	493.91
Hansen 7.x - Pavement Management System Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	2,963.48	2,963.48
Hansen 7.x - Inventory Control Ordering Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	0.00	0.00
Hansen 7.x - Sewer Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	4,019.11	4,019.11
Hansen 7.x - Tab Editor Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	5,926.97	5,926.97
Hansen 7.x - Image Display Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	0.00	0.00
Hansen 7.x - Building Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	493.91	493.91
Hansen Dynamic Portal for Customer Service Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	1,975.66	1,975.66
Hansen 7.x - Complex Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	0.00	0.00
Hansen GEOAdministrator Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	3,183.62	3,183.62
Hansen 7.x - Inventory Control Advanced Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	3,315.00	3,315.00
Hansen 7.x - Storm Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	3,161.05	3,161.05
Hansen 7.x - Street Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	3,161.05	3,161.05
Hansen 7.x - Visual Resource Manager Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	2,370.79	2,370.79
Hansen 7.x - Licensing Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	889.04	889.04
Hansen 7.x - Plant/Fleet Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	5,926.97	5,926.97
Hansen 7.x - Complex/Parks Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	2,963.48	2,963.48
Hansen 7.x - Water Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	4,741.57	4,741.57
Hansen 7.x - Spot Inspection Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	1,481.74	1,481.74
Hansen 7.x - Advanced Asset Management Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	0.00	0.00
Hansen 7.x - Code Enforcement Maintenance (1 Jan 2008- 31 Dec 2008)	1.00	2,074.44	2,074.44
Tax (Type - CP)	1.00	0.00	0.00

60,975.74

Billing Office	Invoice No	Invoice Date	Due Date
00H1	P - 1434- 00H1	16 Jan 2008	16 Jan 2008

H1GM01000

Invoice

Deliverable	Quantity	Rate	Amount
			60,975.74

Remit to:
Hansen Information Technologies
4213 Solutions Center
Chicago
IL 60677- 4002
USA
Account # 4121 484 505

Net	Tax	Total
60,975.74	0.00	60,975.74

Your account representative: Support Account Manager Shawna Wagner

Payment Terms: Due on Receipt (Please pay by due date above to avoid any interruptions in service or support)

Special Instructions: For questions, please contact The Accounts Receivable Department at 678- 319- 8921 or email us.billing2@infor.com

Invoice Total USD 60,975.74

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

4-Mar-08
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 08-2929: (Stonebridge Square Tree Preservation Variance, 567): A variance request of Chapter 167.04 of the Unified Development Code for prior tree removal on the subject property to allow for an off-site tree preservation area as mitigation.

\$0.00	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

[Signature] 2-14-08
Department Director Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

[Signature] 2-19-08
City Attorney

Original Contract Number: n/a

Paul A. Beck 2-19-08
Finance and Internal Service Director Date

Received in City Clerk's Office



[Signature] 2/20/08
Mayor Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JP*

Date: February 6, 2008

Subject: Variance of Chapter 167.04 of the UDC, prior tree removal

RECOMMENDATION

Planning Staff and the Planning Commission recommends approval of a variance of the mitigation requirements in Chapter 167.04 ((D)(1), Tree Preservation and Protection, of the Unified Development Code, for prior tree removal on the subject property to allow for an off-site tree preservation area to be dedicated as mitigation for removed canopy, finding that the proposed off-site area contains canopy that is of a higher priority than that removed from the subject property.

BACKGROUND

The subject property is located at the southeast corner of Huntsville Road and Stonebridge Road and contains approximately 3.46 acres.

On March 15, 2007, the Subdivision Committee approved a large scale development (LSD 07-2458) on the subject property that was never constructed. Ownership of the property changed hands, and the new property owner began clearing and mucking an existing pond on the site that was originally approved to be removed. During this process, several low-priority, damaged trees within the pond area that were approved for removal with the large scale development and an 16" Ash tree that was intended to be protected were removed. With the exception of the Ash tree, this construction would normally have been acceptable, as the large scale development plans had been approved. However, all grading permits were not approved and erosion control/tree preservation fencing had not been installed for this construction, thus the activity was in violation of City ordinances. City staff informed the property owner of this issue, and a grading permit was subsequently submitted and approved. The property owner has since that time submitted and received approval for a different large scale development proposal on the site. The project is similar in its commercial uses, but the site design, building placement, parking and intensity has changed. Due to the removal of canopy on the property not associated with and not approved for this new project, the prior canopy removal constitutes a violation of Chapter 167.04(D)(1), which states that if trees have been removed below the required minimum within the five (5) years preceding application for development approval, the site must be forested to meet the Percent Minimum Canopy requirements, plus an additional ten percent (10%) of the total area of the property for which the Applicant is seeking approval. The Urban Forester determined grading and tree removal occurred on July 24, 2007, without a permit associated with the new large scale

development. As the tree removal occurred within the five years preceding the new development application for the subject property, on-site forestation is required.

For the subject property, mitigation up to the minimum percent of required preservation (20%) plus an additional 10% of the total site is required. Ten percent of the total area is 15,072 square feet, or a little less than half an acre. Should the penalty be applied to the subject property, the applicant would likely be required to remove a building from the development or significantly reduce the number of parking spaces provided, in order to reforest the site according to code requirements. In discussion with the Urban Forester, it became apparent that utilizing the option of off-site preservation of existing canopy on other property in close proximity would be advantageous. The Urban Forester walked a site directly south of this property, along the West Fork of the White River, and recommended an area of high priority tree canopy consisting of large sycamores and other native riparian species be preserved and protected within a Tree Preservation Area. The tree preservation area proposed is 38,487 square feet, west of the existing bridge on Dead Horse Mountain Road. This is a riparian area along the West Fork, containing groupings of high-priority canopy, the permanent protection of which will be beneficial for this important drainage way of the White River. The proposed area of preservation greatly exceeds the amount of canopy that would be required to be replaced on the site.

As the ordinance allows only on-site re-forestation regarding this matter, the applicant has requested a variance of these requirements in order to preserve this high priority riparian buffer south of the project along the West Fork of the White River, as opposed to planting all trees back on-site. The property shares the same owner, but Chapter 167 does not allow for off-site preservation as a mitigation of this penalty; therefore, City Council approval is required. With the development plans as approved, the applicant is planting a total of 41 large species back on the site and is preserving a 33" White Oak, a 38" oak, and a 16" Ash on the property. The off-site preservation area would be in addition to these requirements.

DISCUSSION

On January 28, 2008, the Planning Commission approved, with a vote of 7-1-1, the request for a large scale development (LSD 07-2765) to allow for three retail buildings, containing a total of 26,534 square feet, and 115 parking spaces on the property. Furthermore, the approved development includes the realignment of the Stonebridge Road curve to achieve a safer vehicular street. Currently, Stonebridge Road curves sharply to the east to intersect with Dead Horse Mountain Road. As this curve does not meet the City's minimum street standards for the centerline curve radius for a Minor Arterial and is dangerous in its current configuration, the applicant has coordinated with Planning and Engineering staff and proposes to modify the curve to obtain a 143.5' centerline radius. The Planning Commission found in favor of the tree preservation variance request (Condition #4). The approval of LSD 07-2765 is contingent upon City Council approval of the variance request of the penalty requirements.

BUDGET IMPACT

None.

RESOLUTION NO. _____

A RESOLUTION APPROVING A VARIANCE FROM CH. 167.04 TREE PRESERVATION AND PROTECTION TO ALLOW OFF-SITE TREE PRESERVATION IN LIEU OF ON-SITE PLANTINGS FOR PRIOR TREE REMOVAL IN THE MANNER RECOMMENDED BY THE PLANNING COMMISSION FOR LARGE SCALE DEVELOPMENT (LSD) 07-2765.

WHEREAS, with the grading of the subject property to muck and fill an existing on-site pond several trees were removed without a permit for development and the developer is thus required to mitigate such removal; and

WHEREAS, most of the removed trees were approved to be removed by a previously approved large scale development and were dead or significantly damaged; and

WHEREAS, requiring the replanting 10% of the total site, would work an unnecessary and unwarranted hardship as applied to the proposed development and might result in the removal of a proposed building; and

WHEREAS, the proposed off-site tree preservation area of close to 1 acre contains healthy trees of a higher priority than those removed from the subject property and will contribute to long-term protection of the existing riparian corridor along the West Fork of the White River; and

WHEREAS, the City recognizes both the intent of the ordinance requirement for prior tree removal and that a fair and equitable mitigation should be imposed to provide disincentive for unauthorized prior removal of trees;

THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby approves the variance offered by the developer to preserve about an acre of trees near the White River.

Section 2. That the developer shall be required to dedicate and record an off-site tree preservation area containing approximately 38,487 square feet to mitigate for the removed canopy for prior removal without approval, as indicated on Exhibit "A" attached hereto and made a part hereof.

Page 2
Ord.

PASSED and **APPROVED** this day of , 2008.

APPROVED:

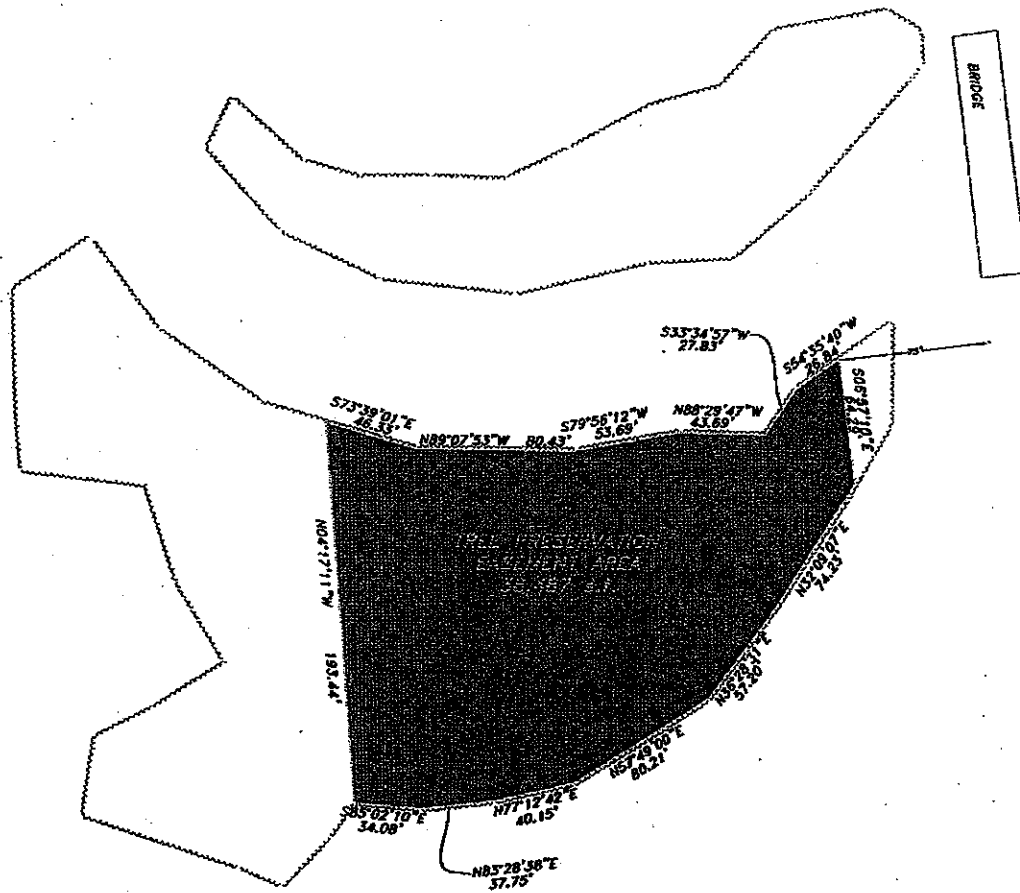
ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

Offsite Tree Preservation Area





February 5, 2008

City of Fayetteville
City Council
113 West Mountain Street
Fayetteville, AR 72701

RE: STONEBRIDGE SQUARE VARIANCE REQUEST

Dear Aldermen,

On behalf of our client, Gary Combs, please consider this correspondence an official request for a variance from the requirements set forth in the City of Fayetteville Code of Ordinances, Title XV Unified Development Code, Chapter 167, Section 167.04(D)(1), titled Tree Preservation and Protection during Development as it pertains to the submitted Large Scale Development for Stonebridge Square. This section of the UDC addresses tree removal prior to the application for development.

Mr. Combs purchased the property, located at the southeast corner of the intersection of Highway 16 and Stonebridge Road, after a similar large scale development had been approved under previous ownership. In an attempt to take advantage of available construction crews and favorable weather, Mr. Combs had his construction crews remove low priority canopy from around an existing pond during the mucking and filling of the pond. During these activities, one tree, a 16" Ash, that had been shown as preserved on the original large scale development, was removed. In addition to this activity, changes Mr. Combs wished to make to the previously approved large scale development were deemed too extensive to be considered a minor modification by the Planning Department. The combination of having already removed canopy from the site, and having to submit a new large scale development, technically put Mr. Combs in violation of section 167.04, but without the malice which that section was intended to deter.

The canopy which was removed, with the exception of the previously mentioned 16" Ash, was made up entirely of low priority canopy. Primarily birch and willow surrounding the pond which had been either damaged or killed by beaver habitat. All other significant canopy remains today, and has been incorporated in the design of this most recent large scale application. However, due to the specific wording of the ordinance the City Urban Forester was required to impose a penalty of an additional 10% of the site area in mitigation which had to be planted on site. The additional mitigation canopy would result in a severe reduction in the useable property and reduction in the square footage available to lease. As a compromise, Mr. Combs offered to place nearby land which he owns along the White River in a permanent tree preservation easement. The canopy in the proposed easement is much higher priority riparian buffer canopy than that which was removed from the site. Additionally, the amount of canopy contained in the permanent easement is equal to the original canopy which existed on site. This proposed easement is located on the south side of the West Fork of the White River, and contains large, old growth sycamore and river birch species. Special attention was given to the placement

of the easement with regards to the realignment of Dead Horse Mountain Road and the reconstruction of the bridge. Signs will be placed on perimeter trees to indicate the presence of the preservation easement.

Again, while technically a violation of the ordinance did occur, there was no intent to deceive the City, and no malice involved, Mr. Combs simply "jumped the gun". We do not feel that imposing the 10% penalty is a solution which benefits anyone. On the contrary, we feel that the compromise reached with Planning Staff, and requested through this variance, will actually create a better situation for the citizens of the city than if the rules had been followed.

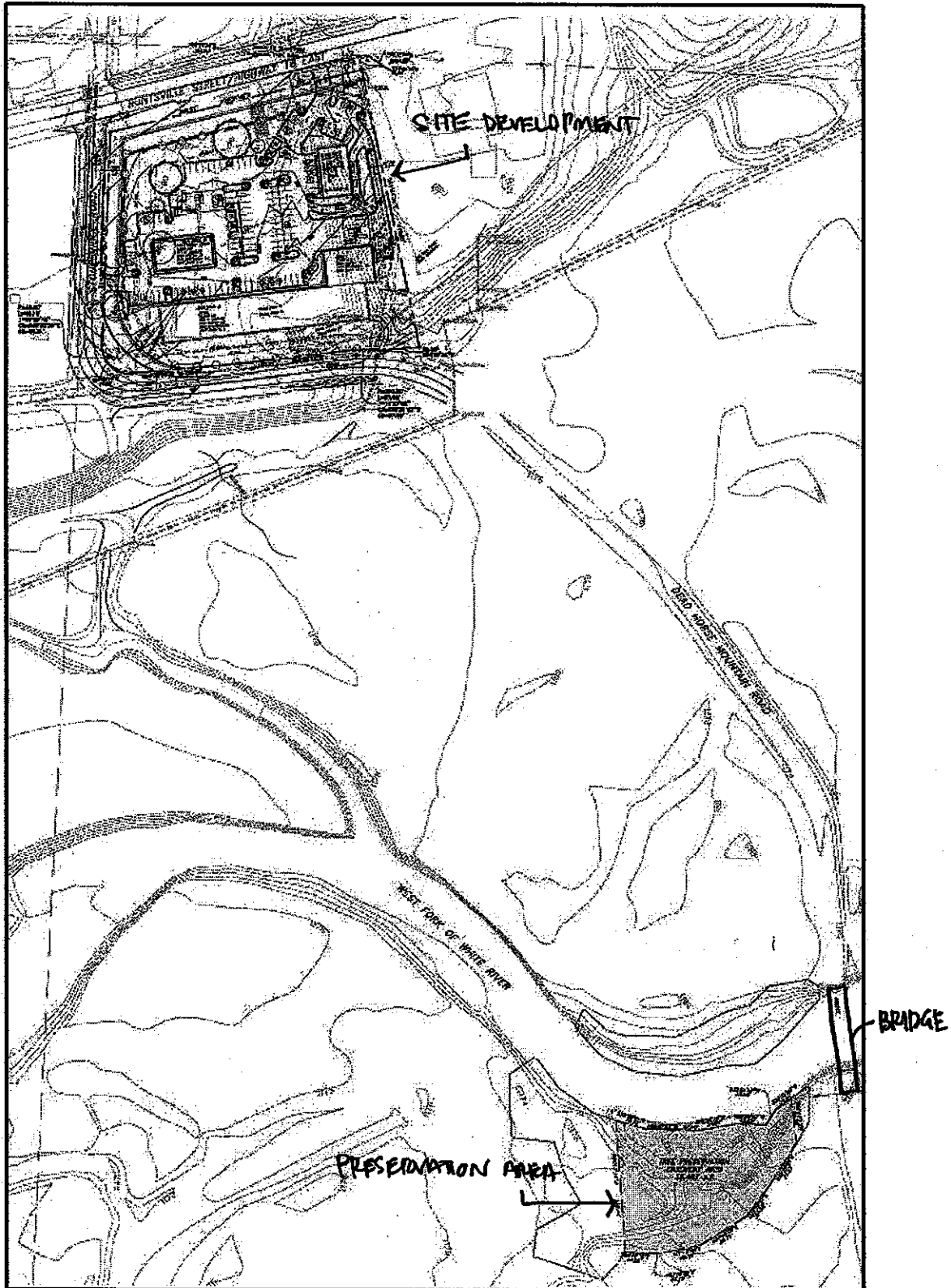
Please contact me, if you have any questions or need further information regarding this project, at 582-4234 or thennelly@h2ei.net.

Sincerely,

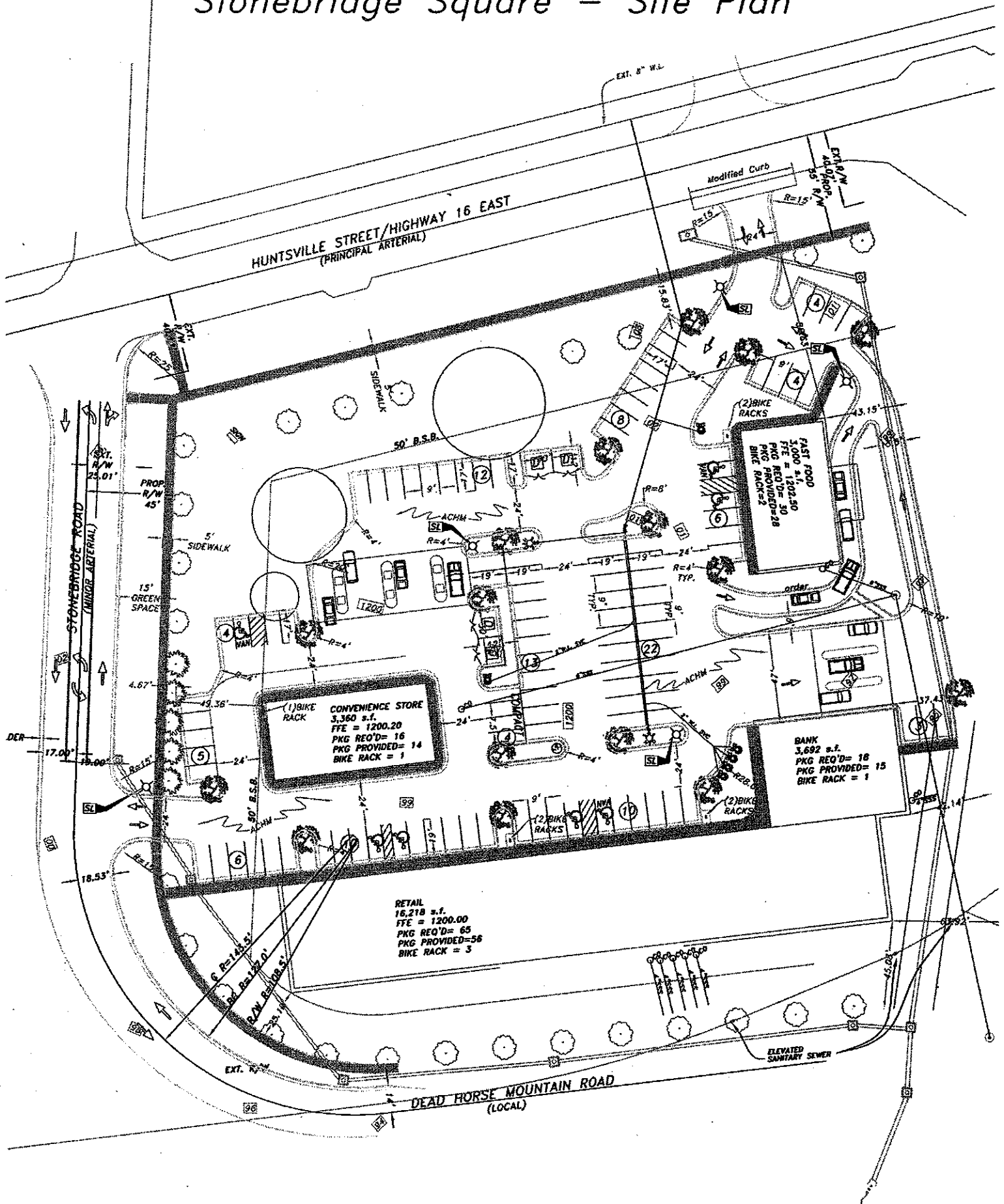
A handwritten signature in black ink, appearing to read "T. Hennelly", with a stylized flourish at the end.

Thomas A. Hennelly, P.E.
President

Off-Site Tree Preservation Easement



Stonebridge Square – Site Plan



Planning Commission
January 28, 2008
Page 5 of 13

LSD 07-2765: (STONEBRIDGE SQUARE, 567): Submitted by H2 ENGINEERING, INC. for property located at THE SE CORNER OF HWY 16E AND S. STONEBRIDGE ROAD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 3.46 acres. The request is for a commercial development with a 3,360 s.f. convenience store, 3,000 s.f. restaurant, 16,218 s.f. retail space, 3,692 s.f. bank and associated parking.

Dara Sanders, Current Planner, gave the staff report, recommending approval with conditions as listed in the staff report.

Tom Hennelly, applicant, stated he agreed with all conditions.

Commissioner Anthes asked about alternate layouts for parking area and dumpster layout.

Jeremy Pate, Director of Current Planning, explained the reasons for the current layout and the site conditions that significantly limit the alternative layouts.

Hennelly passed out drawings of different submittals, and described meetings with Brian Pugh in Solid Waste.

Commissioner Anthes went through conditions, and received no comments for conditions 1-3.

Commissioner Graves stated he was in favor of all recommended conditions.

Motion:

Commissioner Graves made a motion to approve the request with conditions as listed in the staff report. **Commissioner Ostner** seconded the motion. **Upon roll call the motion passed with a vote of 7-1-1, with Commissioner Anthes voting no, and Commissioner Lack recusing.**



PC Meeting of January 28, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
Glenn Newman, Staff Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: January 18, 2008 Updated January 29, 2008

LSD 07-2765: (STONEBRIDGE SQUARE, 567): Submitted by H2 ENGINEERING, INC. for property located at THE SE CORNER OF HWY 16E AND S. STONEBRIDGE ROAD. The property is zoned C-1, NEIGHBORHOOD COMMERCIAL and contains approximately 3.46 acres. The request is for a commercial development with a 3,360 s.f. convenience store, 3,000 s.f. restaurant, 16,218 s.f. retail space, 3,692 s.f. bank and associated parking.

Planner: Dara Sanders

Findings:

Property description: The subject property is located at the southeast corner of Huntsville Road and Stonebridge Road and contains approximately 3.46 acres. On March 15, 2007, the Subdivision Committee approved LSD 07-2458 for two retail buildings, containing a total of 41,694 square feet of retail space, and 118 parking spaces on the subject property. This project did not go forward.

Surrounding Land Use/Zoning:

Direction from Site	Land Use	Zoning
North	Commercial	C-1
South	Undeveloped	R-A
East	Commercial	R-A
West	Residential	C-1

Adjacent Master Street Plan Streets: Huntsville Rd/Highway 16 (Principal Arterial), Stonebridge Road (Minor Arterial), and Dead Horse Mountain Road (Local).

Request: The applicant requests large scale approval for a commercial development containing a 3,360 s.f. convenience store, 3,000 s.f. restaurant, 16,218 s.f. retail space, 3,692 s.f. bank, and 113 parking spaces.

On October 4, 2007, the applicant submitted a new proposal for the property, which included four buildings, containing a total of 26,534 square feet, and 115 parking spaces. However, the item was tabled, as the Urban Forester determined grading and tree removal occurred without a

permit associated with the new large scale development. As these trees were removed within 5 years of a development application, Chapter 167 requires a penalty. For this site, mitigation up to the minimum percent required depending on zoning (20%) plus an additional 10% of the total site is required. The applicant has requested a variance of these requirements in order to preserve a high priority riparian buffer south of the project along the West Fork of the White River, as opposed to planting all trees back on-site. The property shares the same owner, but Chapter 167 does not allow for off-site preservation as a mitigation of this penalty. The applicant and representative will be requesting a variance from City Council to allow this to occur. The Tree Preservation Plan approval is contingent upon the decision of City Council. If this variance is not allowed, the support of the Urban Forester is voided and a new large scale development plan must be submitted.

Right-of-way Dedication: Right-of-way shall be dedicated 45' from centerline for Stonebridge Road (Minor Arterial) at the intersection with Huntsville Road/Highway 16, tapering down to 25' from centerline south from the proposed driveway to Dead Horse Mountain Road. Right-of-way dedication for Huntsville Road shall be at a minimum of 48.5' from centerline; right-of-way dedication for Dead Horse Mountain Road shall be at a minimum of 25' from centerline.

Water/Sewer: All public improvements will need to be installed or bonded for 150% of the construction costs prior to obtaining the building permits.

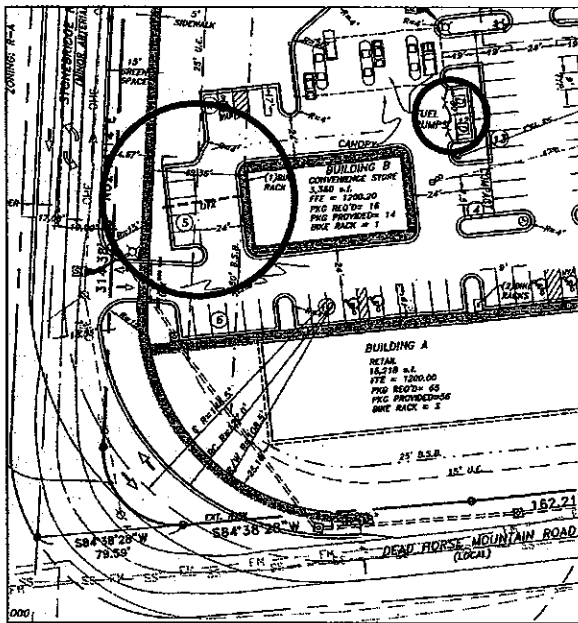
<i>Tree Preservation:</i>	Existing Canopy:	25.6%
	Preserved Canopy:	2.8%
	Required Canopy:	20.0%
	Tree Preservation Easement:	25.6%

A variance of Ch. 167 Tree Preservation is necessary, in order for the project to be constructed as approved. The applicant proposes on-site preservation of 2.8% tree canopy, and an off-site tree preservation area that brings the total canopy in the area back to the original amount, with a higher significance level. This variance will be forwarded to the City Council for a final decision.

Access/Connectivity: Access is currently proposed from Huntsville Road and Stonebridge Square with a total of 2 curb cuts.

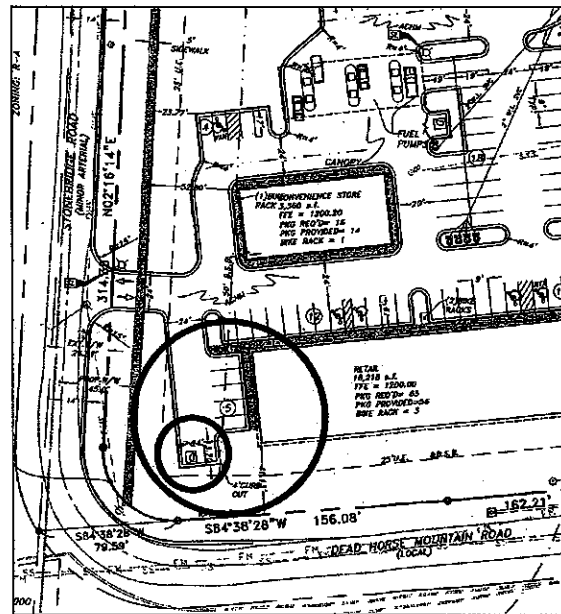
Landscape Variance Request: Currently, Stonebridge Road curves sharply to the east to intersect with Dead Horse Mountain Road. As this curve does not meet the City's minimum street standards for the centerline curve radius for a Minor Arterial and is dangerous in its current configuration, the applicant has coordinated with Planning and Engineering staff and proposes to modify the curve to obtain a 143.5' centerline radius. Because of the curve modification, the existing tree canopy, and the required parking ratios, the applicant has proposed a reduced green space from the required 15 feet to 4.67 feet for five parking spaces. The variance applies only to the portion of the proposed parking lot adjacent to Stonebridge Road that encroaches into the green space, as these spaces were relocated as a result of the proposed Stonebridge Road curve modification. The dumpster was relocated interior to the site, as recommended by the Solid Waste Division. Staff believes that achieving a radius of 143.5 feet and saving the existing large trees on site supersede the need for 15 feet of green space. As indicated on the Landscape Plan, the applicant proposes to screen the encroaching parking with red tip Photinia, six feet in height, which will substantially obscure the parking from view. Staff supports the applicant's request to reduce the green space so that the applicant may retain the parking spaces that were taken as a

result of staff's recommendation to modify the Stonebridge Road curve. Ultimately, the end result will be a safer pedestrian and vehicular street.



Current Submittal

- Requires landscape variance
- Results in safer curve radius
- Dumpsters combined interior to site



Initial Submittal

- No landscape variance required
- No improvement to curve radius
- Dumpster near street

Street Improvements:

Stonebridge Road - the applicant shall improve Stonebridge Road to include a 36' section with a turn lane, curb, gutter, and sidewalk on the east side and 19' from centerline, including the 2' asphalt shoulder on the west side, from Huntsville Road/Highway 16 south for approximately 270 feet to the proposed driveway, creating a center turn lane. South of the access point, street improvements shall be reduced to the standard 14' from centerline and modify the curve with pavement, curb, gutter, and sidewalk on the east/north side to obtain a centerline radius of 143.5 feet.

Dead Horse Mountain Road - Street improvements are not recommended for Dead Horse Mountain Road east of the 143.5' curve modification due to the improvements being recommended to the curve radii for overall traffic safety.

Huntsville Road/Highway 16 - the applicant shall construct a 5' sidewalk at the Master Street Plan right-of-way. Additional street improvements are not recommended for Huntsville Road/Highway 16 at this time based on the improvements recommended to the Stonebridge curve.

Subdivision Committee: The Subdivision Committee forwarded the item to the Planning Commission for a final decision, finding in favor of Commercial Design Standards and recommended street improvements. They did not reach consensus, however, on the landscape variance, and also asked the applicant to review the dumpster location as proposed.

Recommendation: Based on the review of the proposed large scale development, staff recommends approval of **LSD 07-2765** with the following conditions:

Conditions of Approval:

1. Planning Commission determination of compliance with Commercial Design Standards. *Staff recommends approval of the proposed elevations, finding that the elevations submitted meet the criteria set forth for commercial design standards. For clarity, please provide a larger scale for the north and south elevations of the bank and retail center. This might require breaking the elevations in half or on separation pages.*

The Subdivision Committee found in favor of this recommendation.

2. Planning Commission determination of street improvements. *Staff recommends the following street improvements:*
 - a) Stonebridge Road – *the applicant shall improve Stonebridge Road to include a 36' section with a turn lane, curb, gutter, and sidewalk on the east side and 19' from centerline, including the 2' asphalt shoulder on the west side, from Huntsville Road/Highway 16 south for approximately 270 feet to the proposed driveway, creating a center turn lane. South of the access point, street improvements shall be reduced to the standard 14' from centerline and modify the curve with pavement, curb, gutter, and sidewalk to obtain a centerline radius of 143.5 feet.*
 - b) Dead Horse Mountain Road – *street improvements are not recommended for Dead Horse Mountain Road east of the 143.5' curb radius modification, with exception of an adequate transition from the existing road into the relocated curve, subject to Engineering Division approval.*
 - c) Huntsville Road/Highway 16 – *the applicant shall construct a 5' sidewalk along Huntsville Road/Highway 16 at the Master Street Plan right-of-way. Additional street improvements are not recommended for Huntsville Road/Highway 16 at this time based on the significant reconstruction improvements recommended to the Stonebridge curve.*
 - d) *Street lights shall be installed along all public streets with a maximum spacing of 300 feet.*

The Subdivision Committee found in favor of this recommendation.

3. Planning Commission determination of a variance request from Chapter 177.04 (D)(2) to allow for four feet of green space (an 11' variance) for the five parking spaces located north of the entry drive to Stonebridge Road. *Engineering and Planning staff's request to modify the curve radius for Stonebridge Road for public health and safety required the relocation of the proposed parking on the subject property, for which the configuration was previously constrained by significant trees to be preserved on the site. Staff recommends approval of the waiver request, finding that achieving a radius of 143.5 feet, saving the existing large trees on site, and the applicant's ability to provide adequate parking set forth by Chapter 173 supercede the need for 15 feet of green space at the proposed driveway onto Stonebridge Road (see attached findings). To achieve the goal of*

the landscape requirements along public streets, the applicant significantly screen all parking within 15 feet of the right-of-way line north of the proposed driveway onto Stonebridge Road with red tip Photinia, as indicated on the Landscape Plan. Final plantings shall be subject to the approval of the Urban Forester.

The Subdivision Committee did not find in favor of this recommendation and requested that the applicant attempt to reduce the variance request.

4. Approval of the large scale development is subject to the approval of the City Council for a variance of the tree preservation mitigation requirements to allow for off-site tree preservation for prior-removed canopy. Staff is supportive of the applicant's proposal to preserve nearby, off-site tree canopy that is considered high priority, in the area identified in the attached plans. Should the variance be denied, the large scale approval shall be null and void.
5. Right-of-way shall be dedicated 45' from centerline for Stonebridge Road (Minor Arterial) at the intersection with Huntsville Road/Highway 16, tapering down to 25' from centerline south from the proposed driveway to Dead Horse Mountain Road. Right-of-way dedication for Huntsville Road shall be at a minimum of 48.5' from centerline; right-of-way dedication for Dead Horse Mountain Road shall be at a minimum of 25' from centerline.
6. All grading shall be setback a minimum of 5' from the property lines unless written permission is provided by the adjacent property owner or a joint grading plan is submitted.
7. Large scale development approval does not assure sign permit approval. All proposed signs shall be permitted separately from the large scale development proposal by a Sign Permit application and Certificate of Zoning Compliance. Additionally, all flags shall be reviewed for compliance with Chapter 174 Signs prior to installation.
8. All public improvements shall be installed or bonded for 150% of the construction costs prior to obtaining the building permits.
9. The Landscape plan shall be revised to include the tree preservation chart and significant inventory.
10. If approved by the City Council, the off-site Tree Preservation Area shall be dedicated by separate document before the issuance of a building permit. The applicant shall revise the note of the Tree Preservation Plan accordingly.
11. The Landscape Plan shall be stamped by a licensed Landscape Architect within the State of Arkansas.

Standard conditions of approval:

12. Impact fees for fire, police, water, and sewer shall be paid in accordance with City ordinance.
13. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

14. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
15. All exterior lights shall comply with the City lighting ordinance. Manufacturer's cut-sheets are required for review and approval prior to issuance of a building permit.
16. Trash enclosures shall be screened with access not visible from the street. **The trash enclosures shall be constructed with materials that are complimentary to and compatible with the proposed building. A detail of the proposed screening shall be submitted and approved by the Planning Division prior to issuance of the building permit.** Any additional dumpsters located on site shall be screened from the right-of-way.
17. All mechanical/utility equipment (roof and ground mounted) shall be screened using materials that are compatible with and incorporated into the structure. **A note shall be clearly placed on the plat and all construction documents indicating this requirement.**
18. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. Any proposed signs shall be permitted by a separate sign permit application prior to installation.
19. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
20. Large scale development shall be valid for one calendar year. Building permits for all structures must be obtained prior to the expiration date or the project is null and void.
21. Prior to building permit, a cost estimate for all required landscaping is to be submitted to the Landscape Administrator for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
22. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - f. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

156.07 Landscape Regulations

(A) The Planning Commission shall have the authority to grant a variance from the landscaping requirements prescribed by §177.

(B) *Findings.* The Planning Commission shall make the following findings:

(1) *Minimum variance.* That the reasons set forth in the application justify the granting of the variance, and that the variance is the minimum variance that will make possible the reasonable use of the land, building, or structure.

Findings: The applicant has requested the minimum variance required, as the variance applies only to the five parking spaces that encroach into the required greenspace.

(2) *Harmony with general purpose.* The Planning Commission shall further make a finding that the granting of the variance will be in harmony with the general purpose and intent of the Landscape Regulations, §177, and will not be injurious to the neighborhood, or otherwise detrimental to the public welfare.

Findings: Staff finds that the variance will be in harmony with the general purposed and intent of the Landscape Regulations.

(3) *Conditions and safeguards.* In granting any variance, the Planning Commission may prescribe appropriate conditions and safeguards to ensure compliance or to protect adjacent property.

Findings: Staff recommends additional screening of evergreen plantings, such as red tip Photinia, to further screen the proposed parking from public view.

(4) *Undue Hardship.* If the provisions of the standards within Landscape Regulations, §177, are shown by the developer to cause undue hardship as they apply to his proposed development, the Planning Commission may grant a variance to the developer from such provisions, so that substantial justice may be done and the public interest secured; provided that the variation will not have the effect of nullifying the intent and purpose of development regulations.

Findings: The applicant has coordinated with staff to significantly reconstruct – essentially relocate – the Stonebridge Road curve and preserve the large trees remaining on the site, which have constrained the applicant's ability to provide the parking and other development requirements within Chapters 166 and 172 of the Unified Development Code without encroaching into the required green space; therefore, staff supports the applicant's variance request from Chapter 177.04 (D)(2) to allow for four feet of green space (an 11' variance) for the five parking spaces located north of the entry drive to Stonebridge Road.

Planning Commission Action: ☒ Approved ☐ Denied ☐ Tabled

Meeting Date: **January 28, 2008**

Motion: Graves

Second: Ostner

Vote: 8-1-0

The "**Conditions of Approval**" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

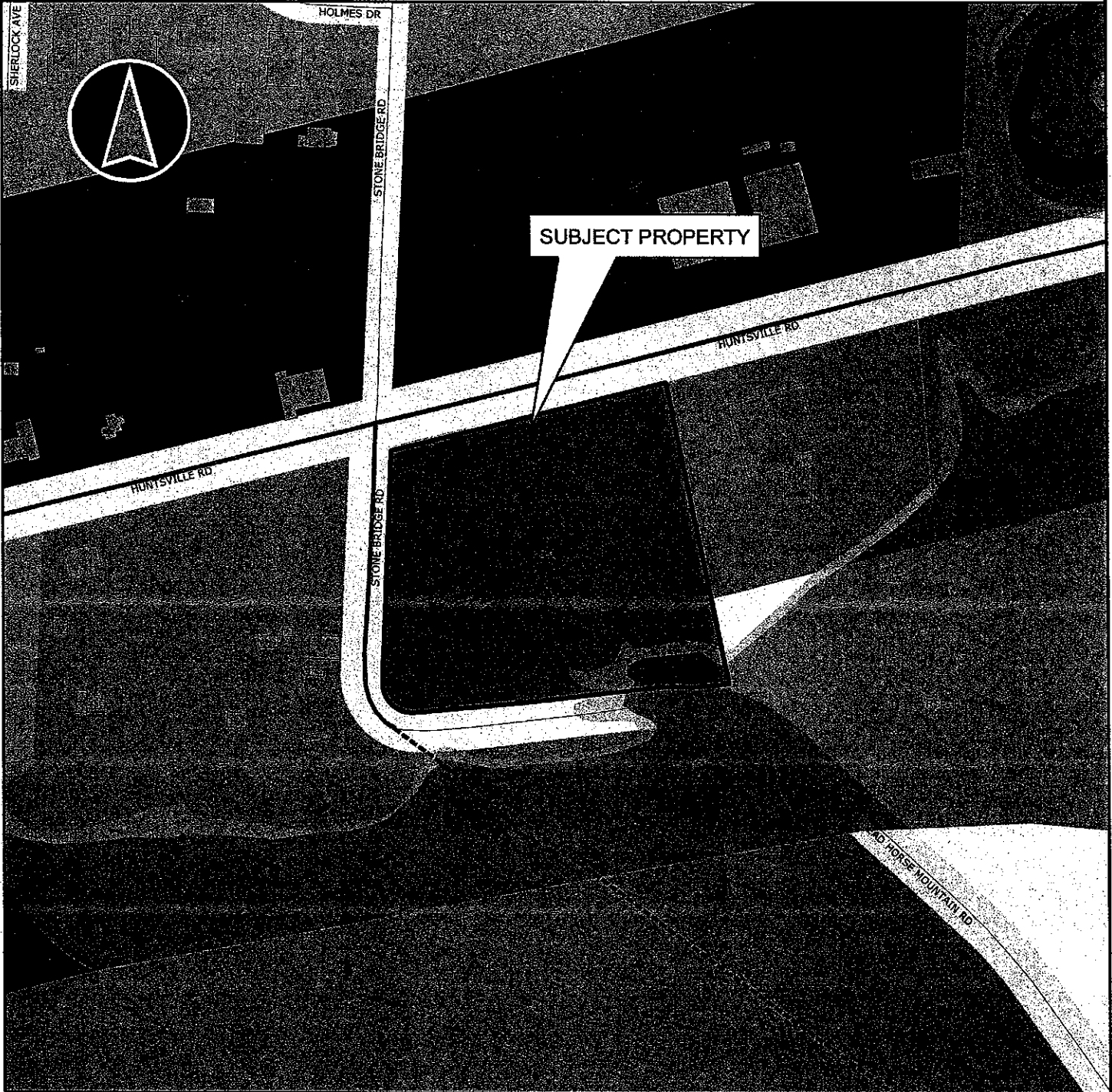
Signature

Date

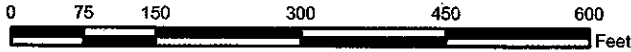
LSD07-2765

STONEBRIDGE SQUARE

Close Up View



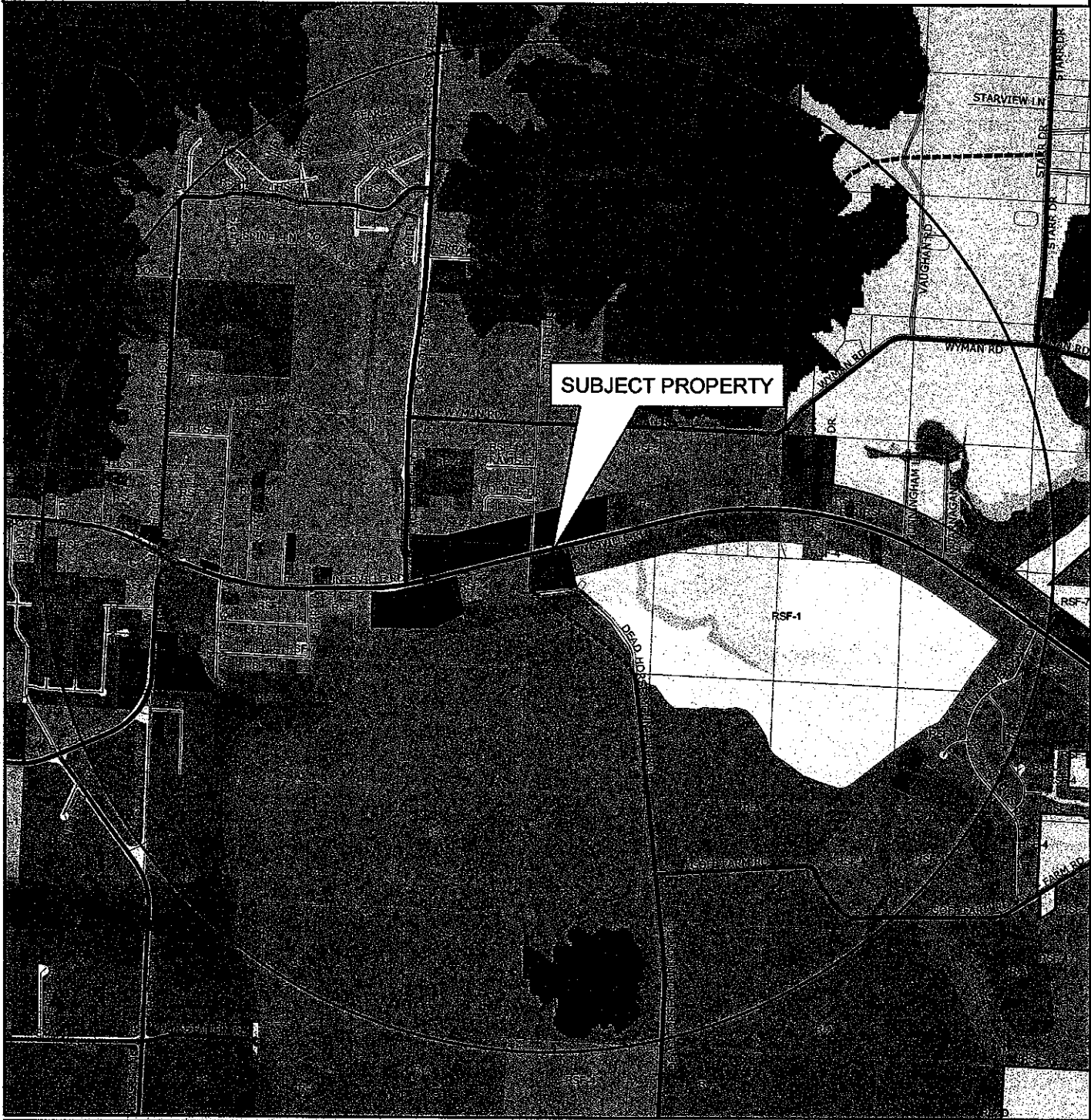
Overview



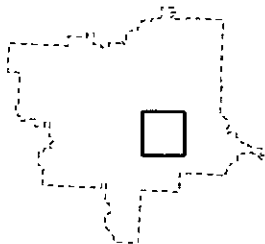
LSD07-2765

One Mile View

STONEBRIDGE SQUARE



Overview



Legend

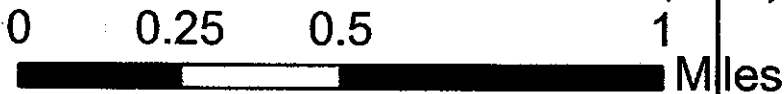
Subject Property
LSD07-2765

Boundary

Planning Area
Overlay District
Outside City

Legend

Hillside-Hilltop Overlay District



City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

A. 9
Fire Pension Drug
Law Enforcement Fund
Page 1 of 4

3/4/2008

City Council Meeting Date

Kevin Springer
Submitted By

Budget & Research
Division

Finance
Department

Action Required:

Approve a resolution amending the 2007 Budget for the Drug Law Enforcement Fund in the amount of \$36,902 and the Fire Pension Fund in the amount of \$70,844.

Cost of this request

\$

-

Category / Project Budget

Various

Program Category / Project Name

Account Number

\$

-

Funds Used to Date

Various

Program / Project Category Name

Project Number

\$

-

Remaining Balance

Various

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☒

Department Director

Paul A. Butler

2-15-08
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

J. P. Whit

2/20/08
Date

Finance Director

Paul A. Butler

2-20-08
Date

Mayor

Jim Coody

2/20/08
Date

Received in City Clerk's Office

ENTERED
2/19/08
JH

Received in Mayor's Office

ENTERED
2/20/08
JH

Comments:

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Coody and City Council

THRU: Paul A. Becker, Director of Finance

FROM: Kevin Springer, Budget Director 

DATE: February 13, 2008

SUBJECT: 2007 Budget Amendment: Drug Law Enforcement Fund
Fire Pension Fund

Recommendation

Staff recommends approval of the attached Budget Amendments to correct budgeted items in 2007 as follows:

Drug Law Enforcement Fund	\$	36,902
Fire Pension Fund	\$	70,844

Discussion

Drug Law Enforcement Fund: Drug Task Force (DTF) expenses are routinely incurred as a pass-through in the Drug Law Enforcement Fund. The expenses are charged to the DTF Program Expense account and the revenue is receipted through Federal Grants. During 2007, \$36,902 in expenditures were incurred over the original budgeted amounts. The funds to cover the increased DTF Program Expenses cost come additional Federal Grant revenue and do not increase the Use of Reserves for the Drug Law Enforcement Fund.

Fire Pension Fund: During the November 29, 2007 Firemen's Pension and Relief Fund, Board of Trustees meeting, a back pay benefit was approved for three retired Fire employees. The benefit was authorized by State Law but had been erroneously left out. The \$70,844 in funds needed to cover the increased benefit cost come from the Fire Pension Fund investments.

It is noteworthy to mention that concerning the Fire Pension Fund, the "Firemen's Pension and Relief Fund, Board of Trustees" is the authority authorized by State Law and has complete control of expenses and the use of pension funds. This Budget Amendment is just an administrative item.

Budget Impact & Closing

All of the funds requested in this re-authorization come from revenues and do not increase the use of operating reserves. If you have any questions concerning the attachment or the procedure, please feel free to contact either Paul A. Becker (575-8330) or Kevin Springer (575-8226). Thank you for your attention to this request.

RESOLUTION NO. _____

A RESOLUTION APPROVING BUDGET ADJUSTMENTS FOR THE DRUG LAW ENFORCEMENT FUND IN THE AMOUNT OF \$36,902.00 AND FOR THE FIRE PENSION FUND IN THE AMOUNT OF \$70,844.00.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves budget adjustments for the Drug Law Enforcement Fund IN the amount of \$36,902.00 and for the Fire Pension Fund in the amount of \$70,844.00.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**City of Fayetteville, Arkansas
Budget Adjustment Form**

A. 9

Fire Pension Drug

Law Enforcement Fund

Page 4 of 4

Budget Year 2007	Department: Police Division: Police Program: Drug Enforcement	Date Requested 3/4/2008	Adjustment Number
--------------------------------	---	---------------------------------------	-------------------

Project or Item Added/Increased: \$36,902 is being requested in the DTF Program Income Expense account. \$70,844 is being requested in the Fire Pension Expense account.	Project or Item Deleted/Reduced: None. To recognize \$36,902 in additional Federal Grant revenue. None. To recognize \$70,844 in the Gain/Loss on Investments revenue account.
--	--

Justification of this Increase:	Justification of this Decrease:
---------------------------------	---------------------------------

Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Dtf Progam Income Exp	2930	2960	5378	00	36,902	
Pension Expense	6810	9810	5335	00	70,844	

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Federal Grants - Operational	2930	0993	4309	01	36,902	
Gain/Loss on Investments	6810	0981	4770	01	70,844	

Approval Signatures <table style="width:100%;"> <tr> <td style="width:70%;">Requested By</td> <td style="width:30%;">Date</td> </tr> <tr> <td></td> <td align="center">2-13-08</td> </tr> <tr> <td>Budget Director</td> <td>Date</td> </tr> <tr> <td>Department Director</td> <td>Date</td> </tr> <tr> <td>Finance Director</td> <td>Date</td> </tr> <tr> <td>Mayor</td> <td>Date</td> </tr> </table>	Requested By	Date		2-13-08	Budget Director	Date	Department Director	Date	Finance Director	Date	Mayor	Date	Budget & Research Use Only Type: A B C <u>D</u> E General Ledger Date 12/31/2007 Approval Date Initial Date Posted to General Ledger Initial Date Posted to Project Accounting Initial Date
Requested By	Date												
	2-13-08												
Budget Director	Date												
Department Director	Date												
Finance Director	Date												
Mayor	Date												

City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts

19-Feb-08

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 07-2889: (Cooper, 445/446): Submitted by Tim Cooper for property located at the southwest corner of North College Avenue and East Cleburn Street. The property is zoned R-PZD, Residential Planned Zoning District, and contains approximately 0.69 acres. The request is to rezone the subject property to DG, Downtown General.

Action Required:	n/a	n/a
Cost of this request	Category/Project Budget	Program Category / Project Name
n/a	n/a	n/a
Account Number	Funds Used to Date	Program / Project Category Name
n/a	n/a	n/a
Project Number	Remaining Balance	Fund Name

Budgeted Item

Budget Adjustment Attached

Gay D.
Department Director

1-31-08
Date

Previous Ordinance or Resolution # n/a

K. [Signature]
City Attorney

2-1-08
Date

Original Contract Date: n/a

Original Contract Number: n/a

Paul A. Bachan
Finance and Internal Service Director

2-1-08
Date

Received in City Clerk's Office

ENTERED

Dan Coody
Mayor

2/5/08
Date

Received in Mayor's Office

ENTERED

Comments:

Left on the second reading 2/19/08

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning &

Date: January 31, 2008

Subject: Rezoning for Cooper (RZN 07-2889)

RECOMMENDATION

Planning staff and the Planning Commission recommended to approve rezoning the subject property from Residential Planned Zoning District 04-1159 (Beacon Flats) to DG, Downtown General for approximately 0.69 acres located at the southwest corner of N. College Avenue and Cleburn Street.

BACKGROUND

The subject property is located at the southwest corner of College Avenue and Cleburn Street and is zoned R-PZD 04-1159 (Beacon Flats). The City Council approved the Beacon Flats project on September 21, 2004 to allow for a mixed use redevelopment consisting of three buildings on the former Nick's Auto Lube property. The development would have incorporated a mixture of residential, office and commercial uses.

An extension to obtain all necessary permits to begin construction was approved by the City Council in November 2005 and all permits were granted by the City in November 2006. However, 6 months passed with no construction activity associated with the approved permits, thus resulting in the permits expiring. As a result, the development rights associated with Beacon Flats expired, although the property remains zoned R-PZD 04-1159. Rather than the City proceeding with the revocation process identified in the Unified Development Code, the applicant has requested to rezone the property.

DISCUSSION

This item was heard at the regular Planning Commission meeting on January 28, 2008. The Planning Commission voted 9-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 07-2889, FOR APPROXIMATELY 0.69 ACRES, LOCATED AT THE SOUTHWEST CORNER OF NORTH COLLEGE AVENUE AND EAST CLEBURN STREET FROM R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT, TO DG, DOWNTOWN GENERAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-PZD, Residential-Planned Zoning District to DG, Downtown General, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"

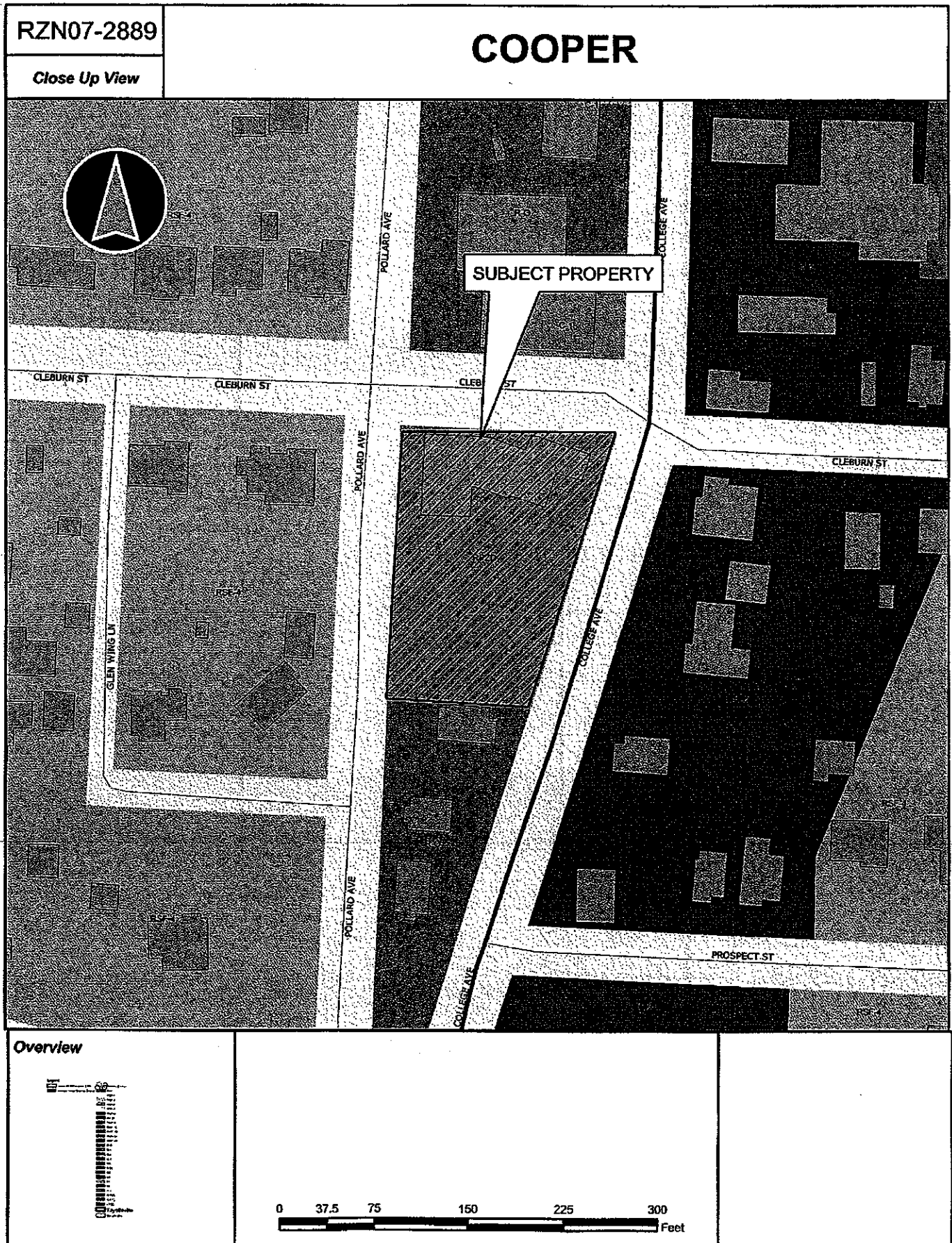


EXHIBIT "B"
RZN 07-2889

A PART OF LOT NUMBERED ONE (1), A PART OF LOT NUMBERED TWO (2), AND A PART OF LOT NUMBERED THREE (3), ALL IN BLOCK NUMBERED TWELVE (12) OF A.L. TRENT'S REVISED PLAT OF CITY PARK ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS AS PER PLAT OF SAID ADDITION ON FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS, AND BEING PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE ADJUSTED NORTHWEST CORNER OF SAID LOT ONE (1), SAID POINT BEING N 89°55'47" W 5.00 FEET FROM THE ORIGINAL NORTHWEST CORNER OF SAID LOT ONE (1); THENCE S 89°55'47" E ALONG THE NORTH LINE OF SAID LOT ONE (1) 165.25 FEET TO A CHISELED "X" IN CONCRETE ON THE WESTERLY RIGHT OF WAY OF COLLEGE AVENUE, SAID POINT BEING ON A 252.36 FOOT RADIUS CURVE CONCAVE TO THE WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AND RIGHT OF WAY 26.50 FEET, THE CHORD FOR WHICH BEING S 61°52'49" W 26.48 FEET, TO A CHISELED "X" IN CONCRETE AT THE POINT OF TANGENCY OF SAID CURVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY THE FOLLOWING BEARINGS AND DISTANCES: S 14°53'16" W 50.77 FEET TO A SET IRON; S 89°55'47" E 4.14 FEET TO A CHISELED "X"; S 14°53'16" W 41.61 FEET TO A CHISELED "X"; N 75°06'44" W 6.00 FEET TO A CHISELED "X"; S 14°53'16" W 109.96 FEET TO A SET IRON AT A POINT WHICH IS 5.00 FEET NORTH OF THE SOUTH LINE OF SAID LOT THREE (3); THENCE LEAVING SAID RIGHT OF WAY N 89°55'47" W 106.47 FEET TO A SET IRON AT THE ADJUSTED WEST LINE OF SAID LOT THREE (3), SAID POINT BEING 5.00 FEET WEST OF THE ORIGINAL WEST LINE OF SAID LOT THREE (3); THENCE N 00°05'06" E 220.00 FEET TO THE POINT OF BEGINNING.



PC Meeting of January 28, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~January 24, 2008~~ Updated January 31, 2008

RZN 07-2889: Rezoning (COOPER, 445/446): Submitted by TIM COOPER for property located at the SW CORNER OF N. COLLEGE AVE AND E. CLEBURN ST. The property is zoned R-PZD, RESIDENT. PLANNED ZONING DIST. and contains approximately 0.69 acres. The request is to rezone the subject property to DG, Downtown General.

Planner: Jesse Fulcher

BACKGROUND:

Property description and background: The subject property is located at the southwest corner of College Avenue and Cleburn Street and is zoned R-PZD 04-1159 (Beacon Flats). The City Council approved the Beacon Flats project on September 21, 2004 to allow for a mixed use redevelopment consisting of three buildings on the former Nick's Auto Lube property. The development would have incorporated a mixture of residential, office and commercial uses.

An extension to obtain all necessary permits to begin construction was approved by the City Council in November 2005 and all permits were granted by the City in November 2006. However, 6 months passed with no construction activity associated with the approved permits, thus resulting in the permits expiring. As a result, the development rights associated with Beacon Flats expired, although the property remains zoned R-PZD 04-1159. Rather than the City proceeding with the revocation process identified in the Unified Development Code, the applicant has requested to rezone the property.

SURROUNDING LAND USE AND ZONING:

Direction	Land Use	Zoning
North	Commercial	R-O, Residential Office
South	Office	R-O, Residential Office
East	Commerical/College Ave.	IC-2, Thoroughfare Commercial
West	Single-family residential	RSF-4, Residential Single-family

Proposal: The applicant proposes a rezoning of the subject property from R-PZD 04-1159 to DG, Downtown General.

INFRASTRUCTURE:

- Streets:** The site has access to Cleburn Street, Pollard Avenue and College Avenue. Street improvements will be evaluated at the time of development.
- Water:** A 2" waterline is located adjacent to three sides of the property. Water may need to be extended through the site at the time of development.
- Sewer:** There is an 8" main along College Ave. Sewer service may need to be extended through the site at the time of development. Improvements to the sewer system may be required dependent upon the demand placed by the development. The capacity of the existing main may need to be studied at the time of development.
- Fire:** The subject property is located approximately 1.2 miles from Fire Station #1. Response time to the property is approximately 3.5 minutes, which is acceptable, and above the City's goal of having the first unit on the scene within 6 minutes, 90% of the time, and the City's goal of assembling all responding units to the scene of a moderate risk assignment within 10 minutes, 90% of the time. There should be no adverse effects on call volume.
- Police:** It is the opinion of the Fayetteville Police Department that this rezoning will not substantially alter the population density or create an undesirable increase in the load on police services. The rezoning will not create an appreciable increase in traffic danger and congestion.

RECOMMENDATION:

Staff recommends approval of the requested rezoning to DG, Downtown General, based on the findings included as part of this report.

PLANNING COMMISSION ACTION:		
Required	<u>YES</u>	☐ Denied
✓ Forward to City Council (recommend approval)		
Date: <u>January 28, 2008</u>		
Motion: <u>Ostner</u>		
Second: <u>Trumbo</u>		
Vote: <u>9-0-0</u>		
CITY COUNCIL ACTION:		
Required	<u>YES</u>	☐ Denied
☐ Approved		
Date: <u>February 19, 2008 (1st reading if recommended)</u>		

LAND USE PLAN: The Future Land Use Plan adopted as part of the City Plan 2025 designates this site **Urban Center Area**. Rezoning this property to Downtown General would be consistent with the future land use plan designation of the property for a main street development pattern, which may include retail, offices, and several types of residential dwellings. The proposed Downtown General would be compatible with the surrounding commercial and office zoning districts, as well as provide a transition between College Ave. and the single-family homes located on the west side of Pollard Ave.

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The Downtown General zoning district is very consistent with land use planning objectives and policies, especially in those areas designated as Urban Center Areas within the Future Land Use Plan. City Plan 2025 designates the stretch of properties on the west side of College Ave., between Trenton St. and North St., as an Urban Center Area. These areas accommodate several types of land uses including retail, office and residential. While Urban Center Areas recognize conventional strip development as an existing condition, redevelopment of existing properties for a more efficient use of the land is encouraged. The Downtown General zoning district will allow for office, retail, light commercial and residential uses, but equally important, this zoning district will allow buildings to be situated close to the street rights-of-way, which will permit a more efficient use of the property. Conventional zoning districts such as C-1, Neighborhood Commercial and R-O, Residential Office may allow some of the same types of uses, but prohibit a desired development pattern due to the large setbacks from the right-of-way (between 25'-50'), which on a property with three street frontages could be highly prohibitive.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: A rezoning of the property is very justified at this time, due to the fact that all development rights associated with current zoning of R-PZD 04-1159 have expired. Rezoning the property to Downtown General would be consistent with policy decision to approve the Beacon Flats development, as the permitted uses for each zoning district are very similar (see attached table).

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Based on staff findings and the Fayetteville Police Department report, the proposed rezoning would not create or appreciably increase traffic danger and

congestion in the area. The property is served by College Ave., a Principal Arterial, along with two other Local Streets, Cleburn and Pollard. Access to the site will be reviewed at the time of development.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed rezoning will allow for the development of residential units, as did the previous zoning of R-O, Residential Office and R-PZD 04-1159. It is unlikely that the development of residential units on the 0.69 acre property would undesirably increase the load on public services. While density within the Downtown General zoning district is not limited, building heights, parking requirements and the size of the parcel will govern the feasibility of projects on the property.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

Permitted Uses

161.22 Downtown General.

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

Permitted Uses

R-PZD 04-1159 Beacon Flats

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 19	Commercial recreation, small sites
Unit 24	Home occupations
Unit 25	Professional offices
Unit 26	Multi-family dwellings

17 December 2007
826 N Highland Ave.
Fayetteville, AR 72701

Planning Staff
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

RE: Rezoning Request, Beacon Flats
Parcels #765-03830-000, 765-03829-000, 765-03828-000

I, Tim Cooper, president of W-One Investments, LLC and the owner of record, respectfully request to rezone the three above-referenced parcels from PZD to Downtown General. The combined ~~0.64~~ ^{0.64} acre tract was zoned PZD in 2005 for the benefit of a mixed-use commercial and residential development that I have so far been unable to realize. The construction permits for the project have expired and the PZD zoning will soon follow. While it is currently for sale, it is not listed and no sale is pending.

The property is bordered to the east by N College Ave, a Principal Arterial in the Master Street Plan, and adjoins C-1, C-2, R-O and RSF-4 parcels. It is served by 2" water lines on the east, north & west sides, and by an 8" sanitary sewer along the east side only.

In the City Plan 2025, the property is shown as an Urban Center Area, presumably to encourage intense, day and night mixed-use development along public transit routes, while at the same time providing neighborhood commercial services for the surrounding areas designated as City Neighborhood. It is my opinion that the uses, forms and setbacks both allowed and required by the Downtown General zoning are more conducive to these goals than any of the current, surrounding zoning designations.

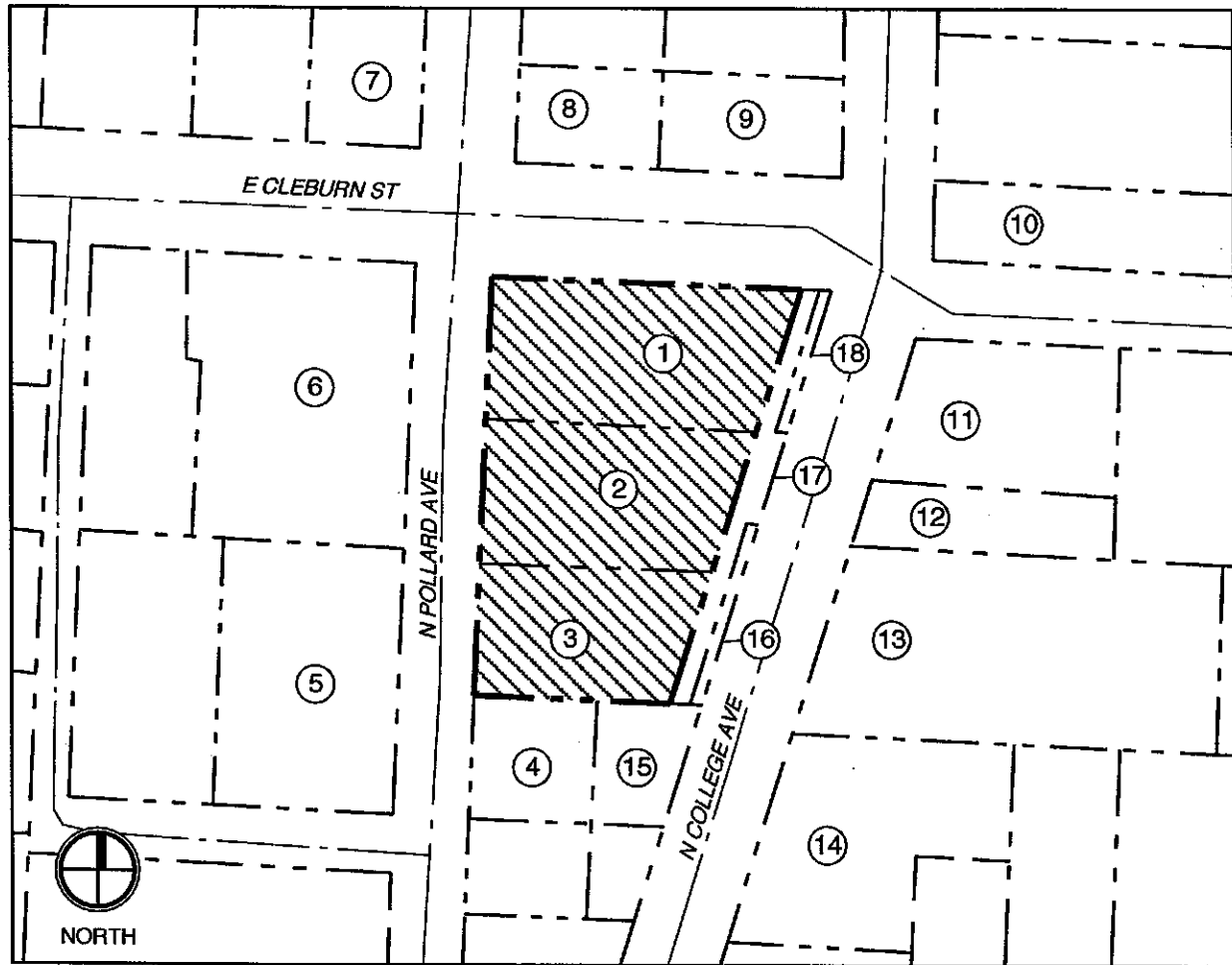
Thank you for your consideration.

Sincerely,

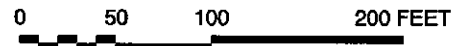
Timothy W. Cooper
President
W-One Investments, LLC

Date

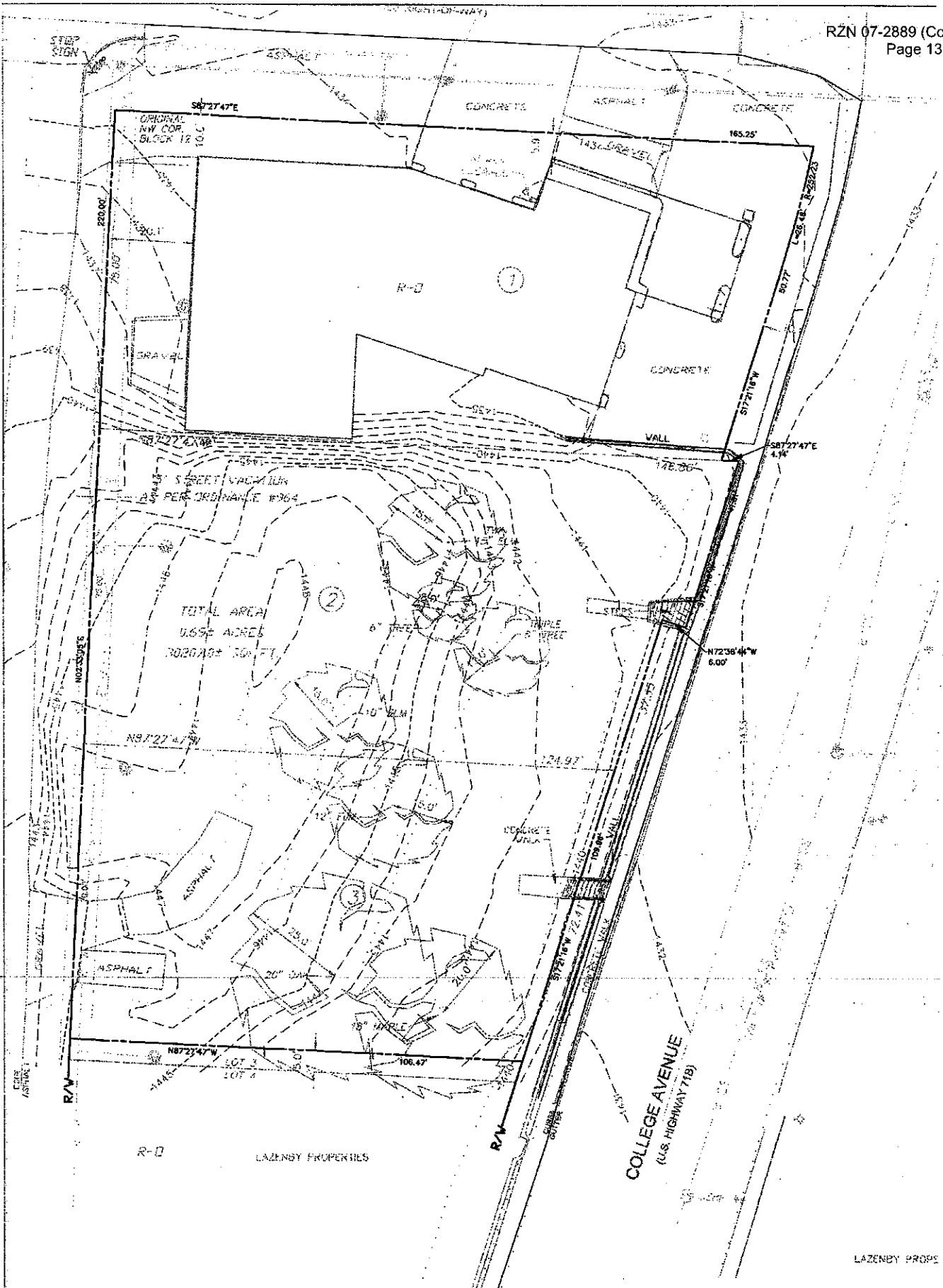
PLAT
RZN REQUEST, BEACON FLATS
17 DEC 2007



SCALE: 1" = 100'



MARK	PARCEL	OWNER OF RECORD	CURRENT ZONING
1	765-03828-000	W-One Investments, LLC	PZD
2	765-03829-000	W-One Investments, LLC	PZD
3	765-03830-000	W-One Investments, LLC	PZD
4	765-03831-000	Lazenby Properties	R-O
5	765-03820-000	Michael & Mary A Kulish	RSF-4
6	765-03822-000	Karen L Ball	RSF-4
7	765-03807-000	Dorothy J Reddig, Andrew Reddig, Abigail Moser	RSF-4
8	???		C-1
9	765-03843-000	Lazenby Properties	C-1
10	765-04701-000	Mark A January	C-2
11	765-04697-000	Clement O Dufrene	C-2
12	765-04699-000	Clement O Dufrene	C-2
13	765-04691-000	Lazenby Properties	C-2
14	765-04692-000	Lazenby Properties	C-2
15	765-03831-001	Arkansas State Highway Commission	R-0
16	765-03829-001	Arkansas State Highway Commission	--
17	765-03829-002	City of Fayetteville	--
18	765-03827-000	Arkansas State Highway Commission	--



M LENDERS TITLE COMPANY-FAYETTEVILLE

(FRI) 6. 3' 05 10:02/ST. 10.01/NO. 4860706665 P 2

Doc ID: 008154940003 Type: REL
Recorded: 02/10/2006 at 08:40:00 AM
Fee Amt: \$14.00 Page 1 of 3
Washington County, AR
Bette Stasas Circuit Clerk
File: 2005-00006186

WARRANTY DEED
(By Trustees)

KNOW ALL MEN BY THESE PRESENTS:

J. C. Nickell, Jr., being the duly appointed, qualified and acting Trustee of The J. C. Nickell, Jr. Revocable Trust under date of (U/D) January 19, 1998, as amended, and Alma L. Nickell, being the duly appointed, qualified and acting Trustee of The Alma L. Nickell Revocable Trust under date of (U/D) January 19, 1998, hereinafter called "Grantors", pursuant to the power and authority granted therein, and for Ten Dollars (\$10.00) and other valuable consideration paid by Beacon Flats, LLC, an Arkansas limited liability company, hereinafter called "Grantee", the receipt of which is hereby acknowledged, do hereby GRANT, BARGAIN, SELL and CONVEY unto the said Grantee, and unto Grantee's successors and assigns forever, the following-described lands situated in Washington County, Arkansas:

304871
304872
304869
304858

A part of Lot Numbered One (1), a part of Lot Numbered Two (2) and a part of Lot Numbered Three (3), all in Block Numbered Twelve (12) of A.L. Trent's Revised Plat of City Park Addition to the City of Fayetteville, Arkansas, as per plat of said Addition on file in the Office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, and being more particularly described as follows: Beginning at the adjusted Northwest corner of said Lot One (1), said point being N 89°55'47" W 5.00 feet from the original Northwest corner of said Lot One (1); thence S89°55'47" E along the North line of said Lot One (1) 165.25 feet to a chiseled "X" in concrete on the Westerly right of way of College Avenue, said point being on a 252.36 foot radius curve concave to the West; thence Southwesterly along said curve and right of way 26.50 feet, the chord for which being S 61°52'49" W 26.48 feet, to a chiseled "X" in concrete at the point of tangency of said curve; thence continuing along said right of way the following bearings and distances: S14°53'16"W 50.77 feet to a set iron; S89°55'47"E 4.14 feet to a chiseled "X"; S14°53'16"W 41.61 feet to a chiseled "X"; N75°06'44" W 6.00 feet to a chiseled "X"; S14°53'16"W 109.96 feet to a set iron at a point which is 5.00 feet North of the South line of said Lot Three (3); thence leaving said right of way N89°55'47"W 106.47 feet to a set iron at the adjusted West line of said Lot Three (3), said point being 5.00 feet West of the original West line of said Lot Three (3); thence N00°05'06" E 220.00 feet to the Point of Beginning.

459730
387934

TO HAVE AND TO HOLD the same unto the said Grantee, and unto Grantee's successors and assigns forever, with all tenements, appurtenances and hereditaments thereunto belonging.

AND Grantors hereby covenant with said Grantee, and Grantee's successors and assigns, that Grantors are lawfully seized of said lands, that Grantors have the right to sell and convey the same, that said lands are unencumbered, and that Grantors will forever warrant and defend the title to said lands against all lawful claims and demands whatsoever.

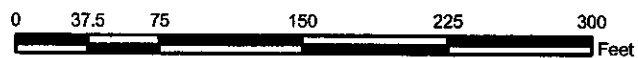
RZN07-2889

Close Up View

COOPER



Overview



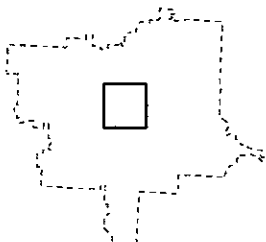
RZN07-2889

One Mile View

COOPER



Overview



Legend

Subject Property

RZN07-2889

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

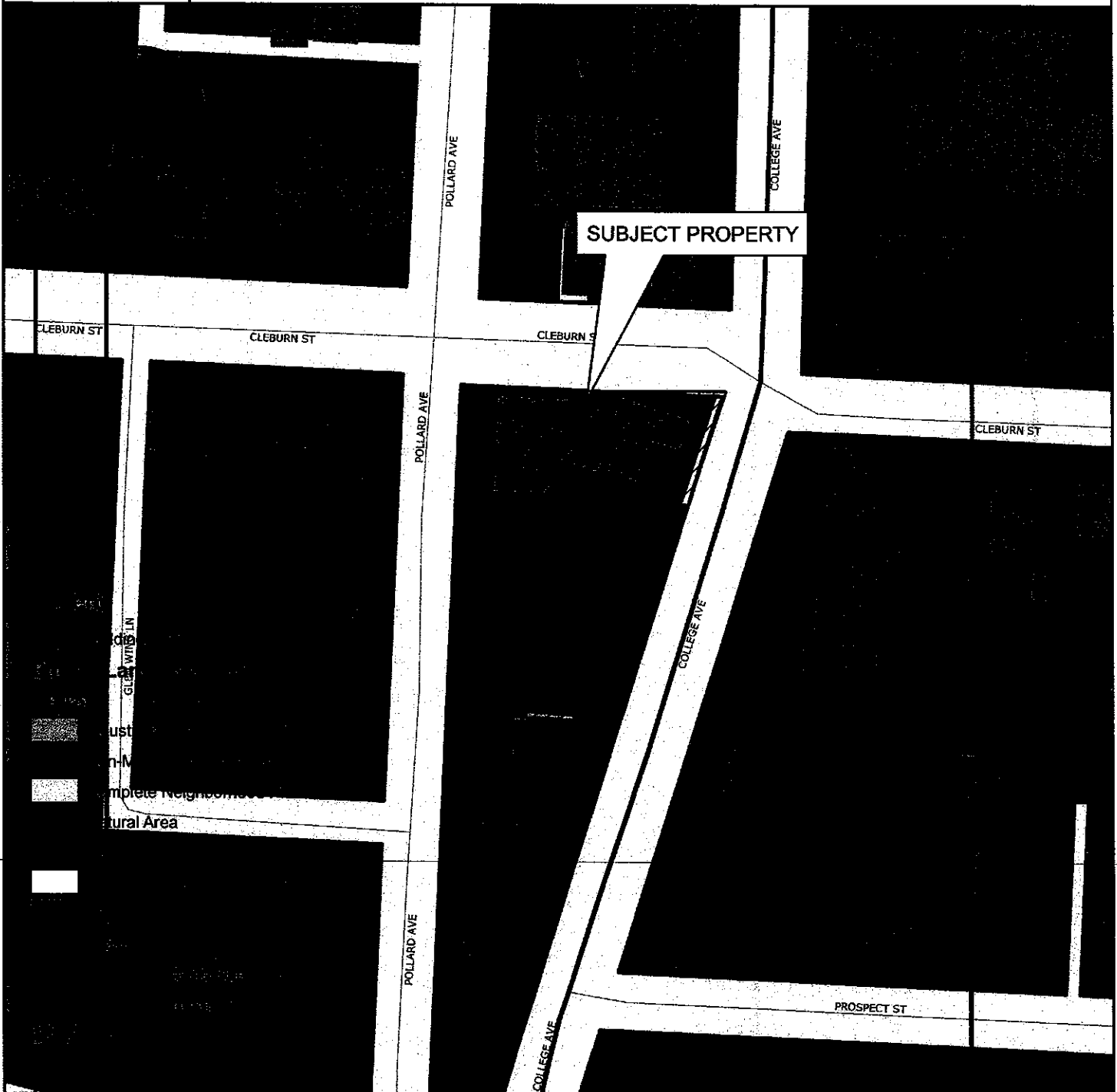
0 0.25 0.5 1 Miles

RZN07-2889

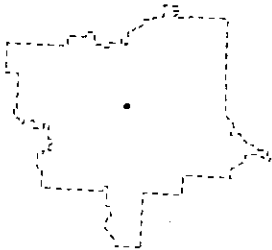
Future Land Use

COOPER

SUBJECT PROPERTY



Overview



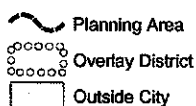
Legend

Subject Property

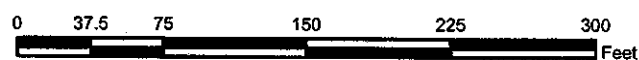
Streets



Boundary



Legend



**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

C. 1
FMPOID No. 24 - College Avenue
Townhomes Development
Infrastructure Project
Page 1 of 14

March 4, 2008
City Council Meeting Date

<u>Sondra E. Smith</u> Submitted By	<u>City Clerk/Treasurer</u> Division	<u>City Clerk/Treasurer</u> Department
--	---	---

Action Required:

An ordinance to establish Fayetteville Municipal Property Owners' Improvement District No. 24 - College Avenue Townhomes Development Infrastructure Project. This petition is being filed under the Arkansas Municipal Property Owners' Improvement District law. Arkansas Code Ann. Sec. 14-94-101 et seq. The petition is being filed by James N. McCord, on behalf of the Improvement District.

<u>N/A</u> Cost of this request	<u>N/A</u> Category / Project Budget	<u>N/A</u> Program Category / Project Name
<u>N/A</u> Account Number	<u>N/A</u> Funds Used to Date	<u>N/A</u> Program / Project Category Name
<u>N/A</u> Project Number	<u>N/A</u> Remaining Balance	<u>N/A</u> Fund Name

Budgeted Item N/A Budget Adjustment Attached N/A

Sondra E. Smith 2/15/08
Department Director Date

K. A. Smith 2-19-08
City Attorney Date

Paul A. Burch 2-19-08
Finance and Internal Service Director Date

Alan Moody 2/20/08
Mayor Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

Original Contract Number: _____

Received in City Clerk's Office
 2/15/08

Received in Mayor's Office
 2/19/08

Comments:



RECEIVED

FEB 19 2008

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

C. 1
FMPOID No. 24 - College Avenue
Townhomes Development
Infrastructure Project
Page 2 of 14

113 West Mountain
Fayetteville, AR 72701
Telephone: (479) 575-8323
Fax: (479) 718-7695
city_clerk@ci.fayetteville.ar.us

City Clerk/Treasurer Division

February 15, 2008

Honorable Dan Coody, Mayor
City Administration Building
113 W. Mountain
Fayetteville, AR 72701

RE: Petition to form Fayetteville Municipal Property Owners'
Improvement District No. 24
College Avenue Townhomes Development Infrastructure Project

Dear Mayor:

Pursuant to Arkansas Code Ann. Sec. 14-94-105 (e)(3), you are hereby notified that the enclosed Petition to form Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project has been filed in the office of the Fayetteville City Clerk. Pursuant to Ark. Code Ann. Sec. 14-94-106 (a)(1), I hereby present you with the Petition.

Sincerely,

Sondra E. Smith
City Clerk/Treasurer

cc: Kit Williams, City Attorney
James N. McCord

RECEIVED

FEB 15 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

JAMES N. McCORD
Attorney at Law
217 E. DICKSON STREET
SUITE #102
FAYETTEVILLE, ARKANSAS 72701

TELEPHONE (479) 695-1134
FACSIMILE (479) 442-1490
jimmccordlaw@alltel.net

February 15, 2008

Sondra Smith
Fayetteville City Clerk
City Administration Building
113 West Mountain Street
Fayetteville, AR 72701

VIA HAND DELIVERY

Re: Petition to Form Fayetteville Municipal Property Owners' Improvement
District No. 24- College Avenue Townhomes Development Infrastructure
Project

Dear Ms. Smith:

Enclosed for filing in the office of the Fayetteville City Clerk are three executed counterparts of a Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 24- College Avenue Townhomes Infrastructure Project. Please file mark each Petition, retain one for the City's permanent file and for presentation to the Mayor, and return the other counterparts to me. The Petition is being filed under the Arkansas Municipal Property Owners' Improvement District law, Ark. Code Ann. Sec. 14-94-101 et seq.

. Ark. Code Ann. Sec. 14-94-106 provides:

- (a)(1) Upon the filing of the petition with the clerk, it shall be the duty of the clerk to present the petition to the mayor.
- (2) The mayor shall thereupon set a date and time not later than fifteen (15) days after the date of the presentation of the petition to the mayor, for a hearing before the governing body for consideration of the petition.
- (b)(1) At the hearing, it shall be the duty of the governing body to hear the petition and to ascertain whether those signing the petition constitute all the owners of the real property to be located in the district.

- (2) If the governing body determines that all the owners of the real property to be located in the district have petitioned for the improvements, it shall be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

* * *

- (c) The ordinance establishing the district shall be published within thirty (30) days after its adoption by one (1) insertion in some newspaper of general circulation in the municipality in which the district lies.

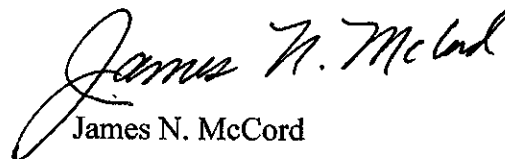
Enclosed, for filing in the office of the City Clerk, is an executed Title Company Certificate of Property Ownership certifying that the improvement district petition is signed by the owner of the record title to all the real property described in the Petition. I have drafted and enclose an ordinance which would establish the district and name the commissioners.

Formation of a municipal property owners' improvement district is merely a financing alternative for the cost of subdivision infrastructure. The developer must comply with all city development ordinances. The completed infrastructure improvements are dedicated to the city.

The improvement district issues special assessment bonds, bond proceeds are used to construct or purchase the improvements, the district levies an annual tax on each lot in the district to pay debt service on the bonds, the annual taxes are collected by the county tax collector and paid to the bond trustee, and the trustee makes debt service payments to the bondholders.

Should there be any questions, please contact me.

Sincerely,


James N. McCord

pc: Hon. Dan Coody, Mayor
Kit Williams, City Attorney
Hank Broyles

ORDINANCE NO. _____

**AN ORDINANCE TO ESTABLISH AND LAY OFF
FAYETTEVILLE MUNICIPAL PROPERTY
OWNERS' IMPROVEMENT DISTRICT NO. 24-
COLLEGE AVENUE TOWNHOMES
DEVELOPMENT INFRASTRUCTURE PROJECT**

WHEREAS, a Petition to form Fayetteville Municipal Property Owners' Improvement District No. 24- College Avenue Townhomes Development Infrastructure Project has been filed with the Fayetteville City Clerk; and,

WHEREAS, the City Clerk has presented said petition to the Mayor; and,

WHEREAS, the Mayor has set March 4, 2008, at 6:00 p.m. as the date and time for a hearing before the Fayetteville City Council for consideration of said petition; and,

WHEREAS, the Fayetteville City Council has determined from a title company certificate of property ownership that those signing the petition constitute all the owners of the real property to be located in the district; and,

WHEREAS, the Arkansas Municipal Property Owners' Improvement District Law provides at Ark. Code Ann. Sec. 14-94-106(b)(2) that if the governing body determines that all the owners of the record title to the real property to be located in the district have petitioned for the improvements, it shall then be its duty by ordinance to establish and lay off the district as defined in the petition and to appoint the commissioners named in the petition.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS:

SECTION 1: That the real property described in Exhibit "A" attached hereto and made a part hereof is hereby established and laid off as Fayetteville Municipal Property Owners' Improvement District No. 24- College Avenue Townhomes Development Infrastructure Project for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

SECTION 2: The following three individuals are hereby appointed as commissioners of said improvement district: Hank D. Broyles, Alexander F. Broyles and Gene Long.

SECTION 3: The name of said improvement district shall be Fayetteville Municipal Property Owners' Improvement District No. 24- College Avenue Townhomes Infrastructure Project.

SECTION 4. The district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purposes authorized in Ark. Code Ann., Title 14, Chapter 94.

PASSED AND APPROVED this ____ day of _____, 2008.

APPROVED:

MAYOR

ATTEST:

CITY Clerk

File No.: 6-19743w

EXHIBIT A

A PART OF THE NW ¼ OF THE SE ¼ OF SECTION 35, T-17-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N89°57'11"W 655.77 FEET FROM THE NE CORNER OF SAID FORTY ACRE TRACT, RUNNING THENCE S00°24'36"E 441.25 FEET TO A FOUND IRON PIN; THENCE N89°40'58"W 308.88 FEET TO A FOUND IRON PIN; THENCE N10°55'02"E 99.99 FEET TO A FOUND IRON PIN; THENCE N23°13'13"E 216.82 FEET TO A FOUND IRON PIN; THENCE N42°44'50"E 8.58 FEET; THENCE N24°21'22"E 150.00 FEET TO A SET IRON PIN; THENCE S89°57'11"E 131.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.334 ACRES, MORE OR LESS.

NOTICE

YOUR SIGNATURE HEREON SHOWS THAT YOU FAVOR THE ESTABLISHMENT OF AN IMPROVEMENT DISTRICT. IF THE DISTRICT IS FORMED, YOU MAY BE CHARGED FOR THE COSTS OF THE IMPROVEMENTS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

**PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 24- COLLEGE AVENUE TOWNHOMES
DEVELOPMENT INFRASTRUCTURE PROJECT**

For its petition to form Fayetteville Municipal Property Owners'
Improvement District No. 24- College Avenue Townhomes Development
Infrastructure Project, the undersigned petitioner states:

1. Petitioner is the record title owner to all of the real property described in Exhibit "A" attached hereto and made a part hereof as reflected by the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington, County Arkansas. All of said property is located within the corporate limits of the City of Fayetteville, Arkansas.
2. Petitioner desires that the real property described in Exhibit "A" attached hereto and made a part hereof be established and laid off into a municipal property owners' improvement district pursuant to Ark. Code Ann. Sec. 14-94-101 et seq. for the purpose of constructing, purchasing, accepting as a gift

or maintaining facilities for waterworks, recreation, drainage, gas pipelines, underground trenches and excavations necessary for the installation by public utilities or municipal utilities of electric and telephone distribution systems, sanitary sewers, streets and highways including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

3. Petitioner desires that the district shall not cease to exist upon the acquiring, constructing or completion of the improvements, but it shall continue to exist for the purposes authorized in Ark. Code Ann., Title 14, Chapter 94.

4. Petitioner names the following three individuals, pursuant to Ark. Code Ann. 14-94-105(a)(2)(B), as designated representatives of Petitioner to be appointed as commissioners of the district: Hank D. Broyles, Alexander F. Broyles and Gene Long.

5. Petitioner proposes that the name of the district be Fayetteville Municipal Property Owners' Improvement District No. 24- College Avenue Townhomes Development Infrastructure Project.

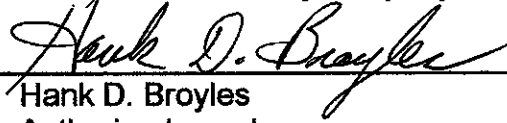
WHEREFORE, the undersigned Petitioner hereby petitions the City Council of Fayetteville, Arkansas to adopt an ordinance establishing and laying off the real property described in Exhibit "A" attached hereto and made a part hereof into Fayetteville Municipal Property Owners' Improvement District No. 24- College Avenue Townhomes Development Infrastructure Project for the purpose of constructing, purchasing, accepting as a gift or maintaining facilities for waterworks recreation, drainage, gas pipelines, underground trenches and

excavations necessary for the installation by public utilities or municipal utilities of electricity and telephone distribution systems, sanitary sewers, streets including curbs and gutters, and sidewalks, together with facilities related to any of the foregoing, or for more than one of those purposes.

DATED this 14th day of February, 2008.

College Avenue Townhomes, LLC
An Arkansas limited liability company

By:


Hank D. Broyles

Authorized member

File No.: 6-19743w

EXHIBIT A

A PART OF THE NW $\frac{1}{4}$ OF THE SE $\frac{1}{4}$ OF SECTION 35, T-17-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N89°57'11"W 655.77 FEET FROM THE NE CORNER OF SAID FORTY ACRE TRACT, RUNNING THENCE S00°24'36"E 441.25 FEET TO A FOUND IRON PIN; THENCE N89°40'58"W 308.88 FEET TO A FOUND IRON PIN; THENCE N10°55'02"E 99.99 FEET TO A FOUND IRON PIN; THENCE N23°13'13"E 216.82 FEET TO A FOUND IRON PIN; THENCE N42°44'50"E 8.58 FEET; THENCE N24°21'22"E 150.00 FEET TO A SET IRON PIN; THENCE S89°57'11"E 131.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.334 ACRES, MORE OR LESS.

BEFORE THE CITY COUNCIL OF FAYETTEVILLE, ARKANSAS

**PETITION TO FORM FAYETTEVILLE MUNICIPAL PROPERTY OWNERS'
IMPROVEMENT DISTRICT NO. 24- COLLEGE AVENUE TOWNHOMES
DEVELOPMENT INFRASTRUCTURE PROJECT**

TITLE COMPANY CERTIFICATE OF PROPERTY OWNERSHIP

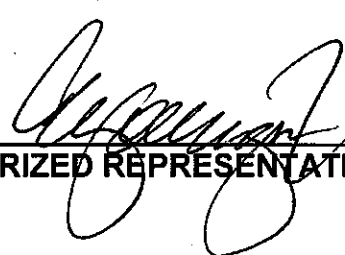
Elite Title Company, Inc. hereby certifies that the deed records in the office of the Circuit Clerk and Ex-Officio Recorder of Washington County, Arkansas, reflect that the following is the owner of the record title to all of the real property described in Exhibit "A" to the Petition to Form Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project, a copy of which Exhibit "A" is attached hereto and made a part hereof:

College Avenue Townhomes, LLC

DATED this 15th day of February, 2008.

Elite Title Company, Inc.

By: _____


AUTHORIZED REPRESENTATIVE

File No.: 6-19743w

EXHIBIT A

A PART OF THE NW ¼ OF THE SE ¼ OF SECTION 35, T-17-N, R-30-W, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT A POINT WHICH IS N89°57'11"W 655.77 FEET FROM THE NE CORNER OF SAID FORTY ACRE TRACT, RUNNING THENCE S00°24'36"E 441.25 FEET TO A FOUND IRON PIN; THENCE N89°40'58"W 308.88 FEET TO A FOUND IRON PIN; THENCE N10°55'02"E 99.99 FEET TO A FOUND IRON PIN; THENCE N23°13'13"E 216.82 FEET TO A FOUND IRON PIN; THENCE N42°44'50"E 8.58 FEET; THENCE N24°21'22"E 150.00 FEET TO A SET IRON PIN; THENCE S89°57'11"E 131.87 FEET TO THE POINT OF BEGINNING, CONTAINING 2.334 ACRES, MORE OR LESS.

**City Council Agenda Items
and
Contracts, Leases or Agreements**

March 4, 2008

City Council Meeting Date
Agenda Items Only

Tony Johnson

Submitted By

Fire

Division

Fire

Department

Action Required:

Council approval of the proposed inter-local ambulance agreement between the City of Fayetteville and Washington County. There is no cost associated to the approval of this agreement.

Cost of this request

\$

-

Category / Project Budget

Program Category / Project Name

Account Number

\$

-

Funds Used to Date

Program / Project Category Name

Project Number

\$

-

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

2-20-08

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

2-20-08

Date

Original Contract Number:

Finance and Internal Service Director

2-20-08

Date

Received in City
Clerk's Office

ENTERED
2/20/08

Mayor

2/20/08

Date

Received in
Mayor's Office

Comments:



City of Fayetteville Fire Department
303 W. Center St. Fayetteville, AR. 72701
Phone (479) 575-8365 Fax (479) 575-0471

February 20, 2008

To: Mayor Coody
Fayetteville City Council

From: Tony Johnson, Fire Chief T.J.

Subject: Proposed Inter-local Ambulance Agreement

Attached, is the proposed inter-local Ambulance Agreement between the City of Fayetteville and Washington County. After the many discussions, amendments, and reviews, I believe the proposal to be favorable to the City of Fayetteville as well as Washington County. The proposal, if accepted will provide for the continuation of a service that the residents of our community have become accustomed to. In addition, it will place an emphasis in the delivery of a service that is home grown and not driven by the need to show a profit. I encourage your careful consideration and passage of the proposed inter-local ambulance agreement.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN INTERLOCAL AGREEMENT FOR AMBULANCE SERVICE BY AND WITH THE CITY OF FAYETTEVILLE, WASHINGTON COUNTY, ELKINS, FARMINGTON, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW AND JOHNSON, AND TO ESTABLISH THE AMBULANCE AUTHORITY AND CENTRAL EMERGENCY MEDICAL SERVICES AS THE EXCLUSIVE EMERGENCY AND NON-EMERGENCY AMBULANCE SERVICE WITHIN THE CITIES

WHEREAS, A.C.A. §14-14-910, and §14-266-102 and §25-20-101 authorize cities and counties to enter into interlocal contracts to provide services such as emergency and non-emergency ambulance services; and

WHEREAS, the above cities and Washington County have determined that the continued provision of ambulance service is necessary for the health, safety and welfare of the residents of said cities and Washington County; and

WHEREAS, Washington County, the City of Fayetteville and all other cities listed in the Resolution's title agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. §14-266-100 *et. seq.* is in the best interests of all parties and their citizens; and

WHEREAS, the Ambulance Authority should be established pursuant to the Agreement For Ambulance Services interlocal agreement attached as Exhibit A to this Resolution; and

WHEREAS, in order to save taxpayer money and to reduce the need for taxpayer revenue to subsidize the furnishing of emergency ambulance service to our citizens, the Ambulance Authority and CEMS should be designated the exclusive provider of emergency and non-emergency ambulance service within all cities that are parties to this agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the interlocal Agreement For Ambulance Services attached as Exhibit A, authorizes Mayor Coody to sign this agreement, and designates the Ambulance Authority created by this agreement to operate Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance services provider throughout Fayetteville and every other city which is a party to this agreement as broadly as authorized in A.C.A. §14-266-102 and 105.

PASSED and APPROVED this the 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

AGREEMENT FOR AMBULANCE SERVICES

THIS INTERLOCAL AGREEMENT FOR AMBULANCE SERVICES ("Agreement") is made and entered into by and between WASHINGTON COUNTY, ARKANSAS ("County") and the cities of ELKINS, FARMINGTON, FAYETTEVILLE, GOSHEN, GREENLAND, LINCOLN, PRAIRIE GROVE, WEST FORK, WINSLOW and JOHNSON ("Cities")

WHEREAS, A.C.A. §14-14-910 and A.C.A. §25-20-101 authorizes Cities and Counties to enter into contracts to co-operate or join with each other to provide services; such to specify the responsibilities of all parties; and,

WHEREAS, all parties acknowledge that the continued provision of ambulance service is crucial for the continued health and safety of the residents of the named Cities and the County; and,

WHEREAS, County and Cities mutually agree that the creation of an Ambulance Authority or similar entity as provided for in A.C.A. § 14-14-910, A.C.A. §25-20-101 and A.C.A. §14-266-101 et. seq is in the best long-term interests of the parties; and,

WHEREAS, said Authority should consist of representatives of the above named Cities and the County; and,

WHEREAS, All parties acknowledge that the formation of such an Authority will demand close and continued cooperation of all parties

NOW, THEREFORE, IT IS AGREED:

ARTICLE 1. AUTHORITY ORGANIZATION.

- (a) One individual selected by each entity shall represent said entity on the Board of Directors of the Authority to be known as the Washington County Regional Ambulance Authority.
 - (1) Each Board member shall serve a term of three (3) years and be eligible to serve two (2) consecutive terms.
 - (2) The initial term of each Board member shall be determined by the drawing of lots or similar method so as to provide staggered terms.
- (b) The Board shall meet on no less than on a quarterly basis to transact all business associated with the powers and responsibilities conferred upon it. However, the Board shall reserve to itself the right to meet on whatever basis it determines is appropriate.

- (c) The Board shall employ an executive director to manage a regional ambulance system.
- (d) In order to insure maximum efficiency and effectiveness of the operation an executive committee shall be formed to be charged with the oversight of the day-to-day operation of the system. The members of said executive committee shall be as follows:
 - (1) The County board appointee who shall reside in the unincorporated service area.
 - (2) The Fayetteville board appointee
 - (3) A second Fayetteville appointee
 - (4) A small city appointee to be chosen by the aforesated cities excluding the City of Fayetteville.
 - (5) A Nursing Home or medical profession representative, who shall reside in the city of Fayetteville to be chosen by the County appointee; the Fayetteville appointees and the small city appointee.
 - (6) A Hospital representative who shall reside in the City of Fayetteville to be chosen by the County appointee; the Fayetteville appointees and the small city appointee.
 - (7) A representative of the financial community residing in the service area to be chosen by the County appointee, the Fayetteville appointees and the small city appointee.

ARTICLE 2. PURPOSES, POWERS, RIGHTS, OBLIGATIONS AND RESPONSIBILITIES OF THE CREATED ENTITY.

- (a) All parties acknowledge that the need to create an entity to own, operate and manage an ambulance service is necessary and appropriate.
- (b) The Authority created herein shall have the following powers:
 - (1) To provide advanced life support emergency ambulance service in a designated area
 - (2) To provide emergency medical dispatch including pre-arrival instructions in accordance with approved dispatch protocols
 - (3) To set ambulance user fees.
 - (4) To own system revenues
 - (5) To provide exclusive emergency and non-emergency (within the cities only) ambulance service.
 - (6) To enter into mutual aid and automatic aid agreements with neighboring ambulance services for emergency services.
 - (7) Comprehensive regulatory powers over the ambulance system performance
 - (8) Ownership of or access to key components of the system infrastructure

- (9) Centralize medical direction and clinical oversight of the ambulance system to the extent deemed necessary
- (10) To promulgate rules and regulations to further effectuate the purposes of this agreement
- (11) To own and dispose of real and personal property
- (12) To adopt and oversee comprehensive system performance on an annual basis to include periodic revisions to comply with emerging technologies and changes in clinical and operational standards

ARTICLE 3. FINANCING, TRAINING, COMPLIANCE WITH A.C.A. §20-13-301 et. seq.

- (a) All parties acknowledge that the need for a guaranteed revenue source independent of and in addition to fees for service is necessary in order to ensure the continued viability of said service.
- (b) The regional ambulance service funding source for all parties of this Agreement shall be based upon the most current Northwest Arkansas Regional Planning Commission population estimates or most recent Census.
 - (1) Cities at \$4.00 per capita*.
 - (2) County at \$15.50 per capita (unincorporated population).
- (c) The Authority shall continue to seek a sustainable funding source with the goal of reducing subsidy proportionately across the board.
- (d) Except as stated above, no party to this Agreement may be financially obligated without the approval of its governing body.
- (e) All governing bodies party to this agreement must approve any increases in subsidy.
- (f) A percentage of these funds shall be set aside for replacement of capital items.

*City of Johnson assessed at \$4 per capita for that portion of the City now served by Central Emergency Medical Service.

- (g) The ambulance service owned or under contract with the Authority shall be required to provide, at no additional charge, the Arkansas Department of Health 24 hour basic refresher course to all EMT certified firefighters that act as first response with said ambulance service.
- (h) The financing provided by the parties hereto shall be from general revenues; furthermore, the financing and this agreement are contingent upon compliance with A.C.A. §20-13-301 et. seq. by the County and all the parties will cooperate to the extent necessary in complying with such.

ARTICLE 4. DURATION. This authority will exist in perpetuity, however, any party may terminate and withdraw from this Agreement in whole or in part upon six (6) months written notice; any property, real or personal purchased with funds from such party shall either be returned to the terminating party or purchased by the remaining parties at its fair market value.

ARTICLE 5. SEVERABILITY. The provisions of this Agreement are declared to be severable. If any provision hereof shall be held to be invalid or to be inapplicable to any person or circumstance, such holdings shall not affect the ability or the applicability of the remainder hereof.

ARTICLE 6. EFFECTIVE DATE. This Agreement shall not be effective until approved and signed by all parties in accordance with the law.

APPENDIX TO AGREEMENT

APPENDIX DEFINITION OF TERMS WHEN AND IF USED.

Ambulance Authority: quasi-governmental entity created to oversee and deliver ambulance service a specified geographical service area.

Ambulance Service: means emergency and non-emergency transport services offered by the Authority, including management, supervision, mass gathering and community events.

Exclusivity: sole provider emergency and non-emergency (cities only) ambulance rights granted by ordinance by each party to the extent allowed by state law; exclusivity of non-emergency service does not include the unincorporated areas of Washington County as such power is not granted to counties by state law.

Per Capita: funding structure set forth by this Agreement based on population. Cities contribute at \$4.00 per capita due to the increased number of calls generated within their city limits. The County contributes at \$15.50 per capita due to the increased coverage area and decreased density of call volume in the unincorporated areas of the County.

Subsidy: government funds requested by the Authority to provide ambulance service.

User Fees: fees charged to patients treated or transported by the ambulance service, or fees charged to an individual or an organization for ambulance standby coverage.

Dan Coody, Fayetteville Mayor

Date

Sondra Smith, Fayetteville City Clerk

Date

Jack Ladyman, Elkins Mayor

Date

Elkins City Clerk

Date

John Gray, Greenland Mayor

Date

Janice Wagnon, Greenland City Clerk

Date

Rob Hulse, Lincoln Mayor

Date

Lincoln City Clerk

Date

Ernie Penn, Farmington Mayor

Date

Farmington City Clerk

Date

Charles Hudson, Prairie Grove Mayor

Date

Carol Pair, Prairie Grove City Clerk

Date

Jeff Baker, West Fork Mayor

Date

Paula Caudle, West Fork City Clerk

Date

Goshen Mayor

Date

Goshen City Clerk

Date

Richard Long, Johnson Mayor

Date

Johnson City Clerk

Date

Randy Jarnagan, Winslow Mayor

Date

Mary Bromley, Winslow City Clerk

Date

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

C. 3
Water/Sewer Rate Approval
Page 1 of 4

4-Mar-08

City Council Meeting Date

David Jurgens
Submitted By

Water/Wastewater
Division

Water/Wastewater
Department

Action Required:

The Fayetteville Water and Sewer Committee requested Staff present (1) the water proposed rates and related policy changes; and (2) three alternatives for the sewer rate and related policy changes for decision by the full City Council.

\$0.00

Cost of this request

\$0.00

Category / Project Budget

Water and Wastewater

Program Category / Project Name

N/A

Account Number

\$

-

Funds Used to Date

Water and Wastewater

Program / Project Category Name

N/A

Project Number

\$0.00

Remaining Balance

Water/Sewer

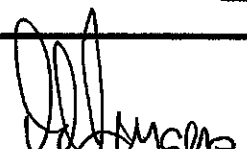
Fund Name

Budgeted Item

☒ xx

Budget Adjustment Attached

☐


Department Director

15-FEB-08
Date

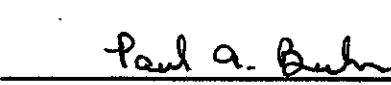
Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:


City Attorney

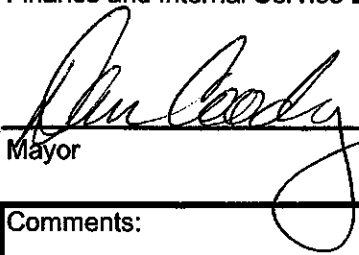
2/20/08
Date


Finance and Internal Service Director

2-20-08
Date

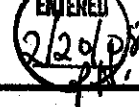
Received in City Clerk's Office

ENTERED
1/15/08



Mayor

2/20/08
Date

Received in Mayor's Office

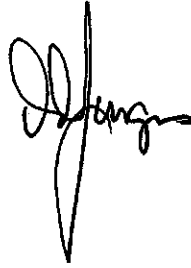
ENTERED
2/20/08


Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor Coody
Fayetteville City Council

From: David Jurgens, Water & Wastewater Director
Paul Becker, Finance Director
Fayetteville Sewer Committee



Date: February 15, 2008

Subject: Water/Sewer Rate Approval

RECOMMENDATION

The Fayetteville Water and Sewer Committee requested Staff present (1) the water proposed rates and related policy changes; and (2) three alternatives for the sewer rate and related policy changes for decision by the full City Council.

BACKGROUND

HDR, with input from City staff, is finalizing the water and sewer rate study. The fundamental information was first presented to the City Council Water and Sewer Committee by Tom Gould, HDR, on July 27, 2007. There have since been numerous Committee meetings with staff, Tom Gould and various interested parties. These meetings have resulted in an excellent understanding of the rate development process, a number of significant changes to current City policy, as well as identifying background data, the costs of service for various customer groups, and a variety of rate alternatives.

DISCUSSION

The Committee has adopted and recommends the following policy guidelines:

1. The City shall adopt a cost of service rate schedule based on customer class:
2. The City shall use volumetric blocks within selected rate classes as appropriate:
 - a. Residential shall have an increasing block to reduce the cost burden of life critical water uses, encourage conservation, and capture system costs of irrigation through residential meters;
 - b. Non-residential shall have a declining block to match the reduced volumetric cost of service for larger non-residential users;
 - c. Industrial shall use a declining block to match the reduced volumetric cost of service for major users.
3. All legitimate non-emergency water consumption shall be metered and billed at an appropriate rate.

REQUIRED DECISIONS

The remaining decisions are:

1. What are the rate adjustments for each class of service?
2. When shall the rate adjustments be implemented?

POTENTIAL TIMELINE

March 4	Consideration of rate adjustments ordinance
March 18	Final Decision of rate adjustments, first reading of ordinance
March 20	Advertise rate adjustment and public hearing
April 1	Public hearing, second reading of rate adjustment ordinance
TBD	Effective date of ordinance and new water rates
January 1, 2009	Effective date of new sewer rates

RESOLUTION NO. _____

A RESOLUTION EXPRESSING PREFERENCE FOR SPECIFIC REVISIONS TO SEWER RATES AND RELATED POLICY CHANGES; AND DIRECTING THE CITY ATTORNEY TO DRAFT A WATER AND SEWER RATE ORDINANCE CONSISTENT WITH THESE PREFERENCES.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby expresses its preference for the revised sewer rates set forth in Exhibit A, attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby expresses its preference for the related sewer policy changes set forth in Exhibit B, attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby directs the City Attorney to draft a Water and Sewer Rate Ordinance consistent with these preferences.

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

C. 4
RZN 07-2856
Parks and Recreation
Page 1 of 60

4-Mar-08

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

RZN 07-2856: (Parks and Recreation): Submitted by City of Fayetteville for city park property located throughout the city, containing approximately 591 acres. The properties are zoned multiple zoning districts and contain approximately forty-two city parks. The request is to rezone the subject properties to P-1, Institutional.

Action Required:

n/a

n/a

Cost of this request

n/a

Category/Project Budget

n/a

Program Category / Project Name

n/a

Account Number

n/a

Funds Used to Date

n/a

Program / Project Category Name

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

[Signature]
Department Director

2-12-08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

[Signature]
City Attorney

Paul A. Bush
Finance and Internal Service Director

12-13-08
Date

Received in City Clerk's Office

ENTERED
90. 2/12/08

[Signature]
Mayor

12/14/08
Date

Received in Mayor's Office

ENTERED
2/13/08
PA

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *X*

Date: February 12, 2008

Subject: Rezoning for 42 City Parks (RZN 07-2856) to P-1, Institutional

RECOMMENDATION

Planning staff and the Planning Commission recommended to approve rezoning approximately 591 acres in 42 city parks from the various underlying zoning districts to P-1, Institutional.

BACKGROUND

The subject property consists of 42 city parks on 591 acres throughout the City of Fayetteville. The underlying zoning for the City's parks and parklands ranges from Residential-Agricultural to General Industrial (I-2), with a majority located within the Residential Single-Family-4 Units per Acre (RSF-4) and Residential Multi-Family-24 Units per Acre (RMF-24) zoning districts.

A guiding policy of the Parks and Recreation 10-Year Master Plan is to "upgrade existing and provide additional community and neighborhood parks". An implementation strategy of the guiding policy is to "develop design standards that address safety, maintenance, signage and aesthetic issues". As the subject properties are currently zoned, the Unified Development Code in many cases requires that the Planning Commission approve a conditional use permit request to upgrade community and neighborhood parks. Chapter 161.26 (A) of the UDC states that the Institutional District is designed to protect and facilitate the use of property owned by larger public institutions and church related organizations and will allow cultural and recreational facilities as permitted uses. This zoning classification will present a uniform planning process for the development and maintenance of the City's parks and parkland, and will help to provide residents with further assurances that designated parkland within their neighborhoods is zoned appropriately.

Not all city parks are being rezoned. Several of the largest parks that contain lakes – Lake Fayetteville, Lake Wilson, and Lake Sequoyah – are among a few not included with the rezoning request.

DISCUSSION

This item was considered at the regular Planning Commission meeting on January 28, 2008. The Planning Commission voted 9-0-0 to recommend forwarding this rezoning request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THE PROPERTIES DESCRIBED IN REZONING PETITION RZN 07-2856, FOR FORTY-TWO CITY OF FAYETTEVILLE PARKS ON APPROXIMATELY 591 ACRES, LOCATED THROUGHOUT THE CITY FROM MULTIPLE ZONING DISTRICTS TO P-1, INSTITUTIONAL.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zone classification of the following described properties is hereby changed as follows:

From R-A, Residential Agricultural, RSF-2, Residential Single-Family, 2 units per acre, RSF-4, Residential Single-Family, 4 units per acre, RSF-7, Residential Single-Family, 7 units per acre, RT-12, Residential Two and Three-Family, RMF-6, Residential Multi-Family, 6 units per acre, RMF-24, Residential Multi-Family, 12 units per acre, R-O, Residential Office, C-2, Thoroughfare Commercial, I-2, General Industrial, P-1, Institutional, MSC, Main Street/Center, DG, Downtown General, and NC, Neighborhood Conservation to P-1, Institutional, as shown on Exhibits "A-1" through "A-42" and as referenced in the respective warranty deeds found on Exhibit "B" attached hereto and made a part hereof.

Section 2: That the official zoning map of the City of Fayetteville, Arkansas is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

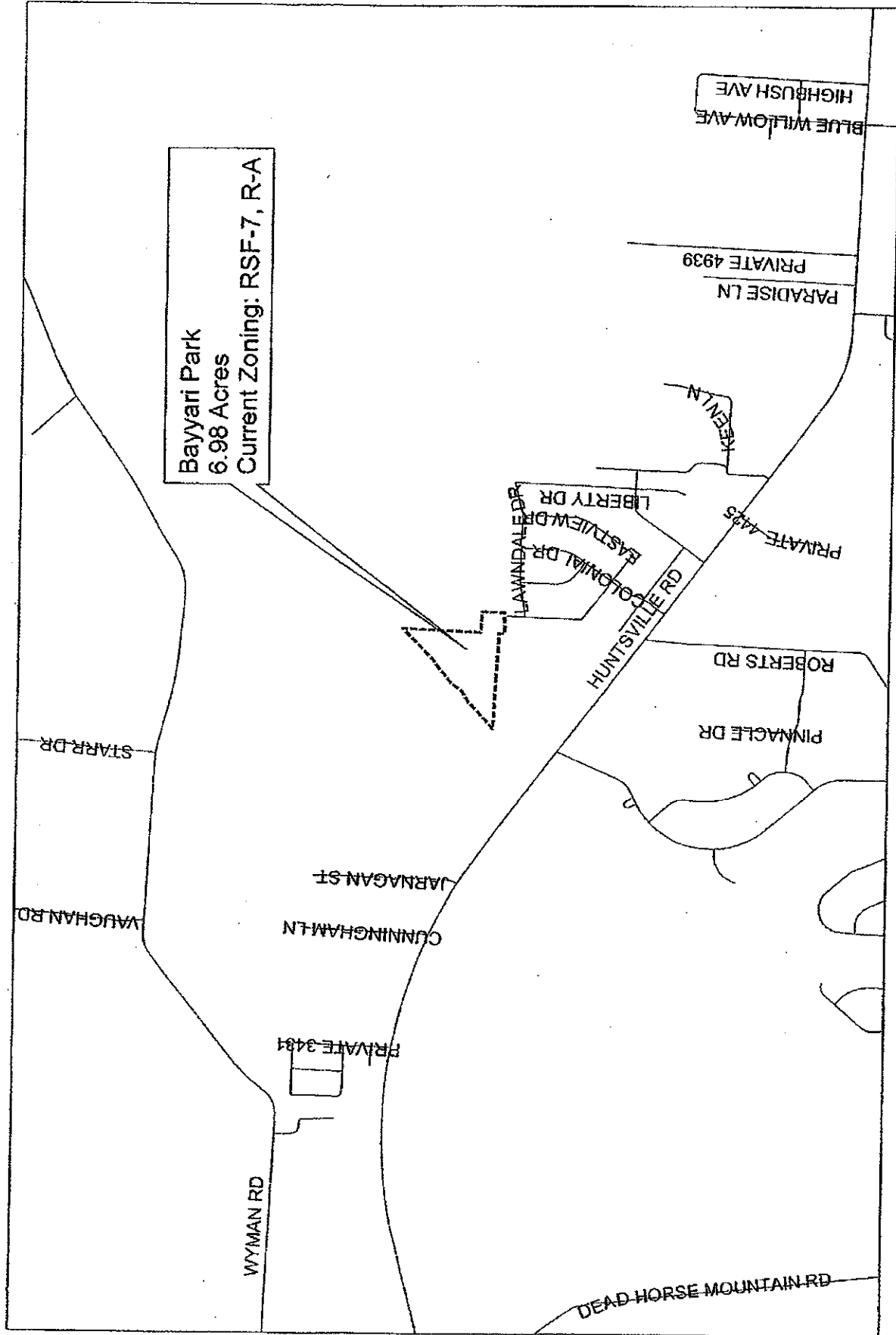
By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A-1"

RZN 07-2856

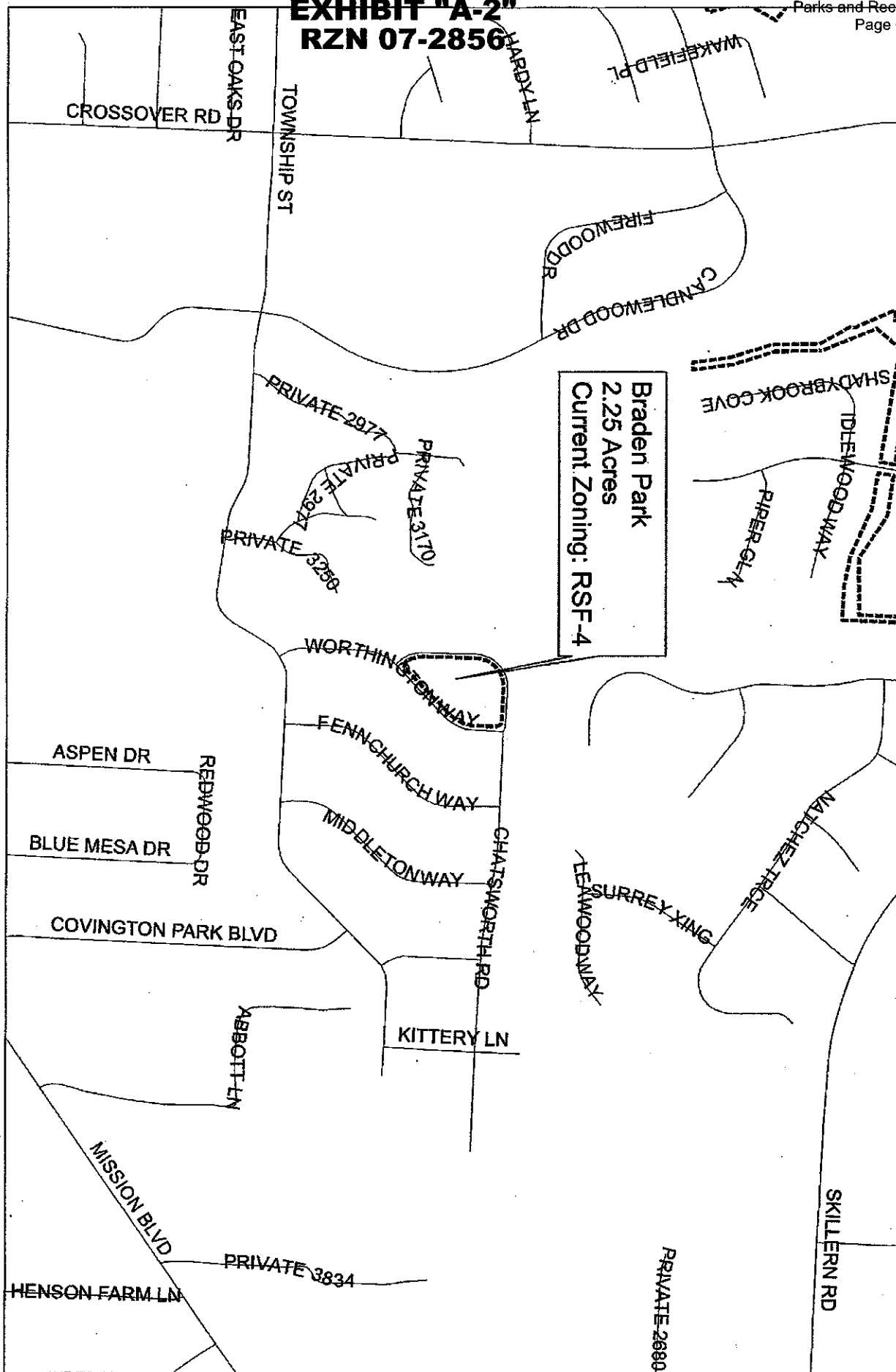
C-4
RZN 07-2856
Parks and Recreation
Page 5 of 60



Feet
0 500 1,000 2,000

Park Rezoning Request

EXHIBIT "A-2" **RZN 07-2856**

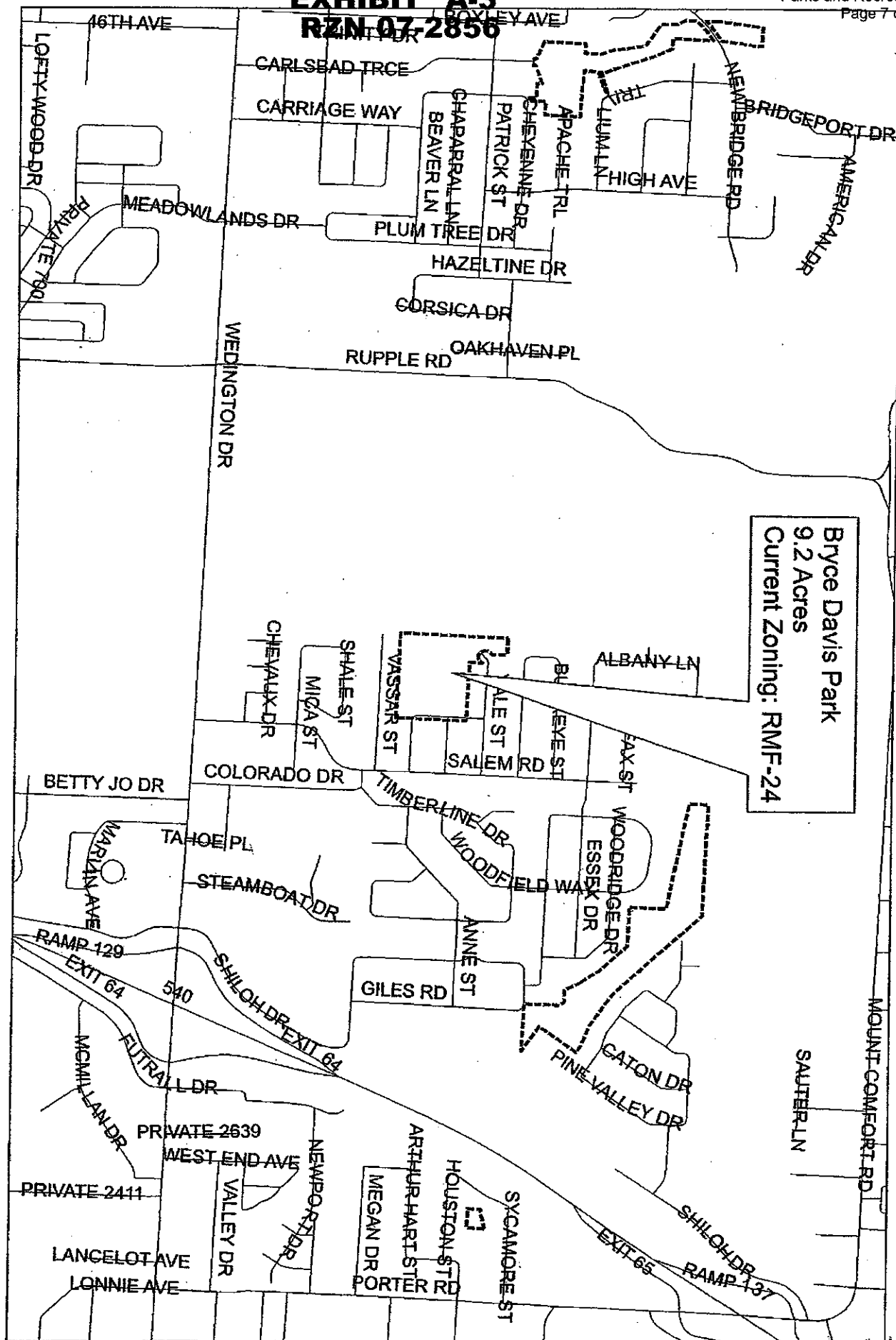


Park Rezoning Request



EXHIBIT "A-3"

RZN 07-2856



Bryce Davis Park
9.2 Acres
Current Zoning: RMF-24

Park Rezoning Request

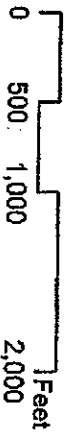
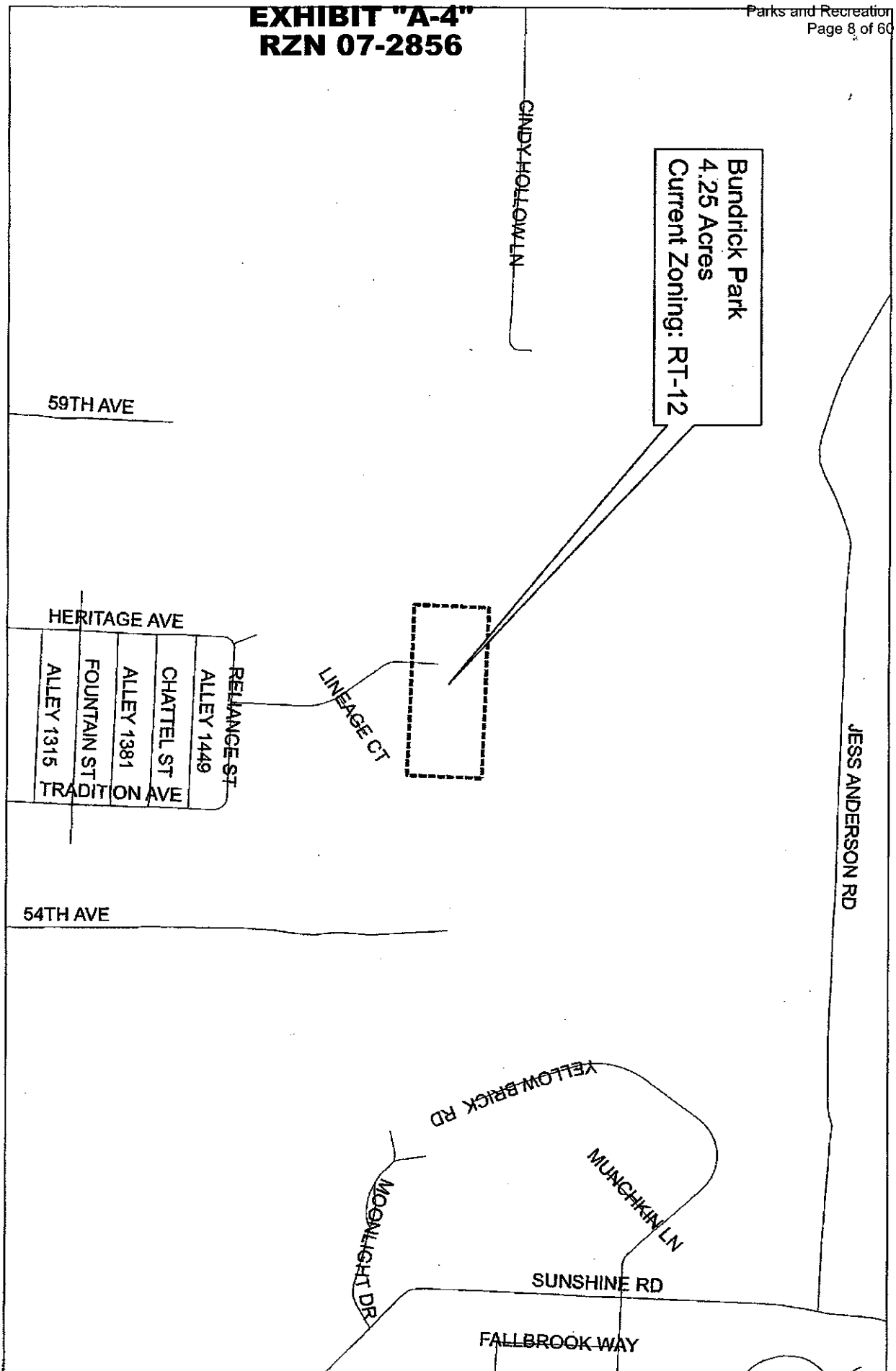


EXHIBIT "A-4"
RZN 07-2856



Park Rezoning Request

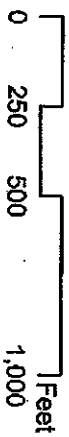
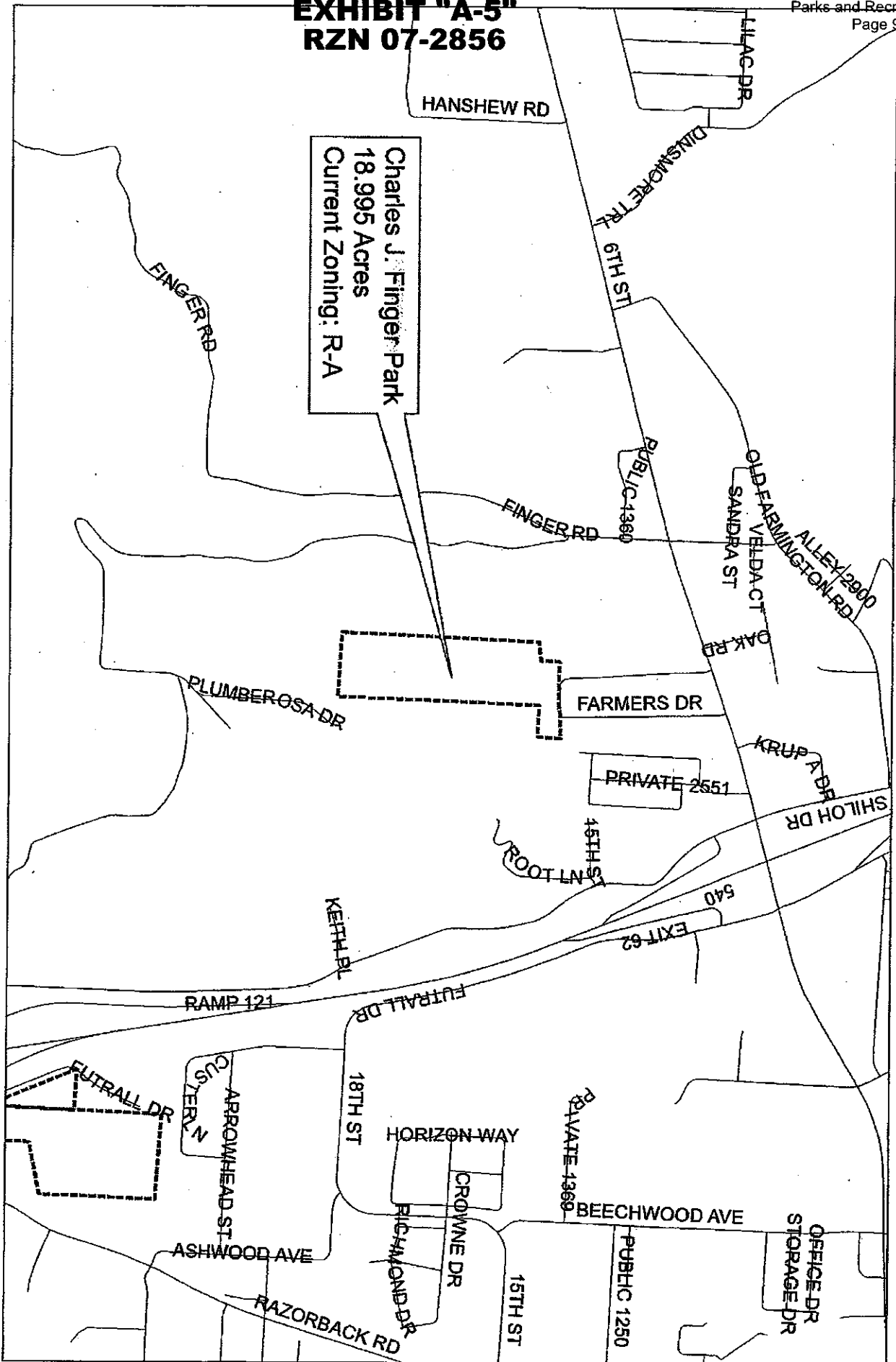


EXHIBIT "A-5"
RZN 07-2856

Charles J. Finger Park
18.995 Acres
Current Zoning: R-A

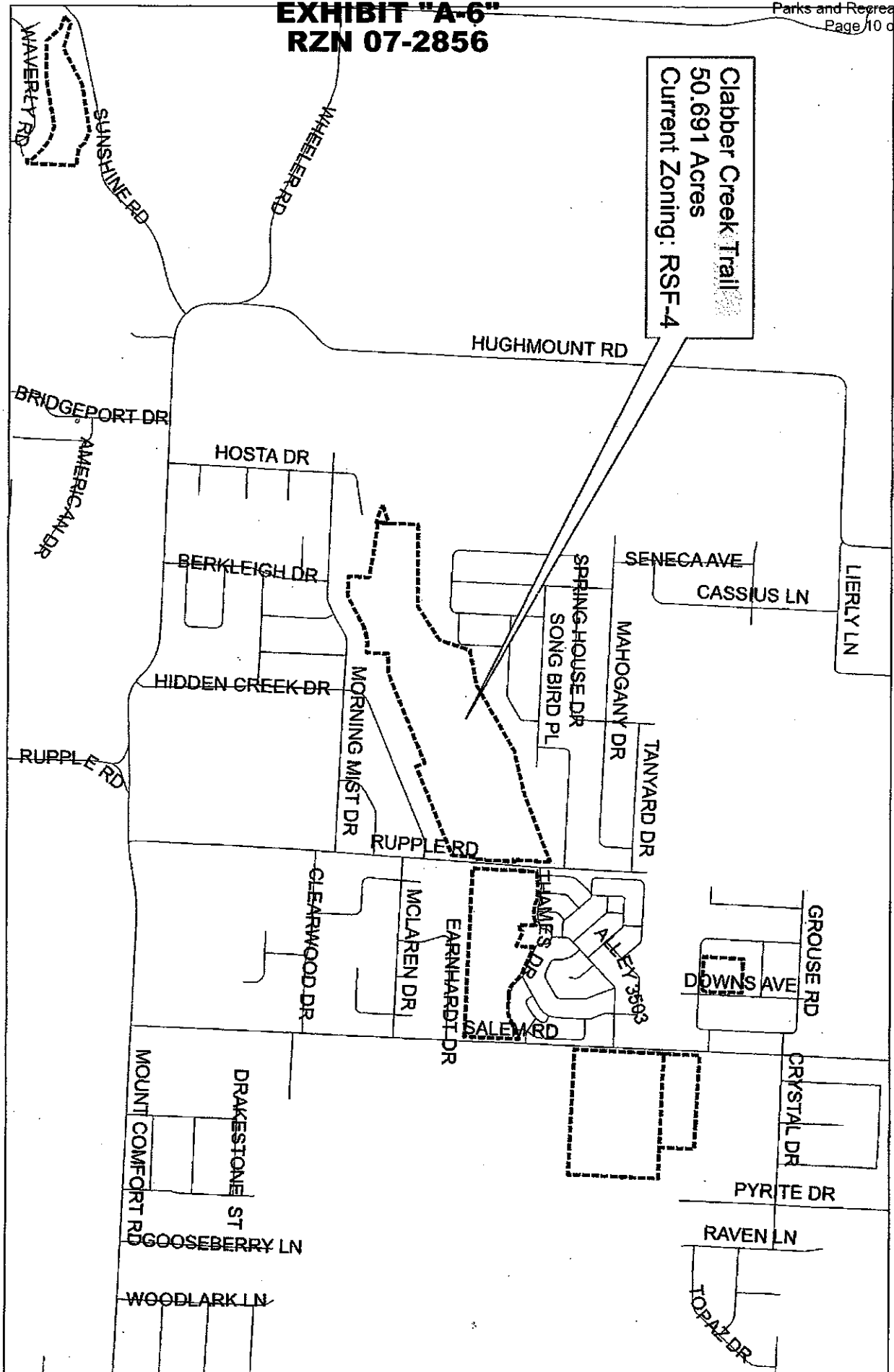


Park Rezoning Request



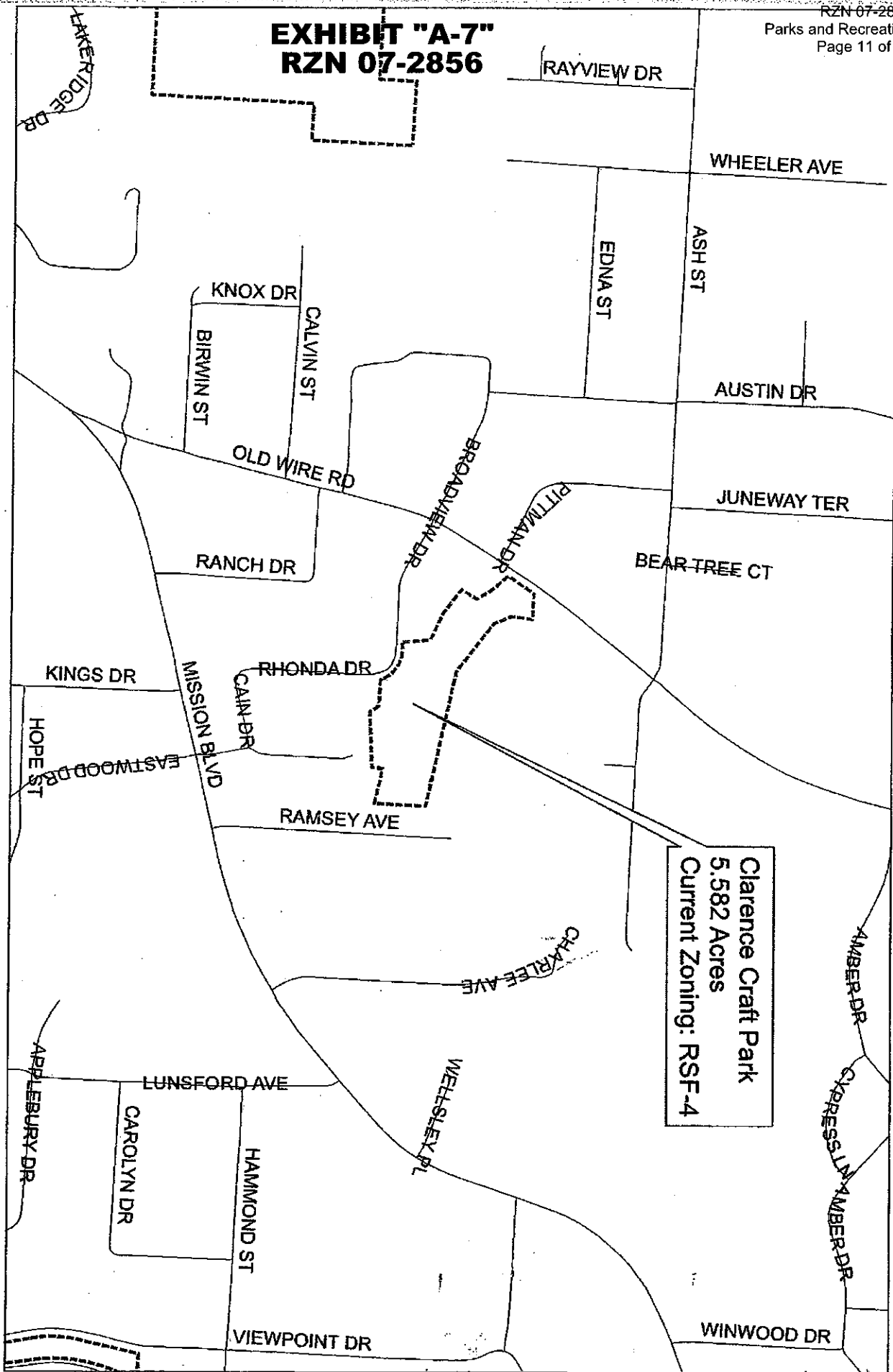
EXHIBIT "A-6"
RZN 07-2856

Clabber Creek Trail
50.691 Acres
Current Zoning: RSF-4



Park Rezoning Request

EXHIBIT "A-7"
RZN 07-2856



Clarence Craft Park
5.582 Acres
Current Zoning: RSF-4

Park Rezoning Request

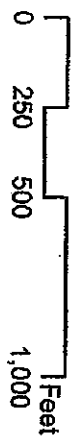
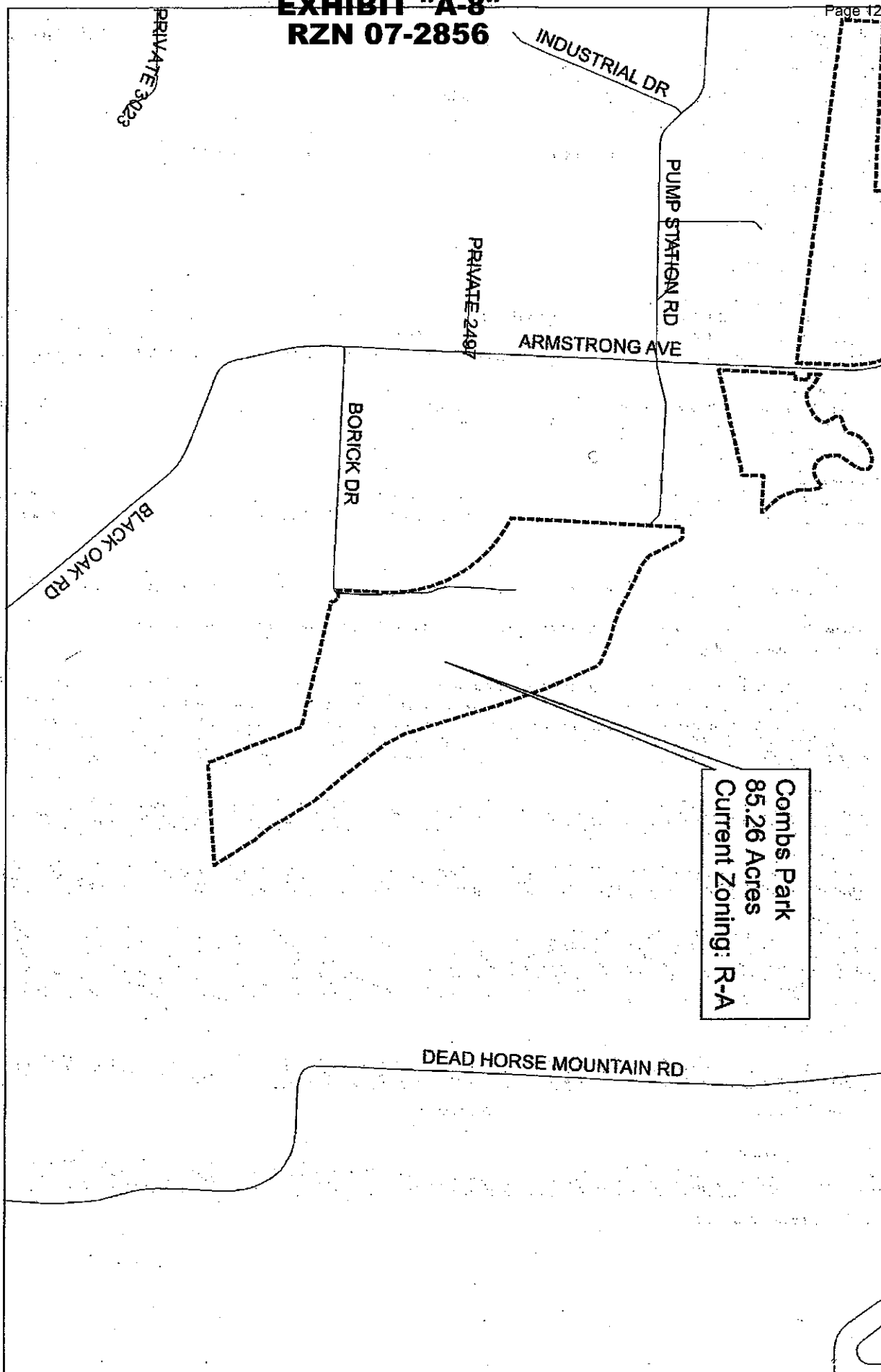


EXHIBIT "A-8" RZN 07-2856



Park Rezoning Request

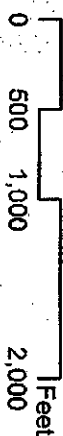


EXHIBIT "A-9" RZN 07-2856

BROYLES AVE

TUMBLEWEED ST
HOMESPUN DR
TRAIL DUST ST
SOAPSTONE DR

46TH AVE

FRANCISCAN TRAIL
ACOMAST

Dale Clark Park
8.16 Acres
Current Zoning: R-A

FLAGSTICK DR
WEDGE DR

ALLEY 4301

LONGFELLOW LN
KEATS DR

ALLEY 4105

WORDSWORTH LN
ALLEY 4040
RUPPLE RD

MEADOWLANDS DR

WEDINGTON DR

MOUNTAIN VIEW DR

PROVIDENCE DR

PERSIMMON ST

SALEM RD

MICA ST

COLORADO DR

BETTY JO DR

SCOTTSDALE DR

JEWELL RD

TAHOE PL

STEAMBOAT DR

MARLIN AVE

EXIT 64
MCMILLAN DR

EXIT 64

RAMP 125

FUTRALL DR 540
SHILOH DR

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517 Ruppel Rd.
765-22364-000

Park Rezoning Request

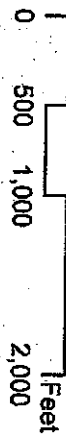
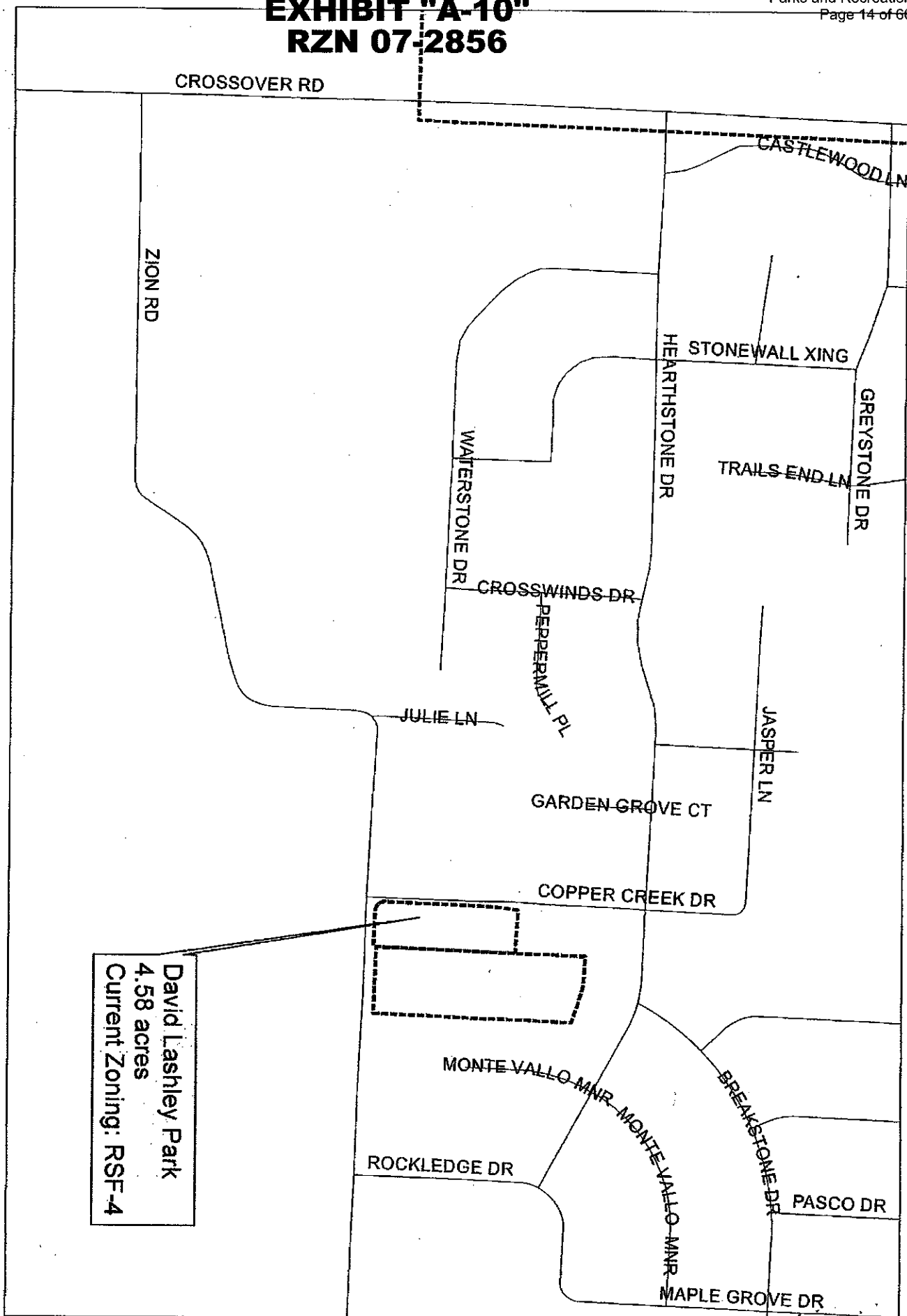


EXHIBIT "A-10"

RZN 07-2856



David Lashley Park
4.58 acres
Current Zoning: RSF-4

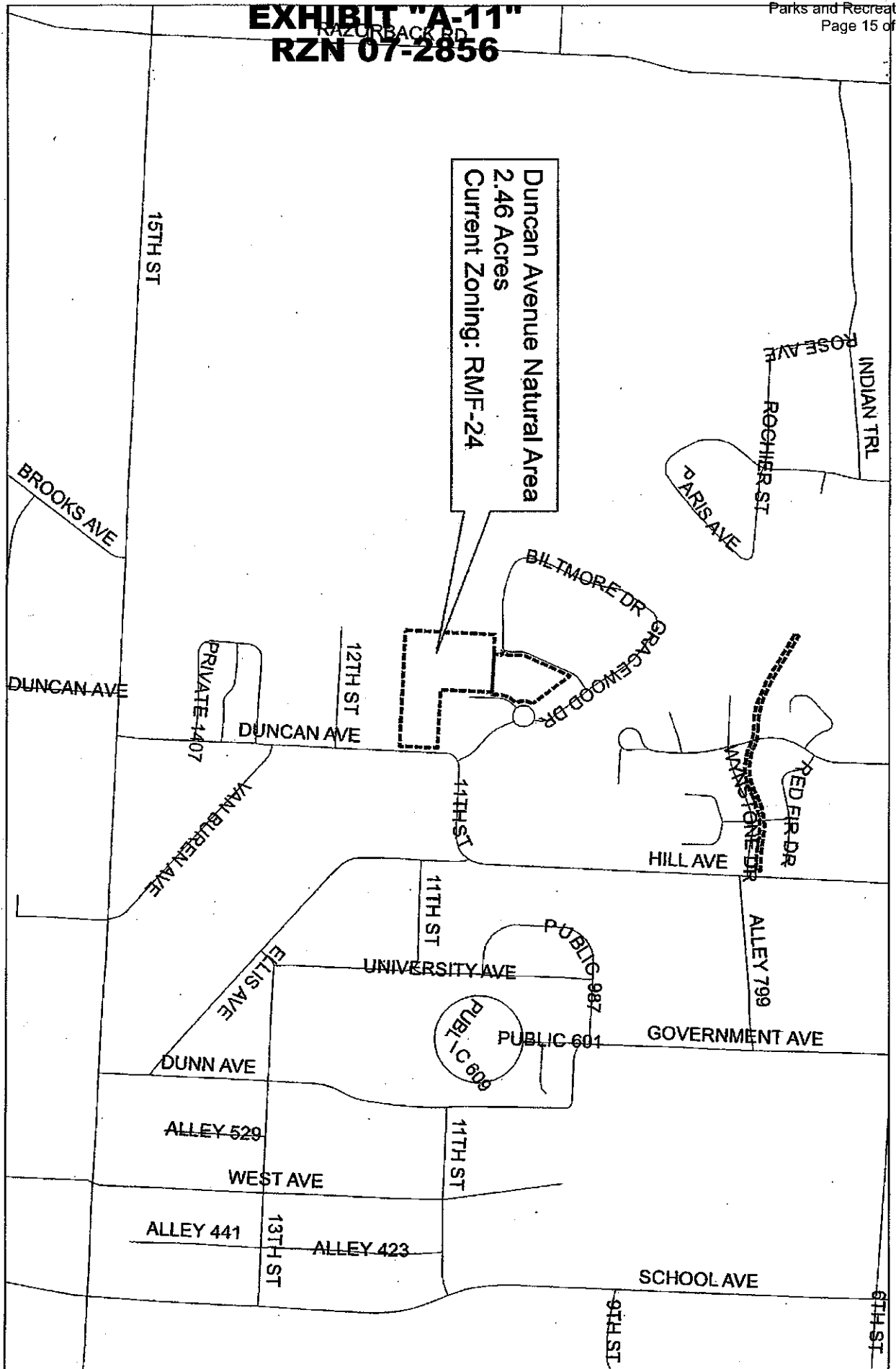
Park Rezoning Request

0 200 400 800 Feet



EXHIBIT "A-11"
RZN 07-2856

Duncan Avenue Natural Area
2.46 Acres
Current Zoning: RMF-24



Park Rezoning Request

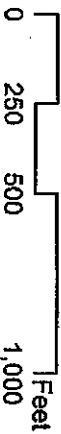
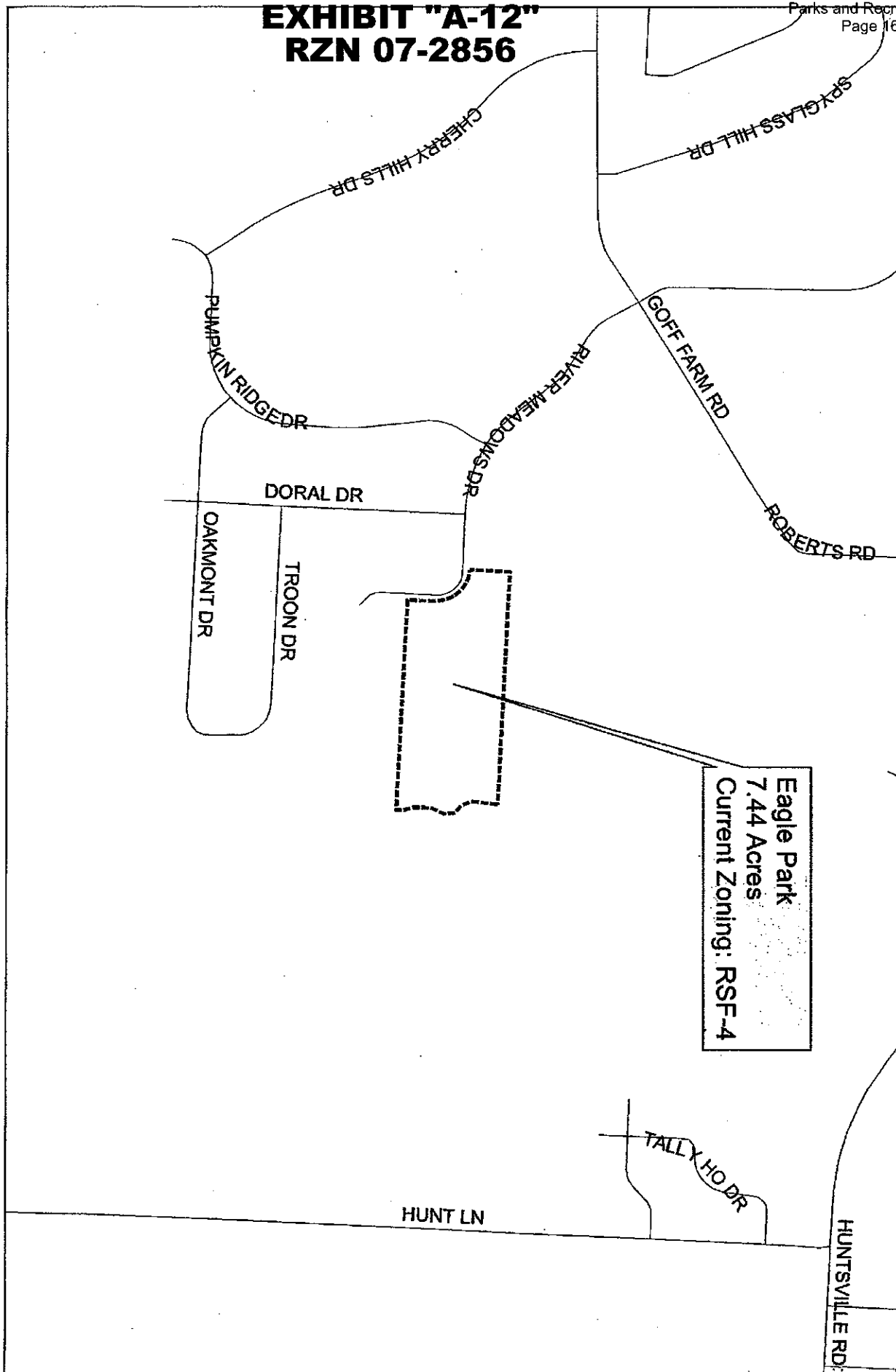


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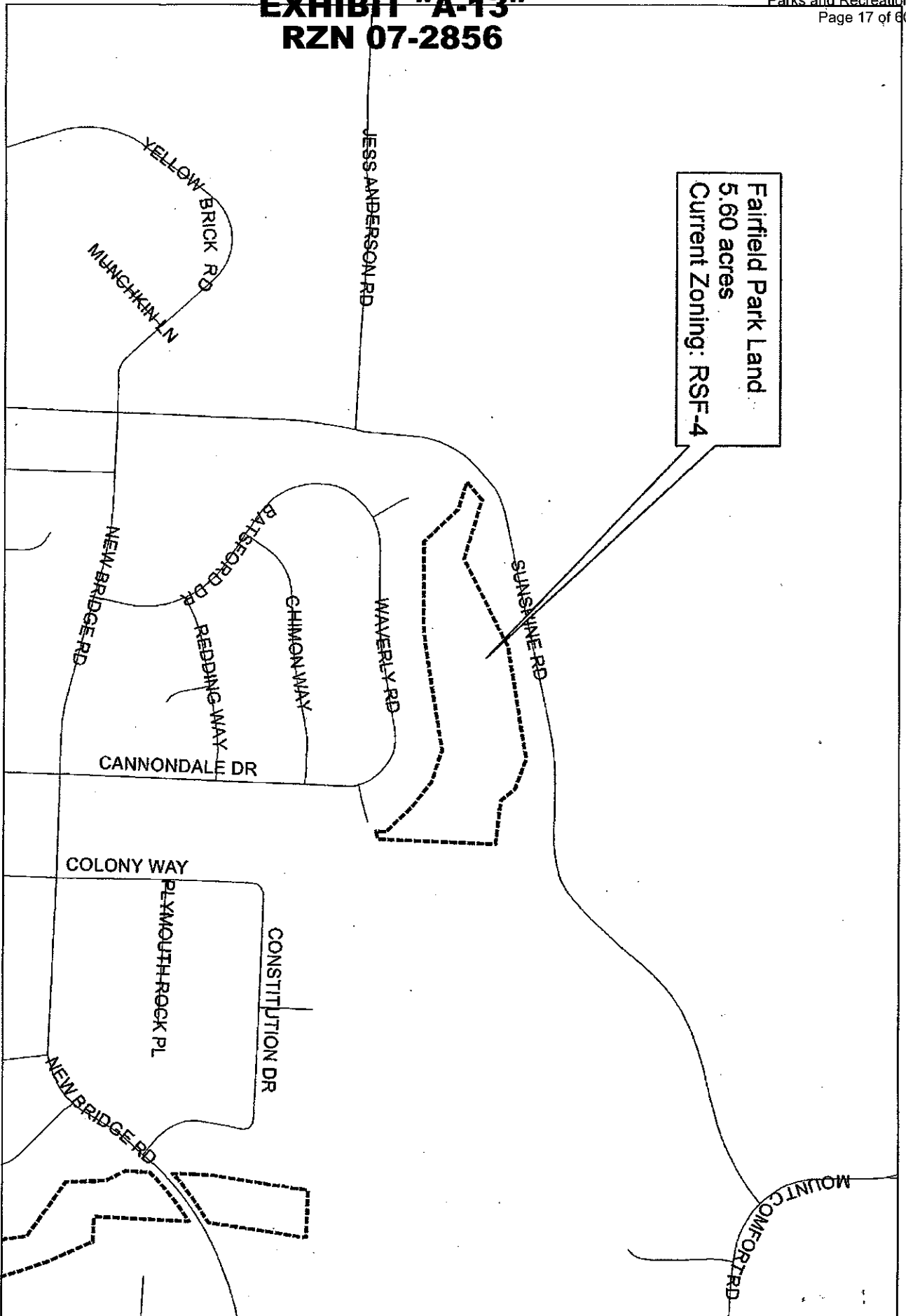


Park Rezoning Request



EXHIBIT "A-13" RZN 07-2856

Fairfield Park Land
5.60 acres
Current Zoning: RSF-4

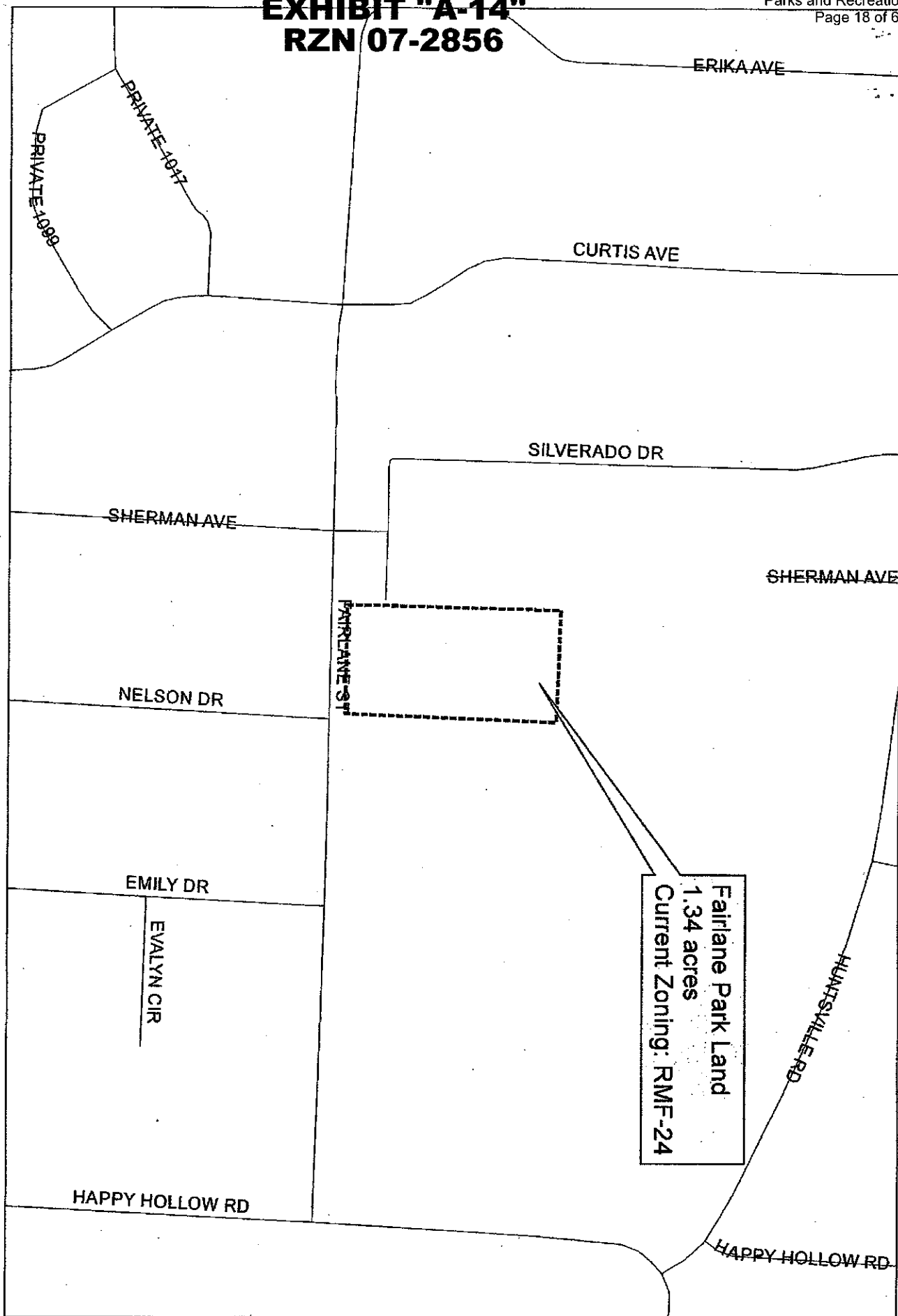


Park Rezoning Request



EXHIBIT "A-14"

RZN 07-2856

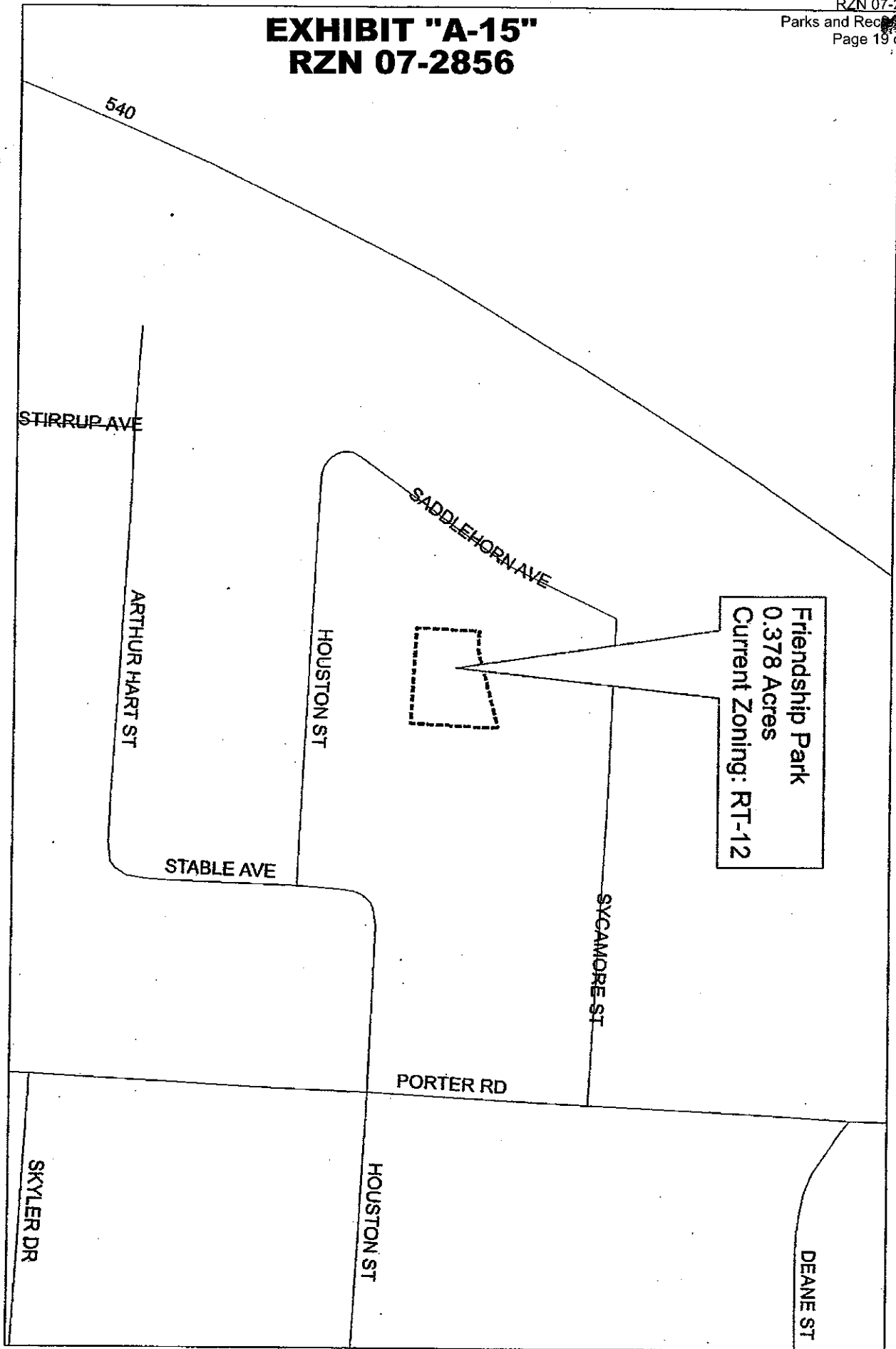


Park Rezoning Request

100 200 400 Feet



EXHIBIT "A-15" RZN 07-2856



Park Rezoning Request

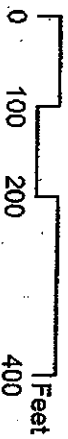
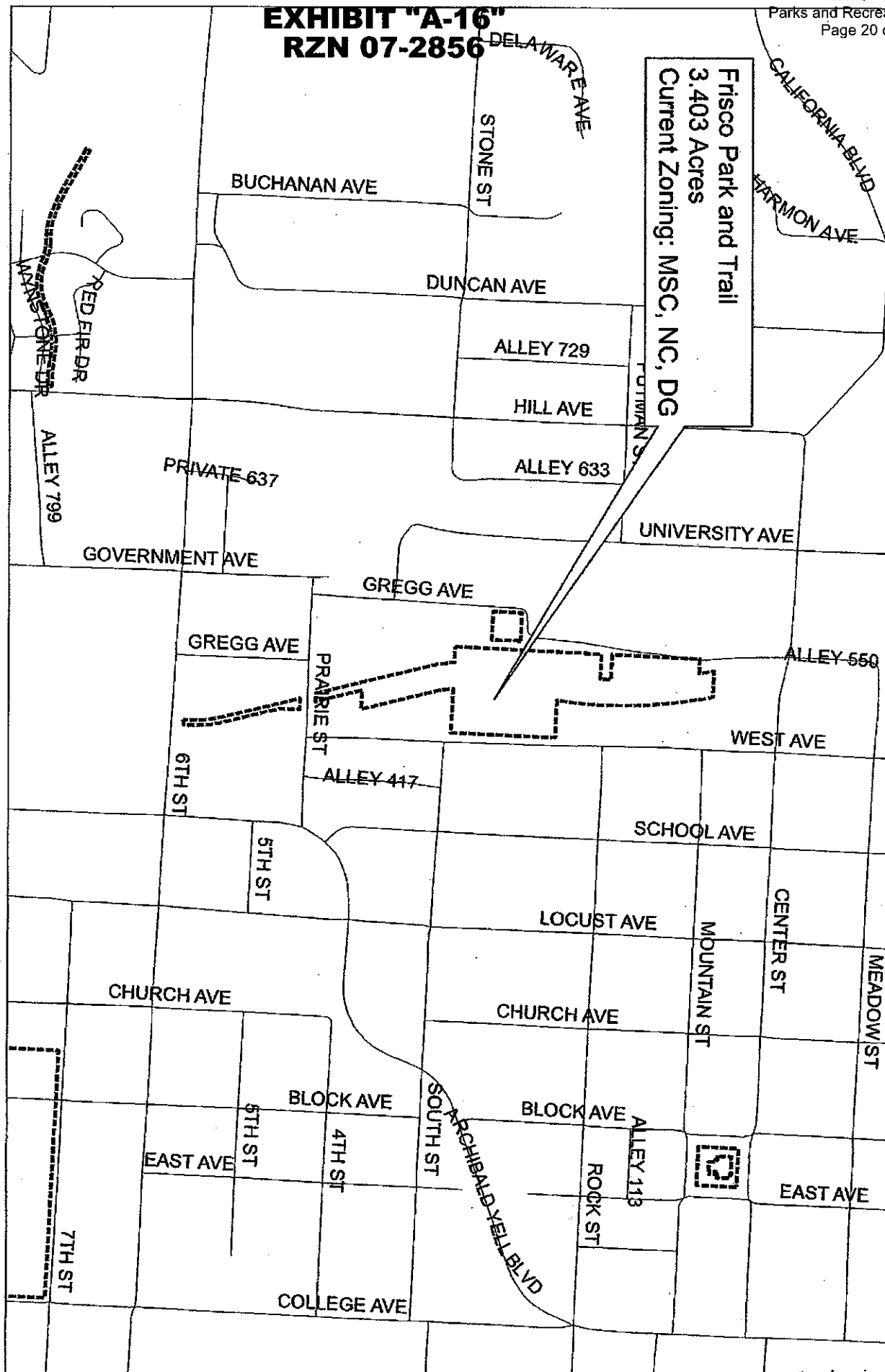


EXHIBIT "A-16"
RZN 07-2856

Frisco Park and Trail
3.403 Acres
Current Zoning: MSC, NC, DG



Park Rezoning Request

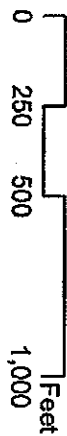
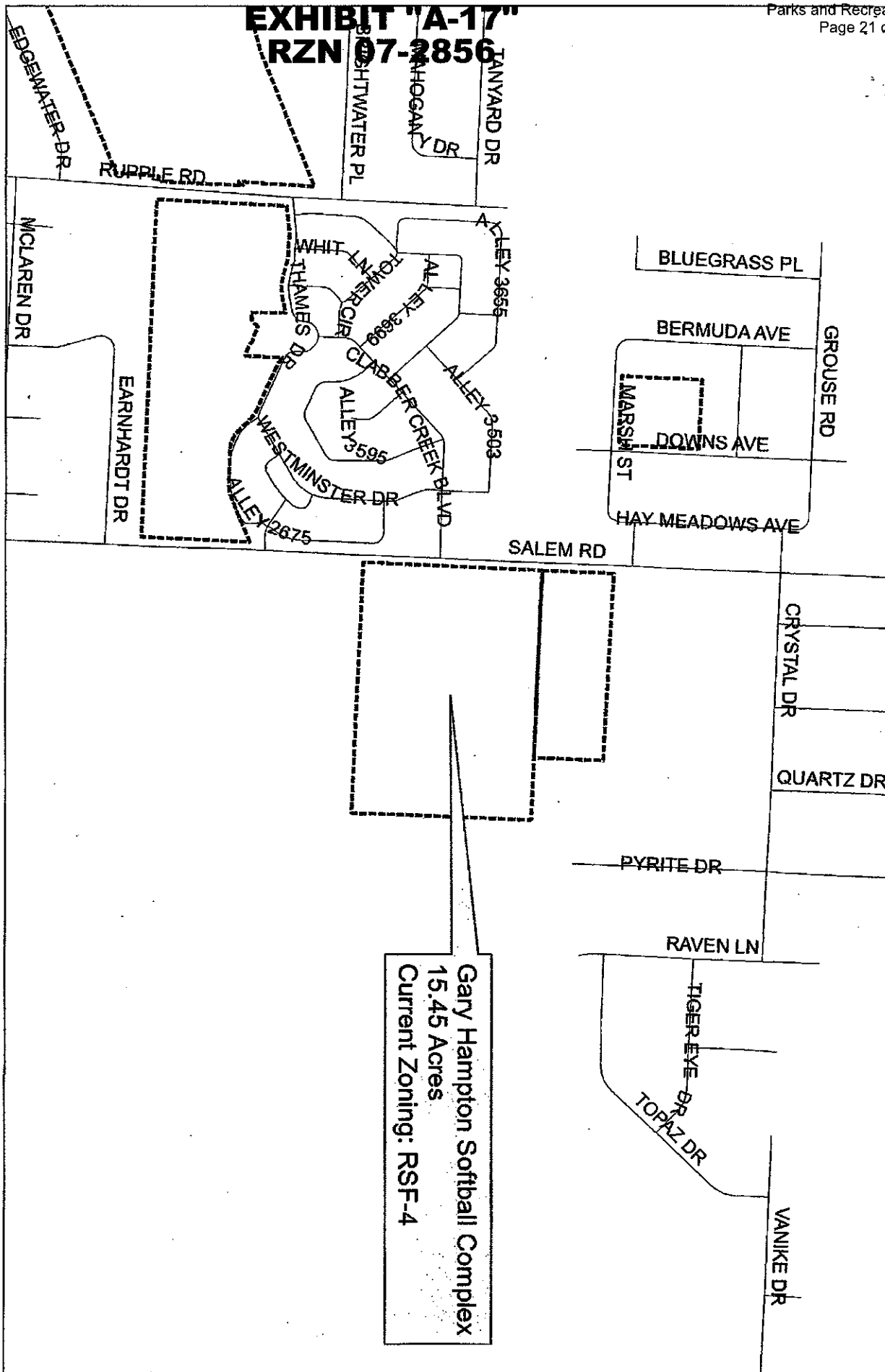


EXHIBIT "A-17"
RZN 07-2856



Park Rezoning Request

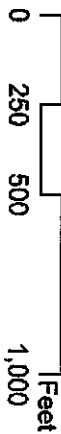
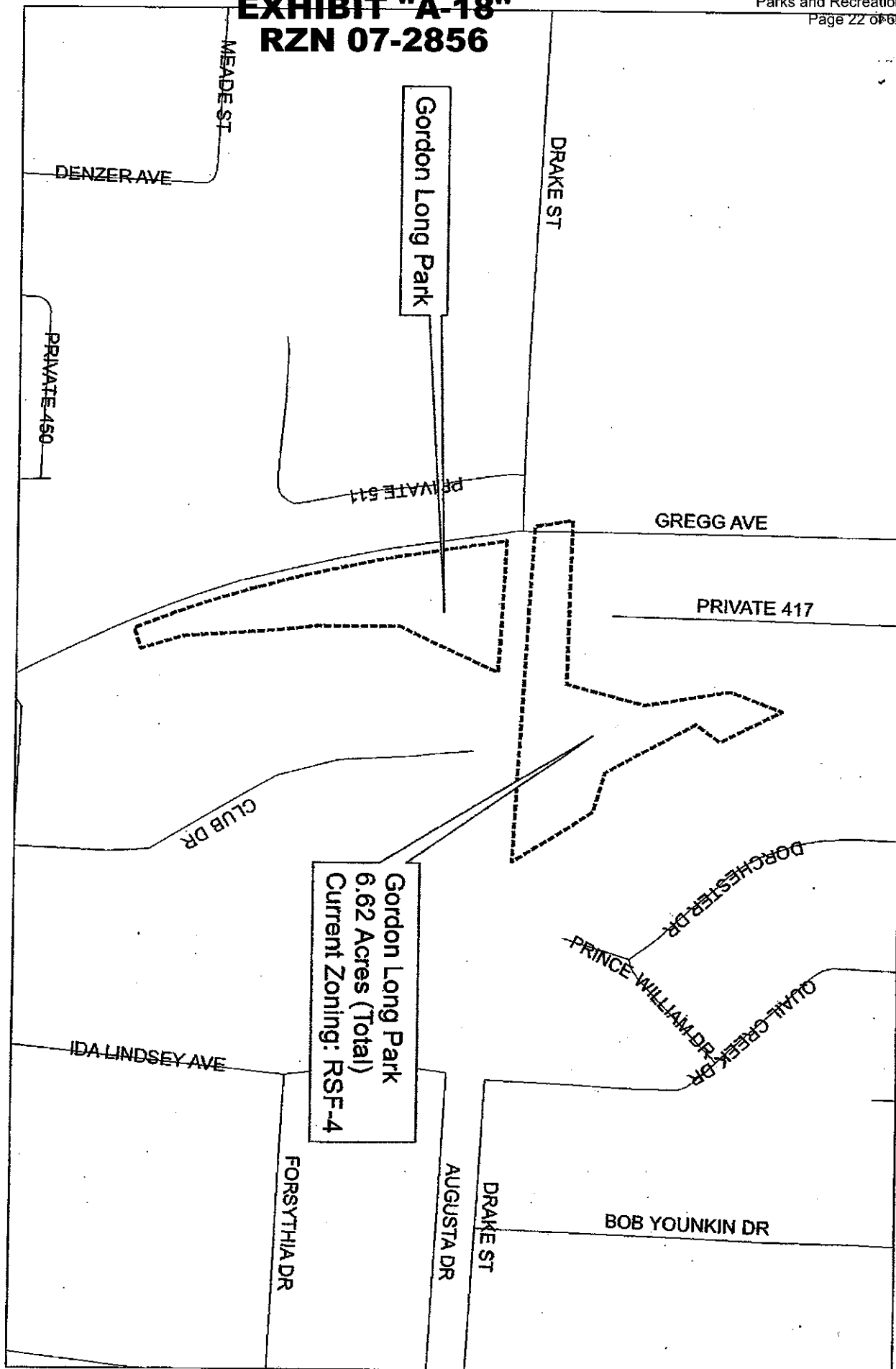


EXHIBIT "A-18"

RZN 07-2856



Park Rezoning Request

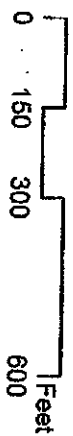
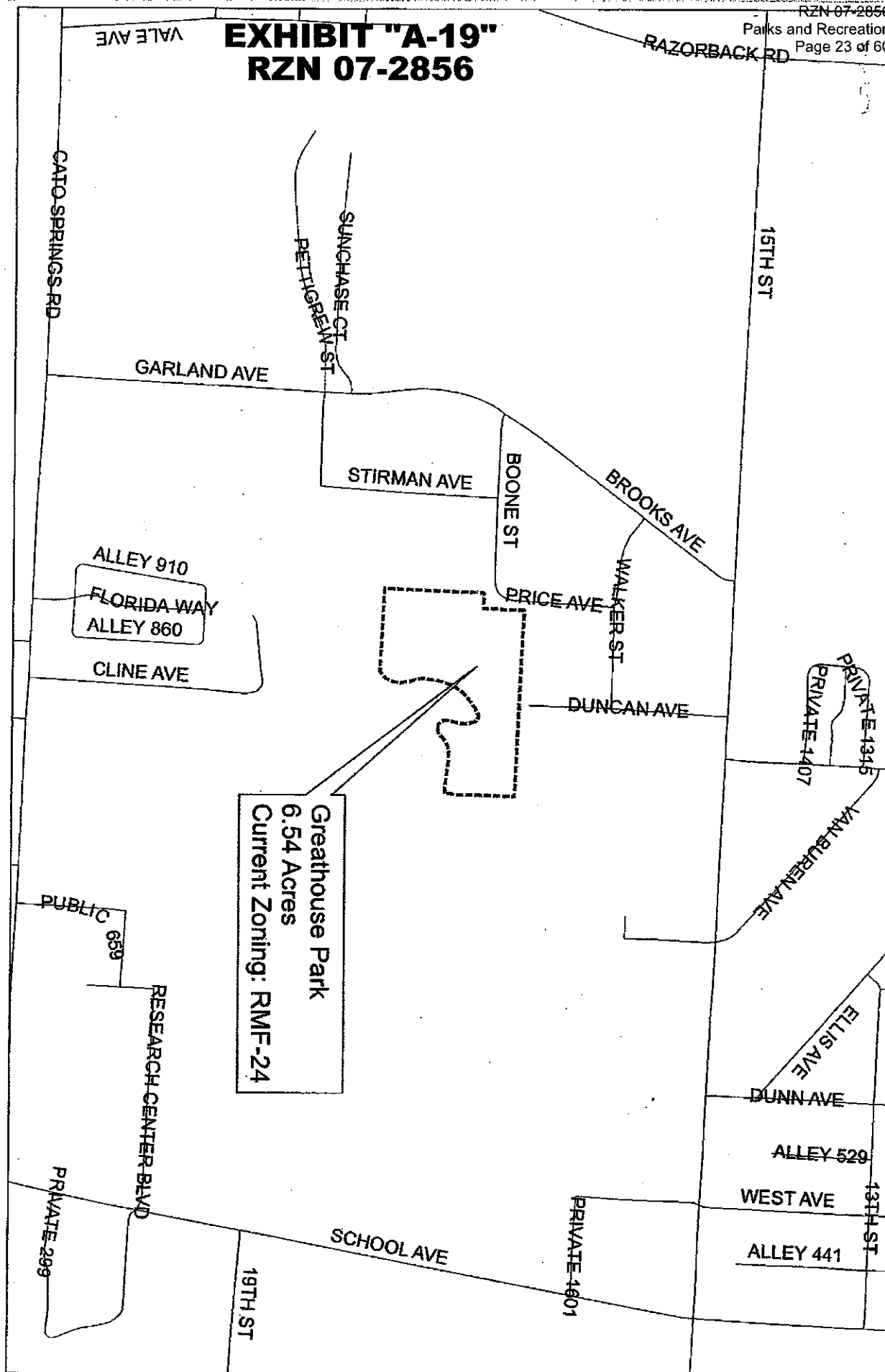


EXHIBIT "A-19"

RZN 07-2856



Park Rezoning Request

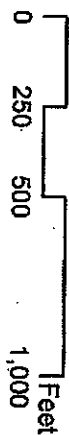
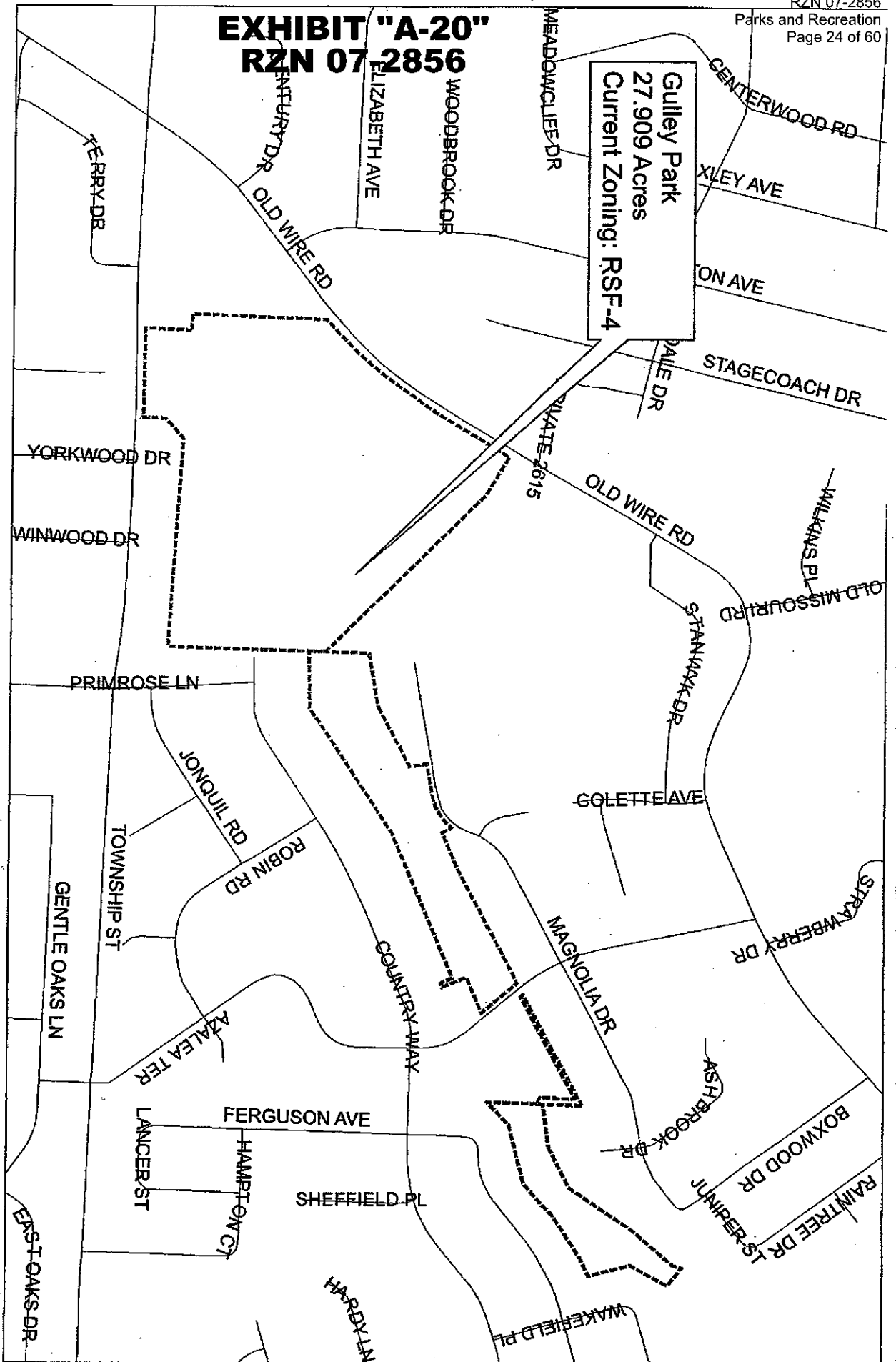


EXHIBIT "A-20"
RZN 07-2856

Gulley Park
27.909 Acres
Current Zoning: RSF-4



Park Rezoning Request



EXHIBIT "A-21" RZN 07-2856

Harmony Pointe Park
8.35 acres
Current Zoning: RMF-6, RSF-4

BLUE JAY LN

NICOLE LN

DOUBLE SPRINGS RD

COPPER RIDGE LN

PRIVATE 6299

EL PASO DR

ABILENE DR

MILLIKEN BND

MONROE STATION DR

GREENS CHAPEL RD

GRAYS GAP RD

ROCKY XING

SABINE PASS RD

PERSIMMON ST

BROOK DR

MICHAEL COLE DR

TACKETT DR

Park Rezoning Request



EXHIBIT "A-22"

RZN 07-2856

PRIVATE 1997

HASKELL HTS

SAAG AVE

MARKHAM RD

CROSS AVE

Hotz Park
0.99 Acres (Total)
Current Zoning: RSF-4

Hotz Park

GARVIN DR

HARTMAN AVE

PALMER AVE

CENTER ST

COURT ST

GRAHAM AVE

BRENDA DR

WALTON ST

RAZORBACK RD

MEADOW ST

HOTZ DR

ALLEY 223

THOMAS AVE

HORNSBY DR

SMITH AVE

Park Rezoning Request

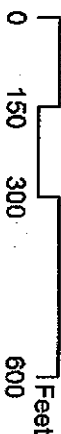
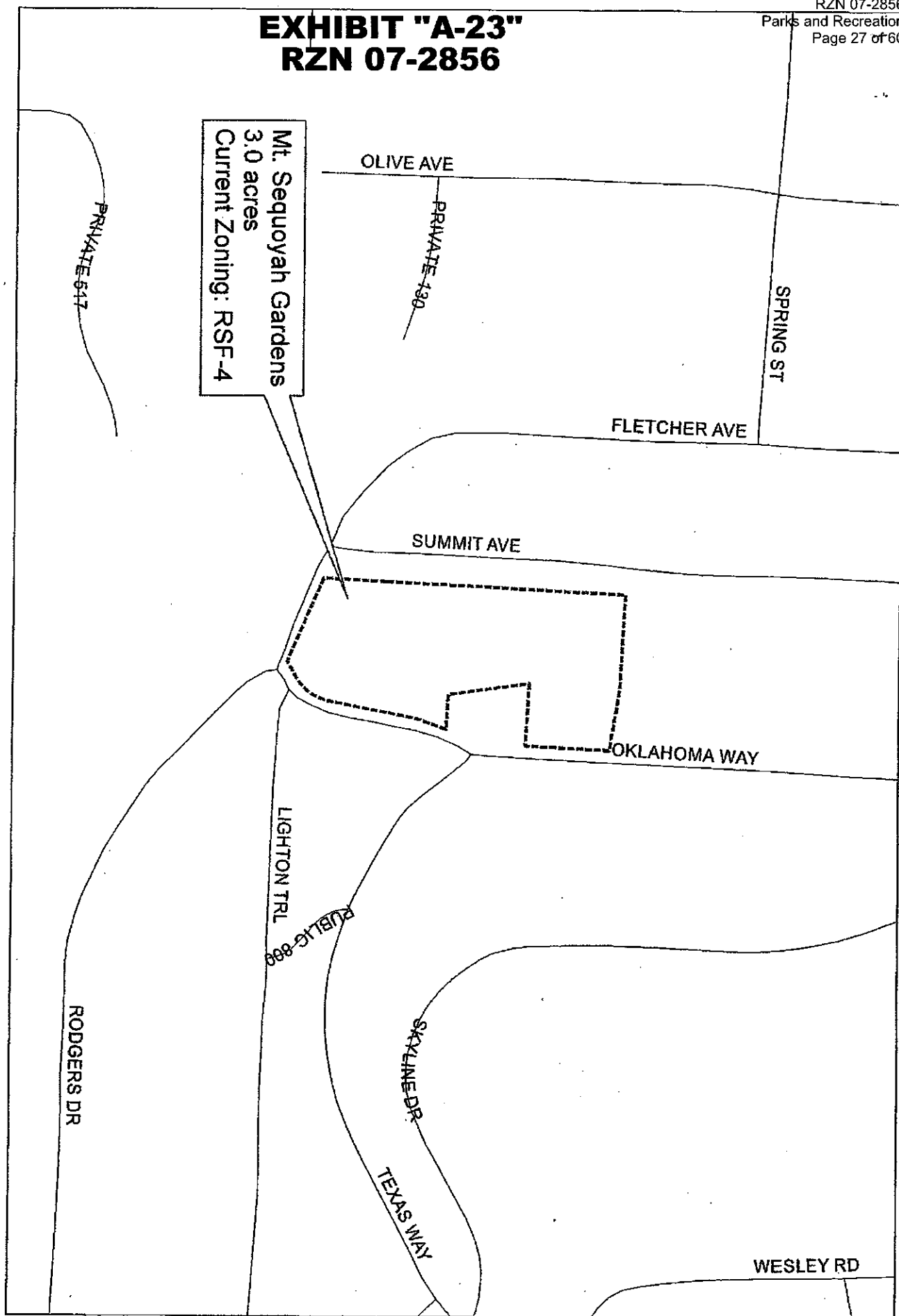


EXHIBIT "A-23" RZN 07-2856

Mt. Sequoyah Gardens
3.0 acres
Current Zoning: RSF-4

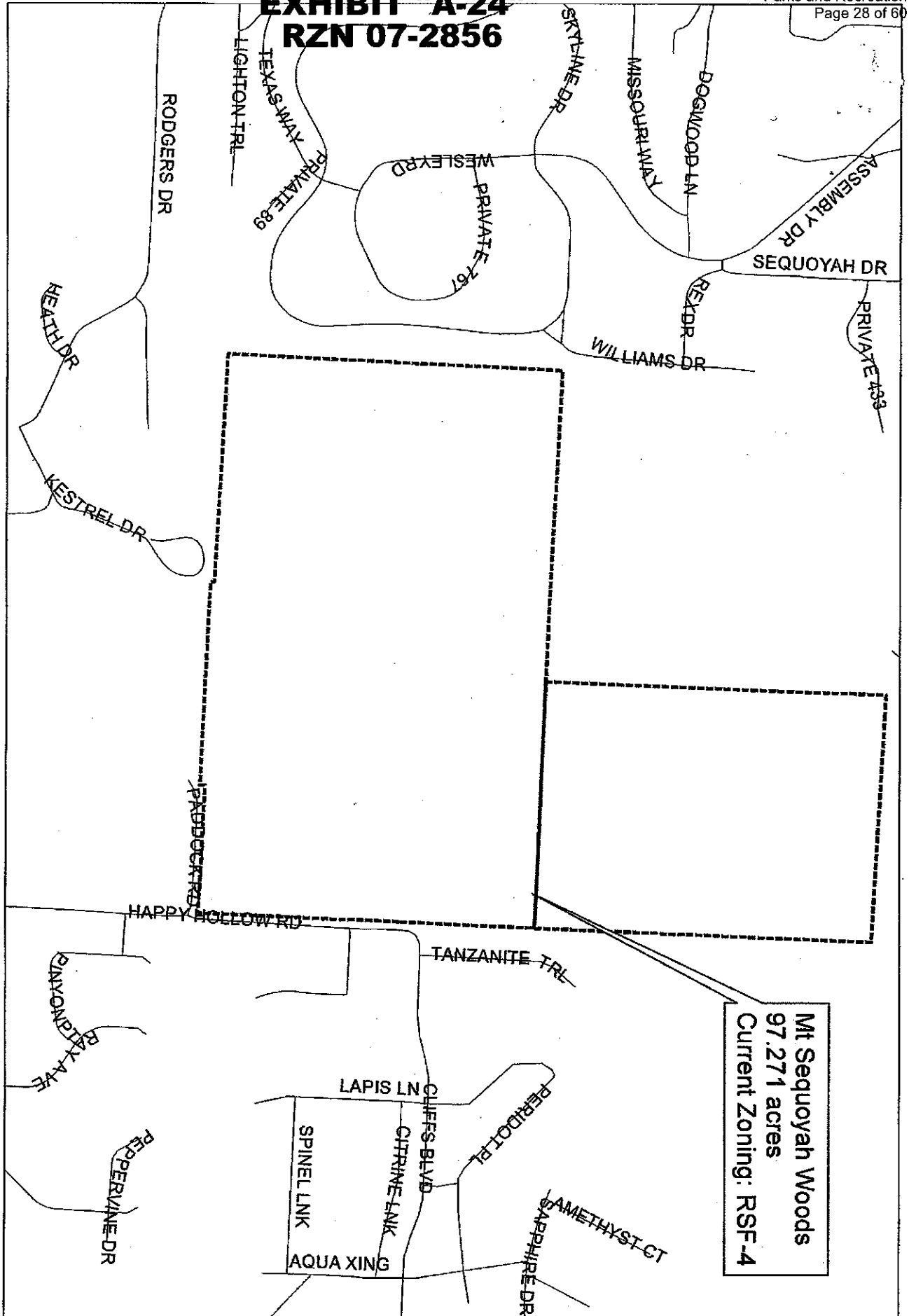


Park Rezoning Request

0 100 200 400 Feet



EXHIBIT "A-24" RZN 07-2856



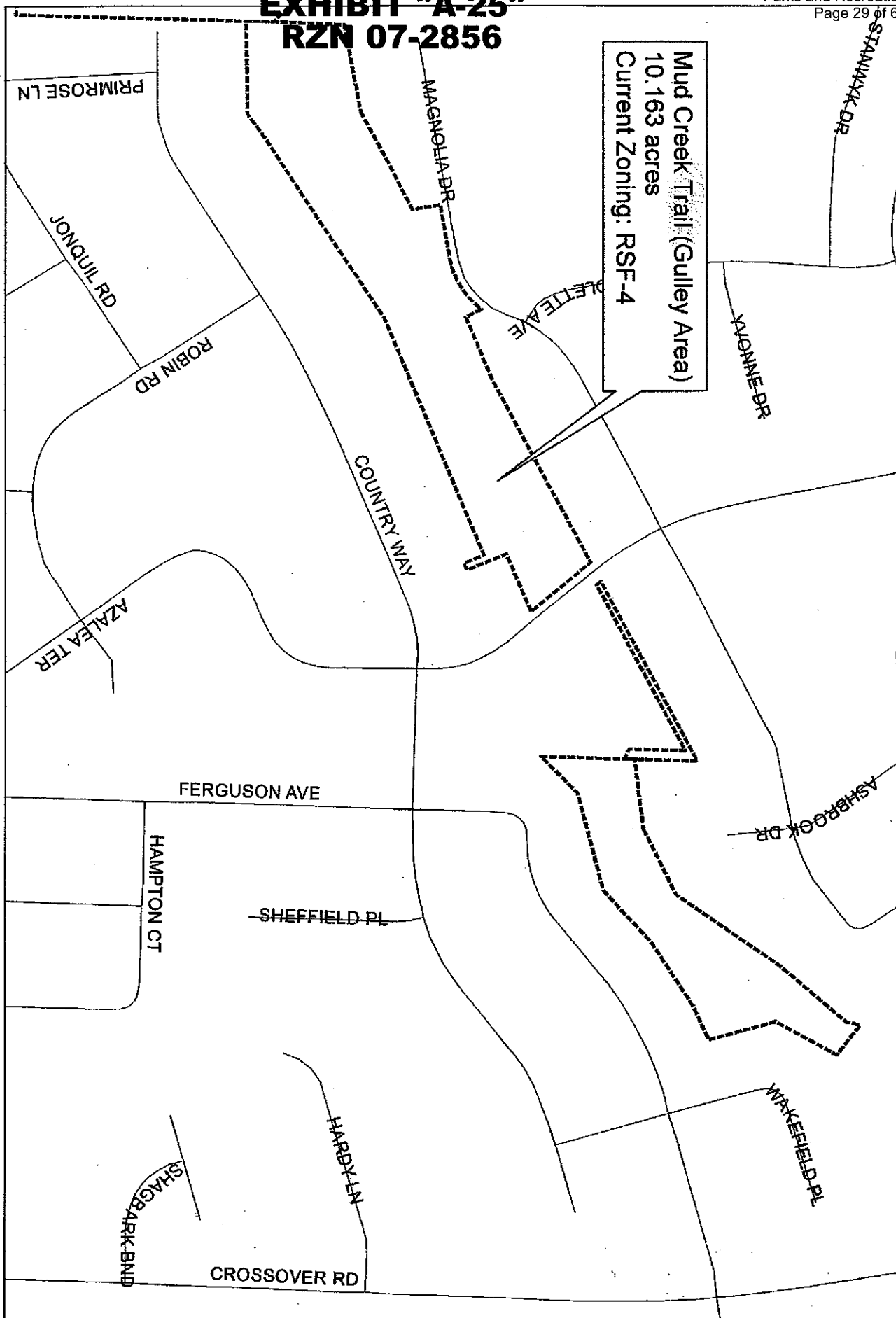
Park Rezoning Request

0 250 500 1,000 Feet



EXHIBIT "A-25" RZN 07-2856

Mud Creek Trail (Gulley Area)
10.163 acres
Current Zoning: RSF-4



Park Rezoning Request

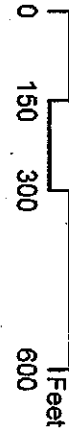
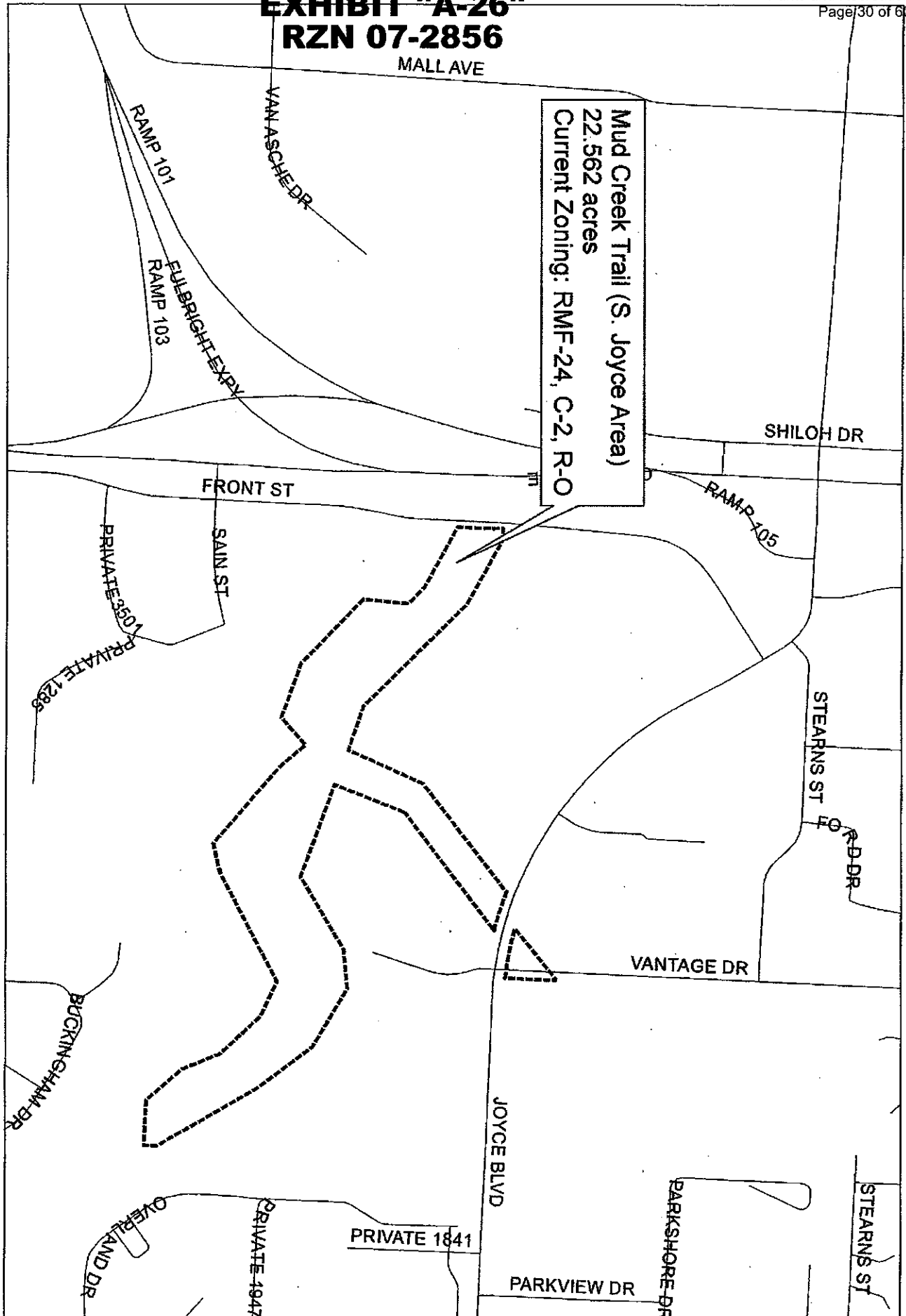


EXHIBIT "A-26"

RZN 07-2856

MALL AVE

Mud Creek Trail (S. Joyce Area)
22.562 acres
Current Zoning: RMF-24, C-2, R-O



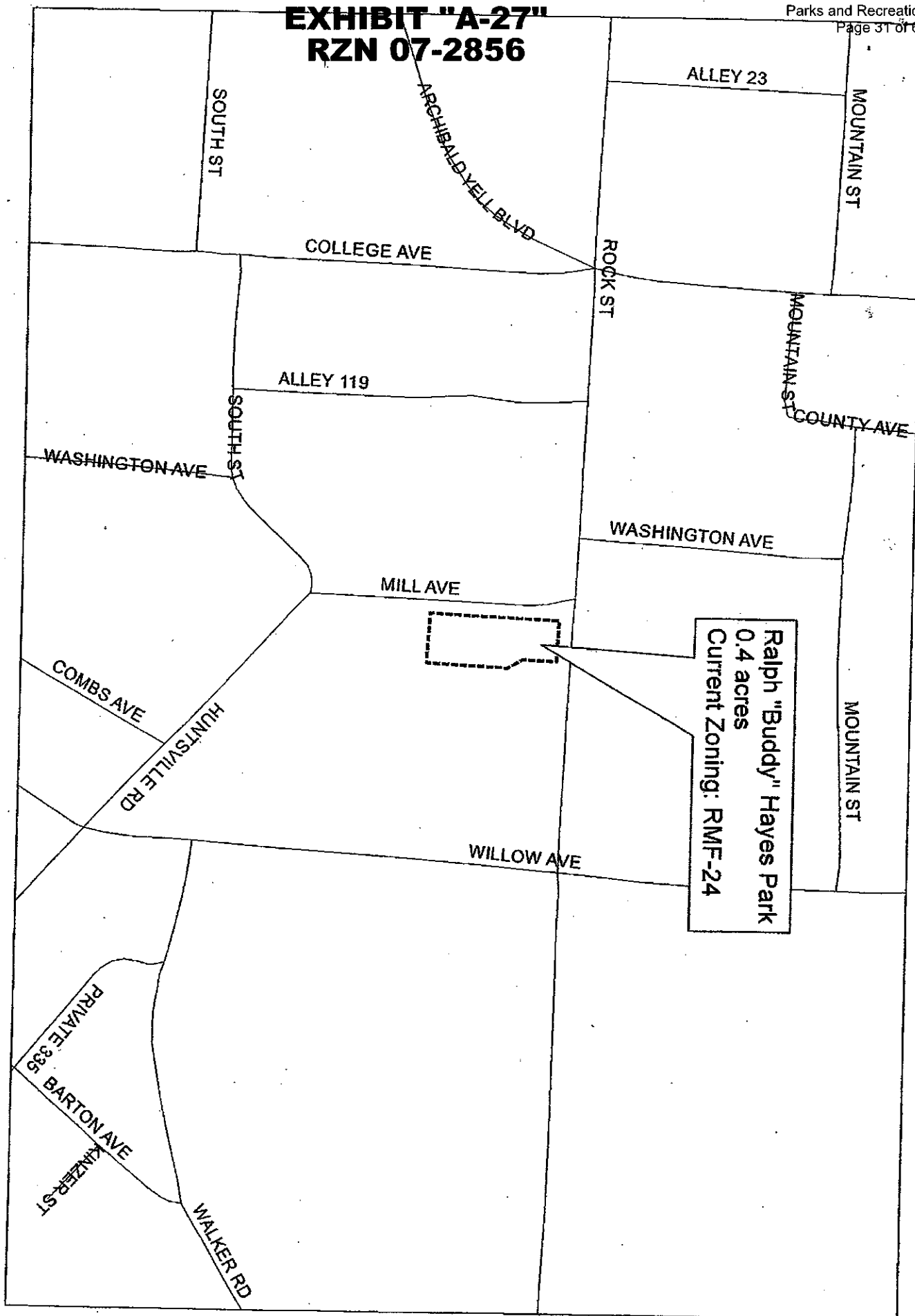
Park Rezoning Request

0 250 500 1,000 Feet



EXHIBIT "A-27"

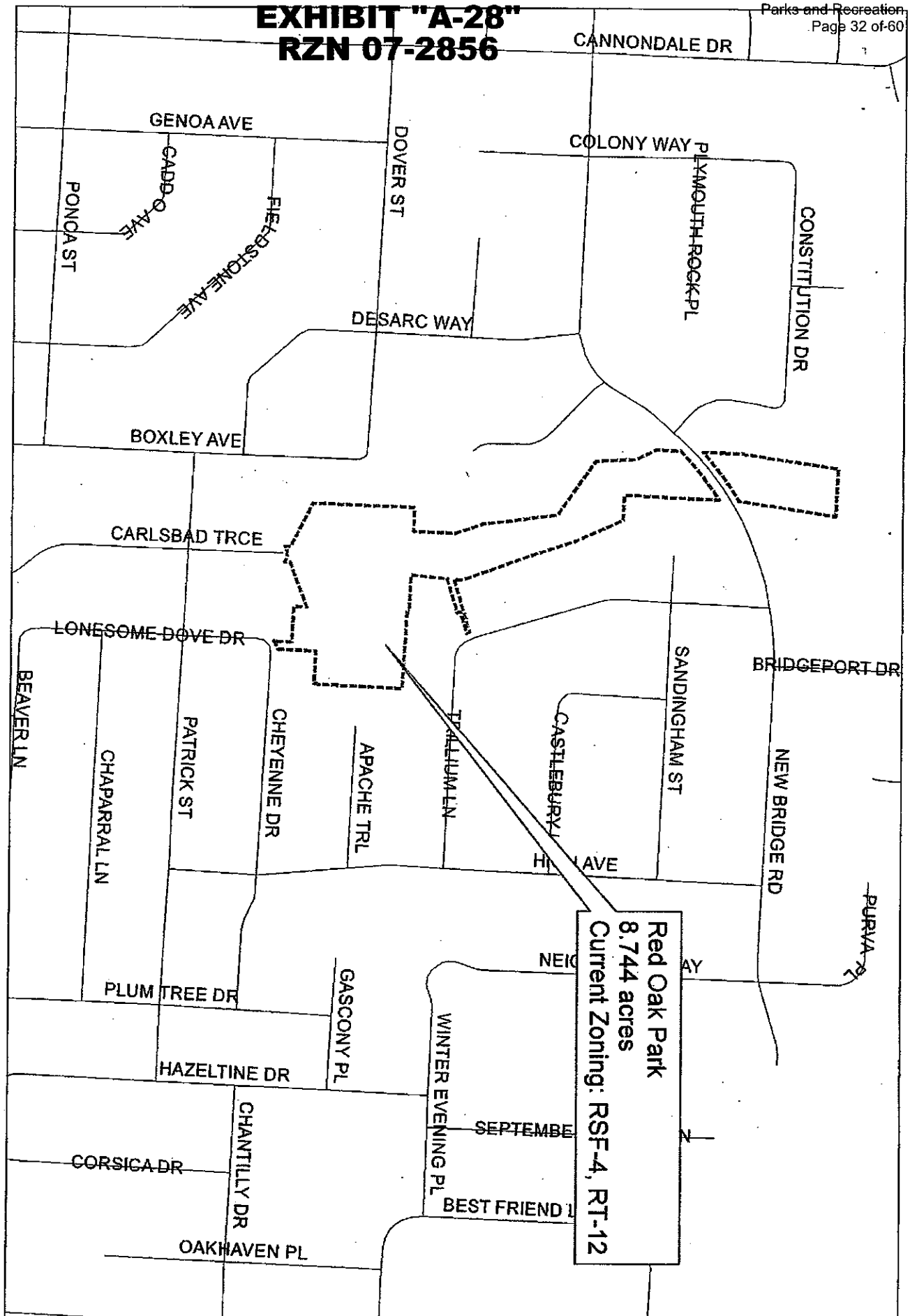
RZN 07-2856



Park Rezoning Request



EXHIBIT "A-28" RZN 07-2856

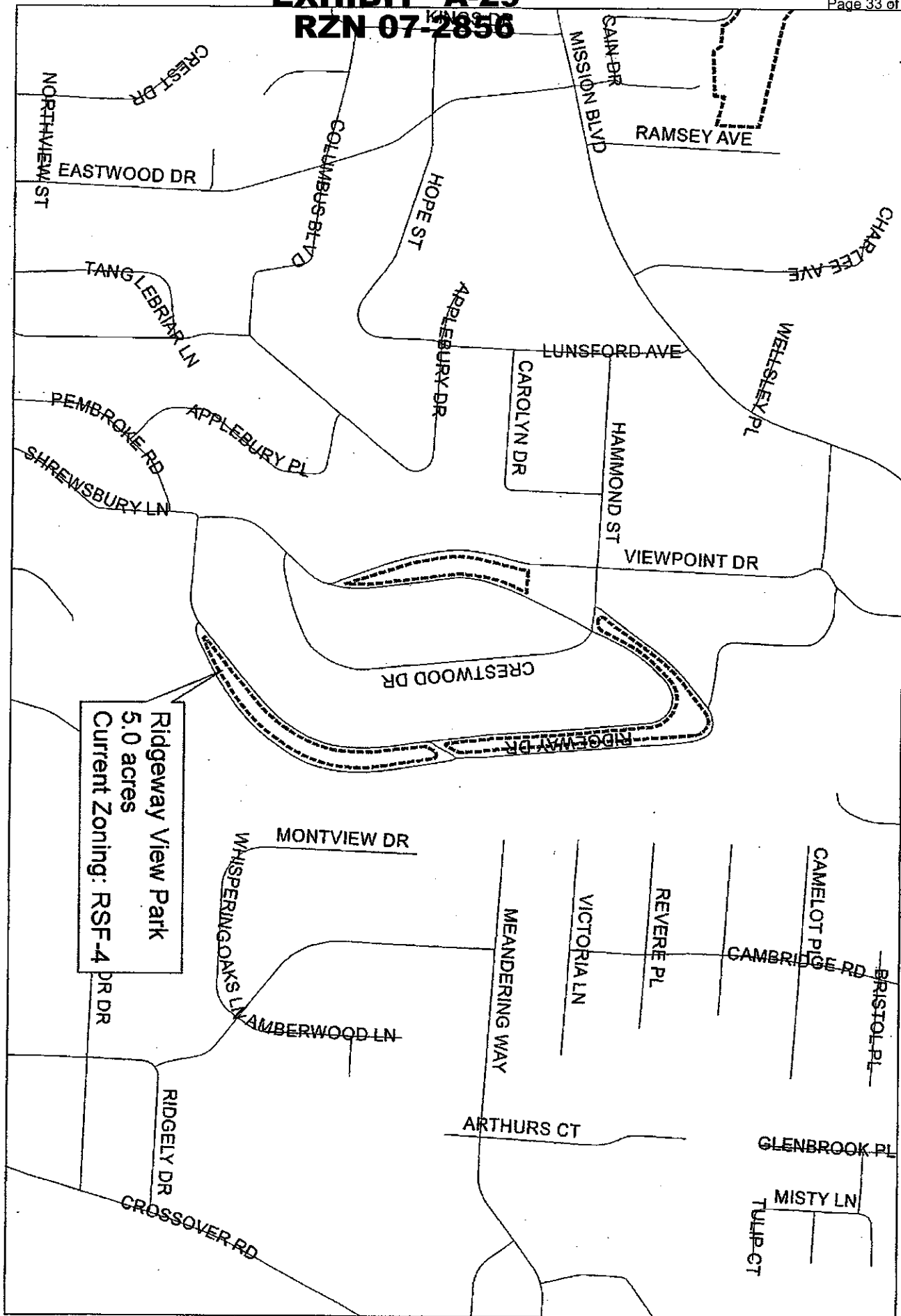


Park Rezoning Request



EXHIBIT "A-29"

RZN 07-2856



Park Rezoning Request



EXHIBIT "A-30" RZN 07-2856

Rocky Branch Park
5.7 acres
Current Zoning: RSF-4

CROSSOVER RD

ACADIANA CT

SUMMERSHADE DR

BROOKBURY XING

DEAVER CIR

NATCHEZ TRCE

RALEIGH CIR

CHARLESTON XING

SKILLER RD

SHADYBROOK COVE

IDLEWOOD WAY

PIPER GLN

CANDLEWOOD DR

FREDRICKSBURG CIR

Park Rezoning Request

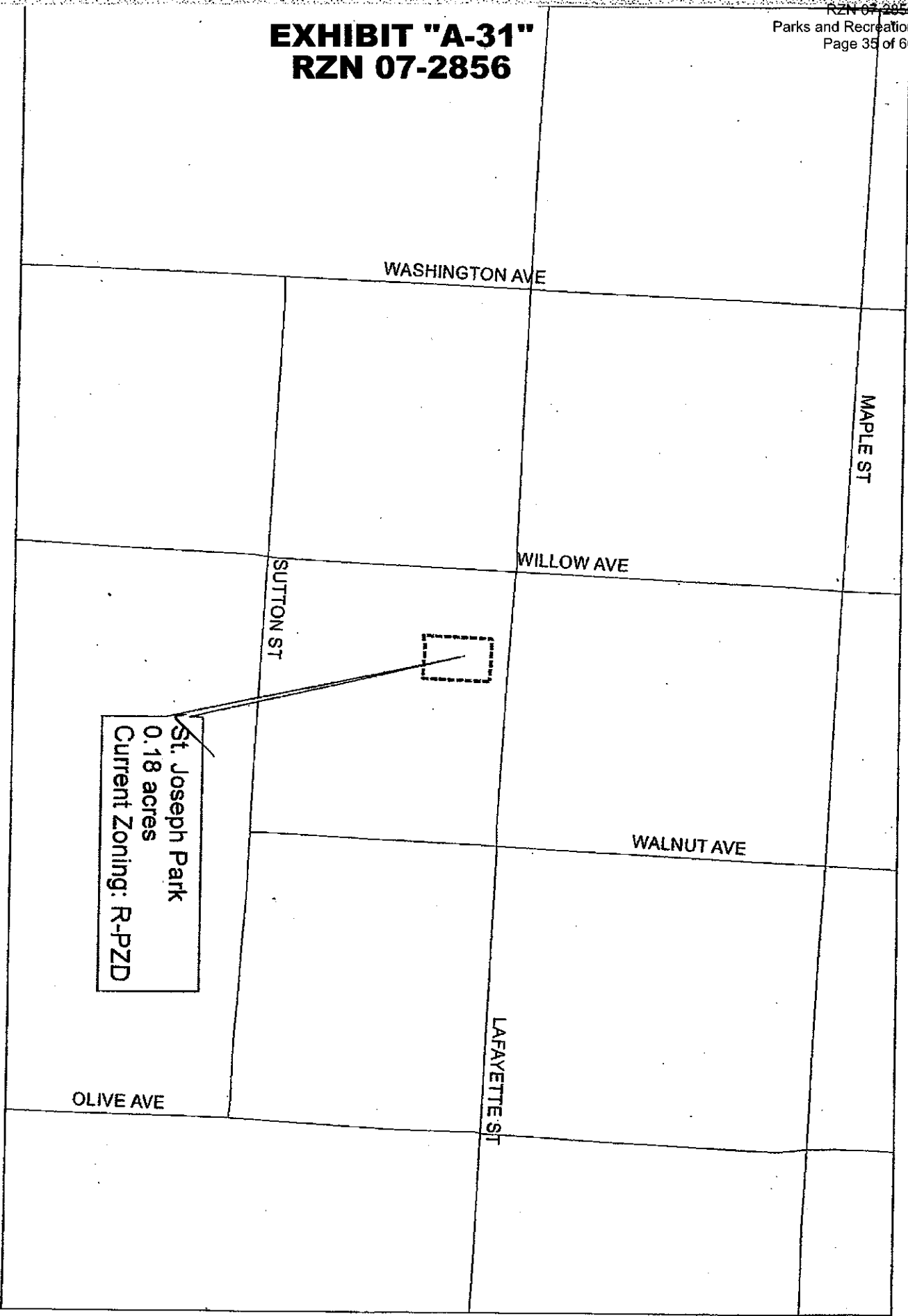
150 300

600

Feet



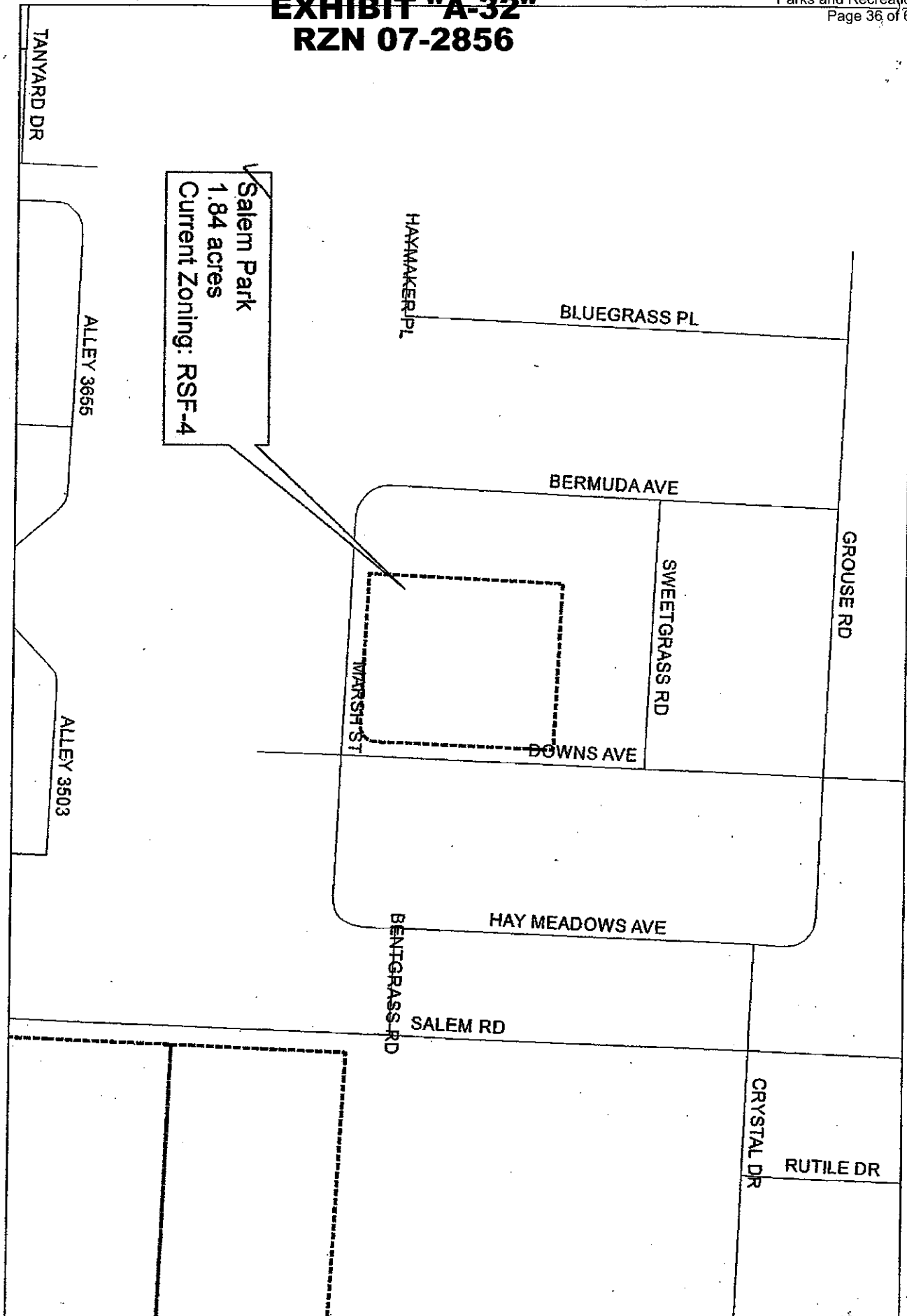
EXHIBIT "A-31" RZN 07-2856



Park Rezoning Request



EXHIBIT "A-32" RZN 07-2856



Park Rezoning Request

100

200

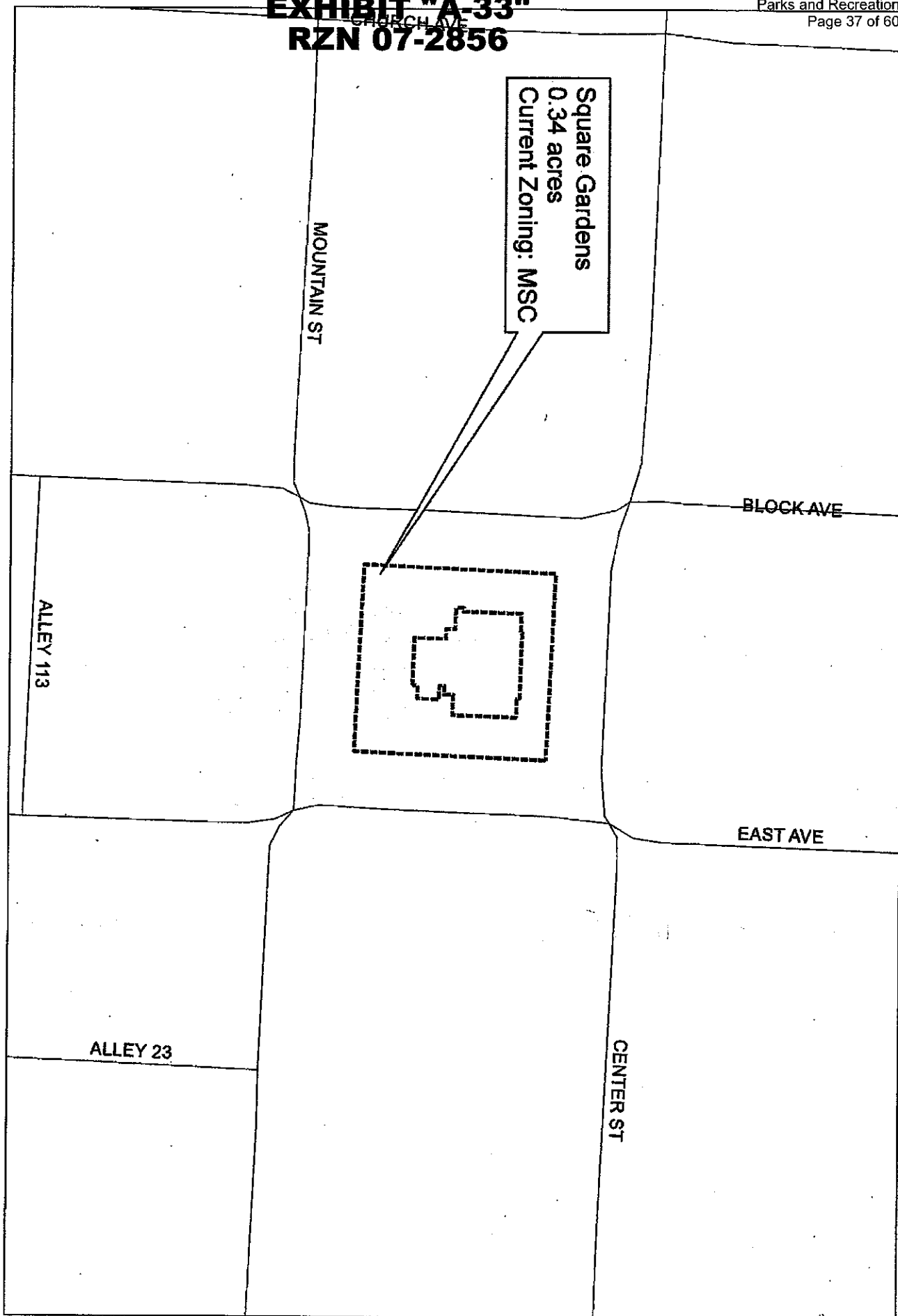
400

1 Feet



EXHIBIT "A-33"

RZN 07-2856



Park Rezoning Request

50

100

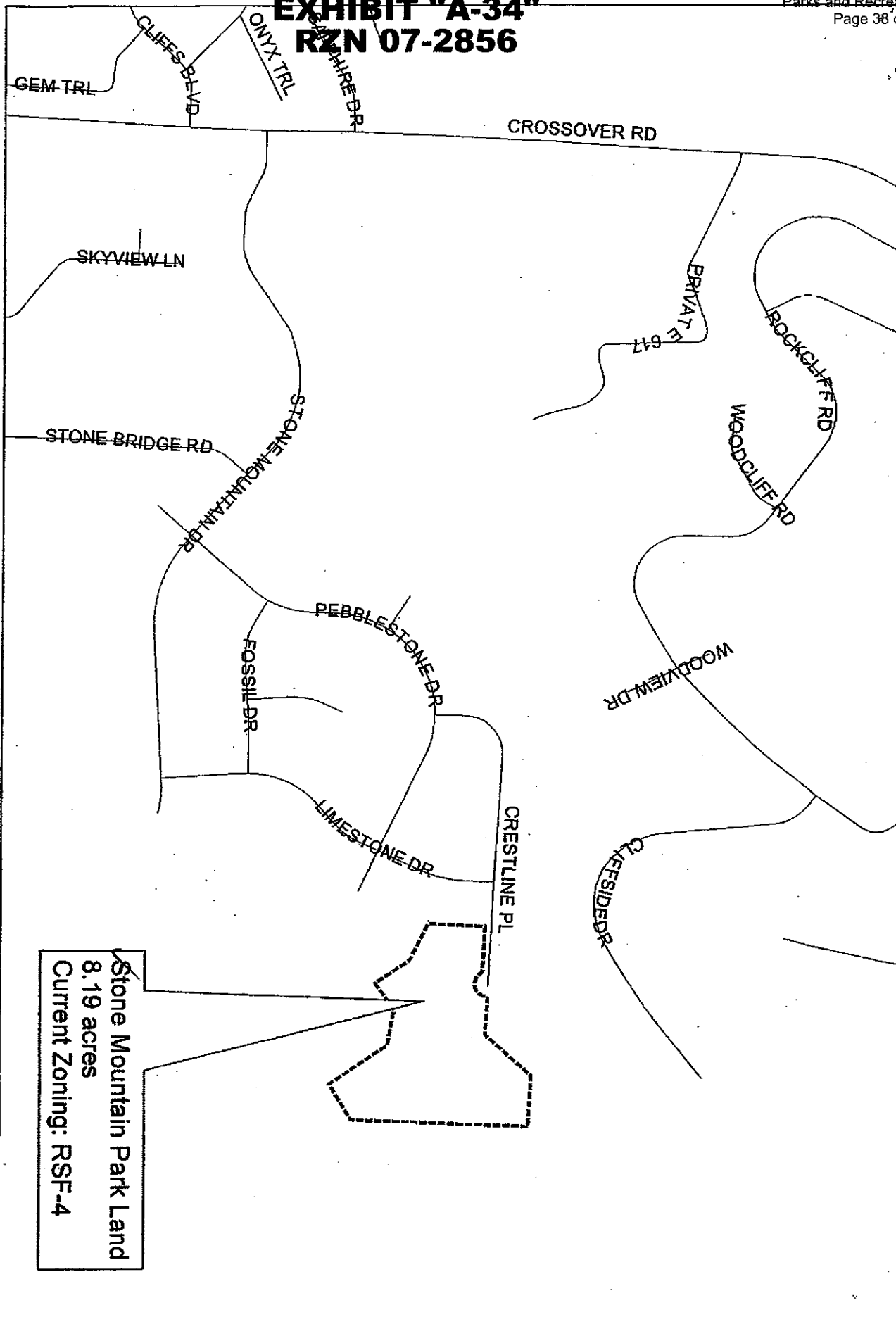
200

Feet



EXHIBIT "A-34"

RZN 07-2856



Park Rezoning Request

250

500

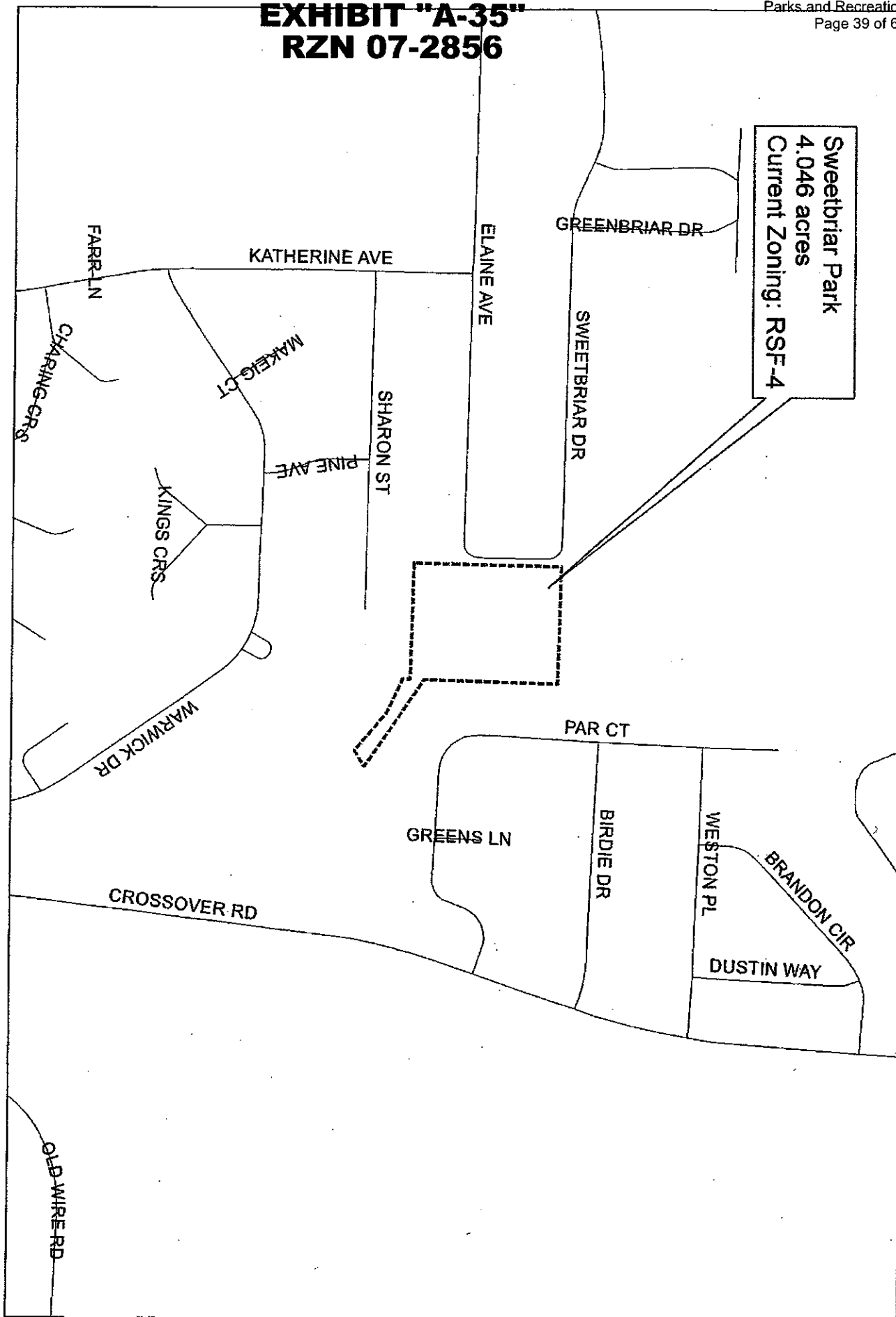
1,000

Feet



EXHIBIT "A-35" RZN 07-2856

Sweetbriar Park
4.046 acres
Current Zoning: RSF-4



Park Rezoning Request

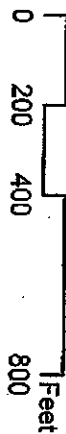
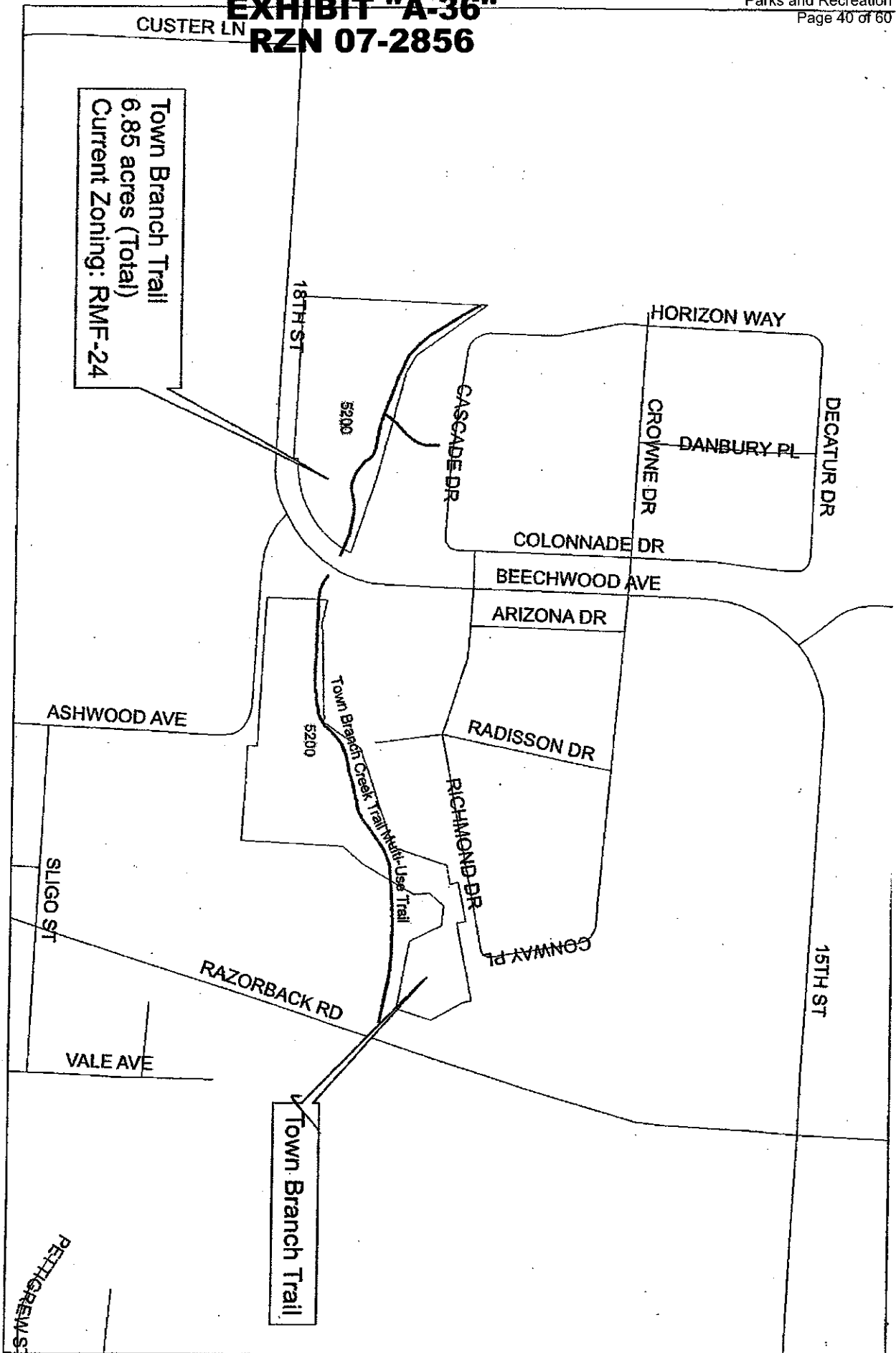


EXHIBIT "A-36"
RZN 07-2856



Park Rezoning Request

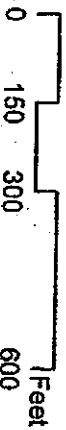
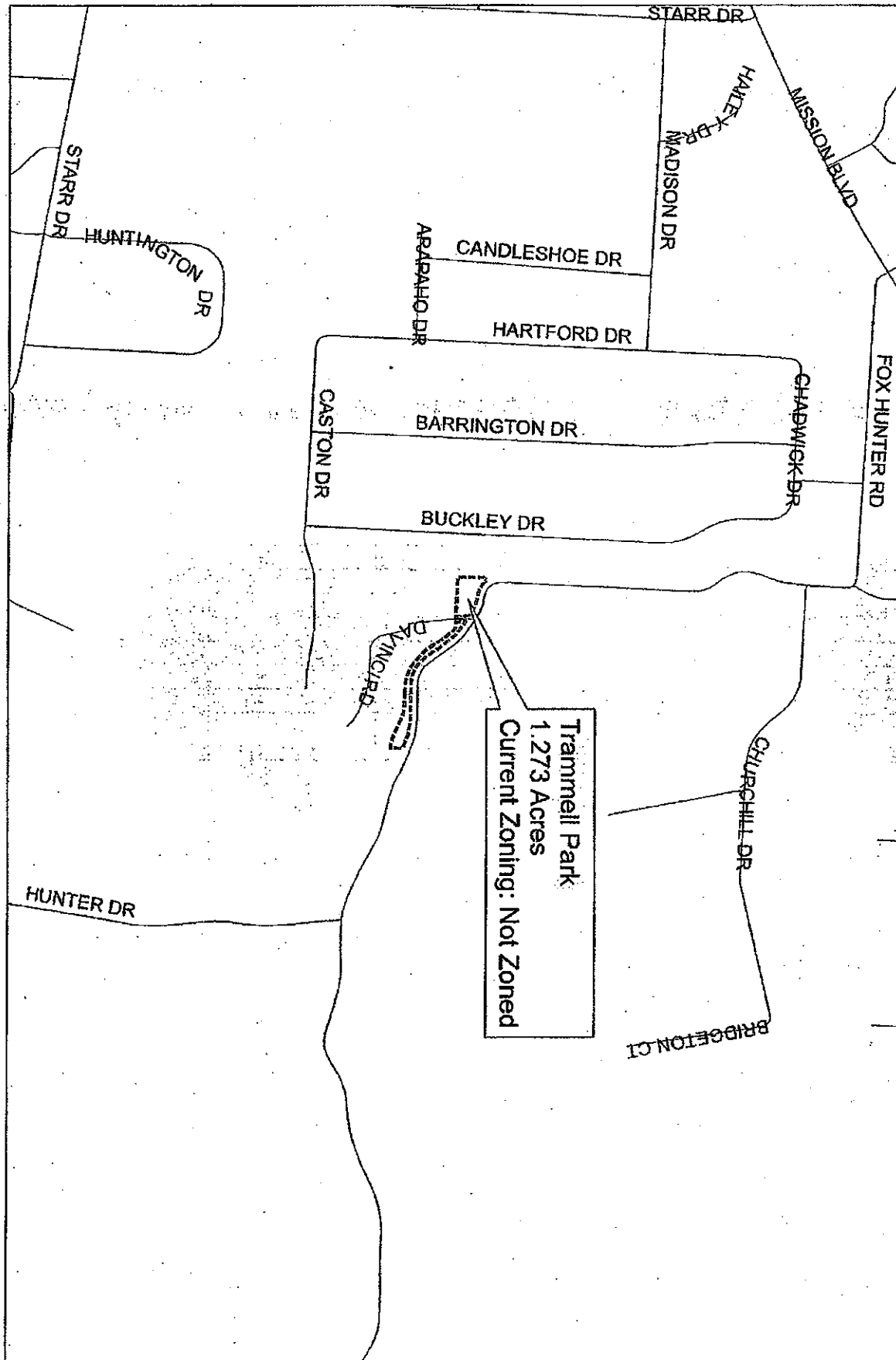


EXHIBIT "A-37"

RZN 07-2856

C. 4
RZN 07-2856
Parks and Recreation
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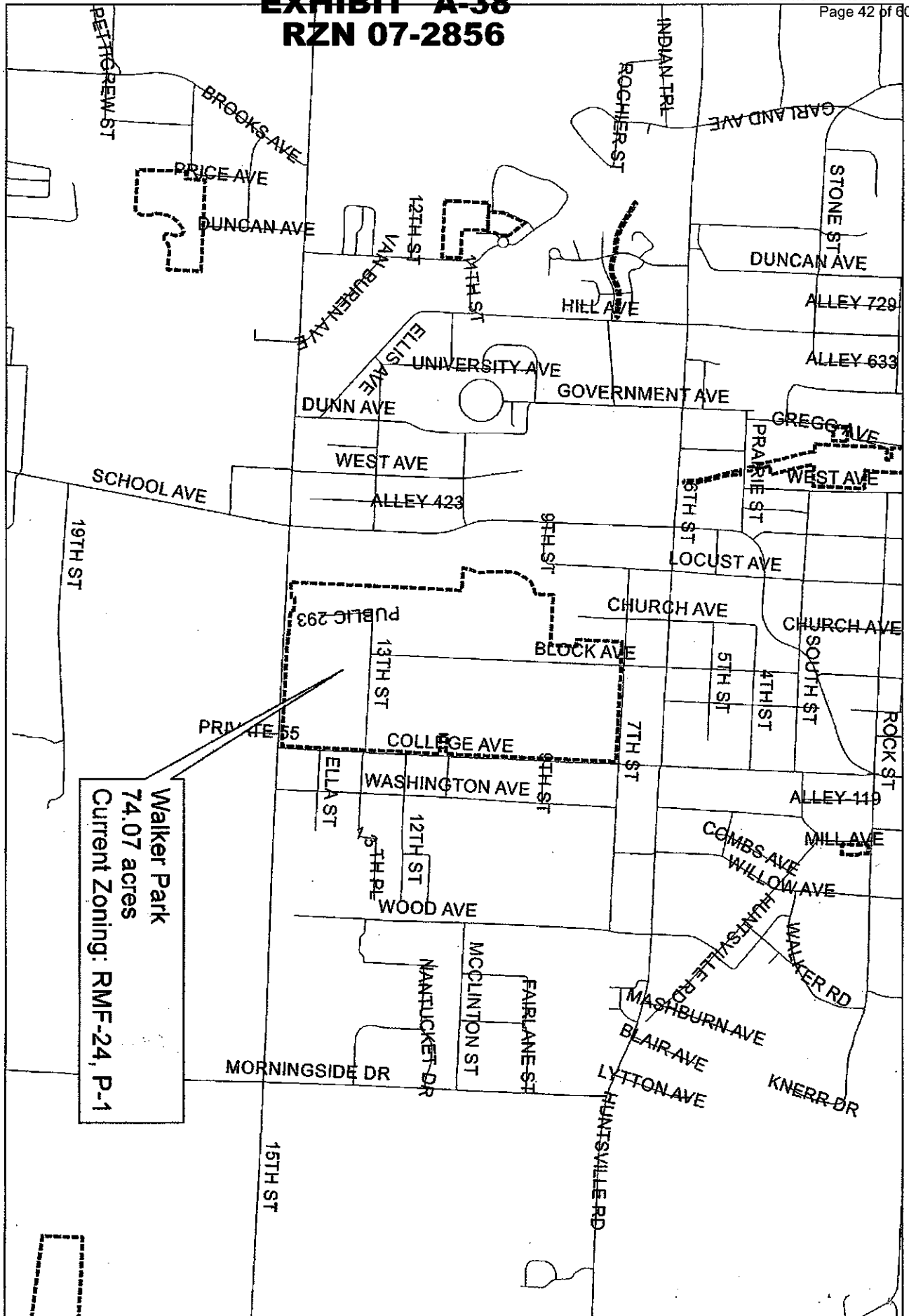


Park Rezoning Request

0 300 600 1,200 Feet



EXHIBIT "A-38" **RZN 07-2856**

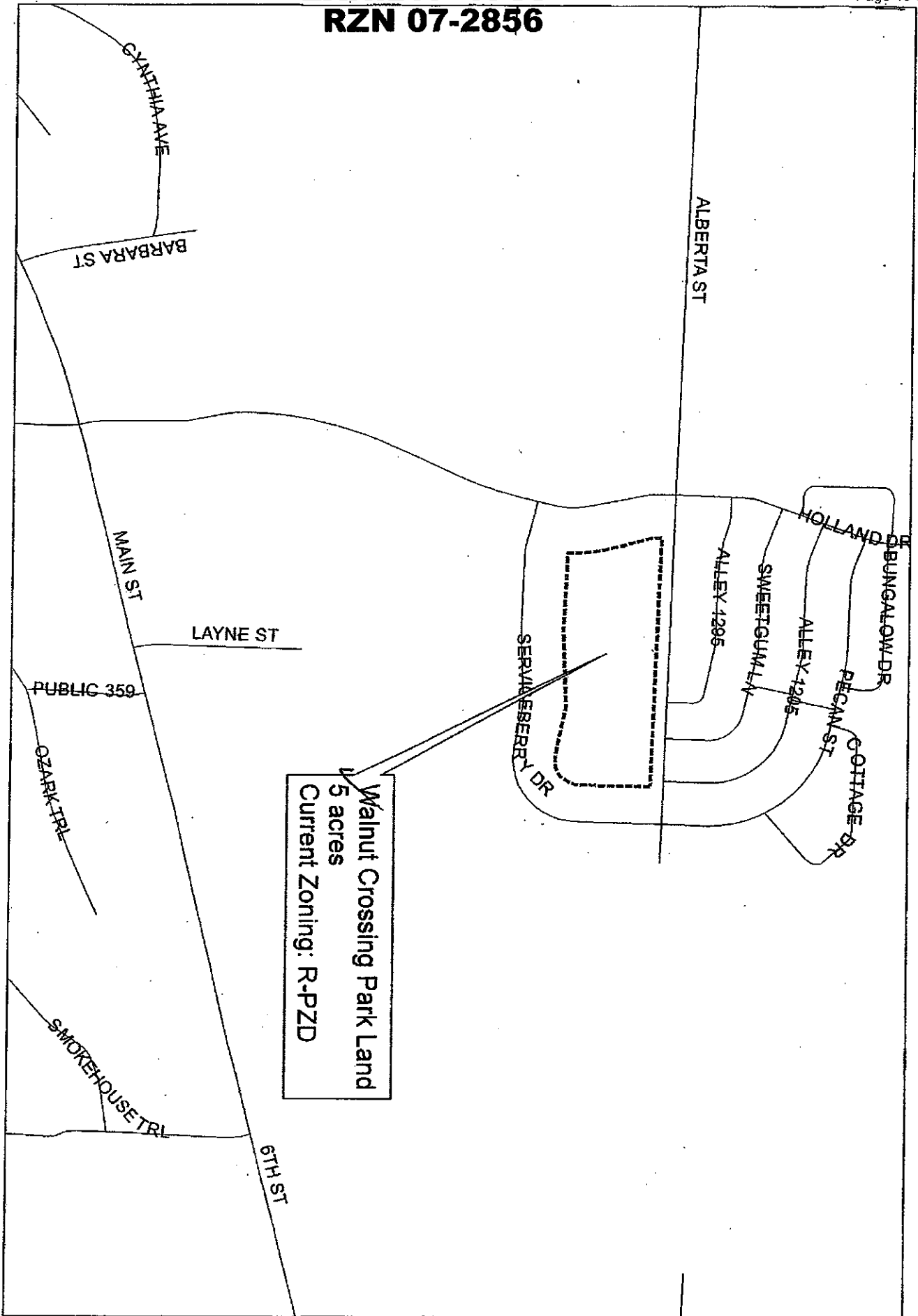


Park Rezoning Request

500 1,000 2,000 Feet



EXHIBIT "A-39" RZN 07-2856

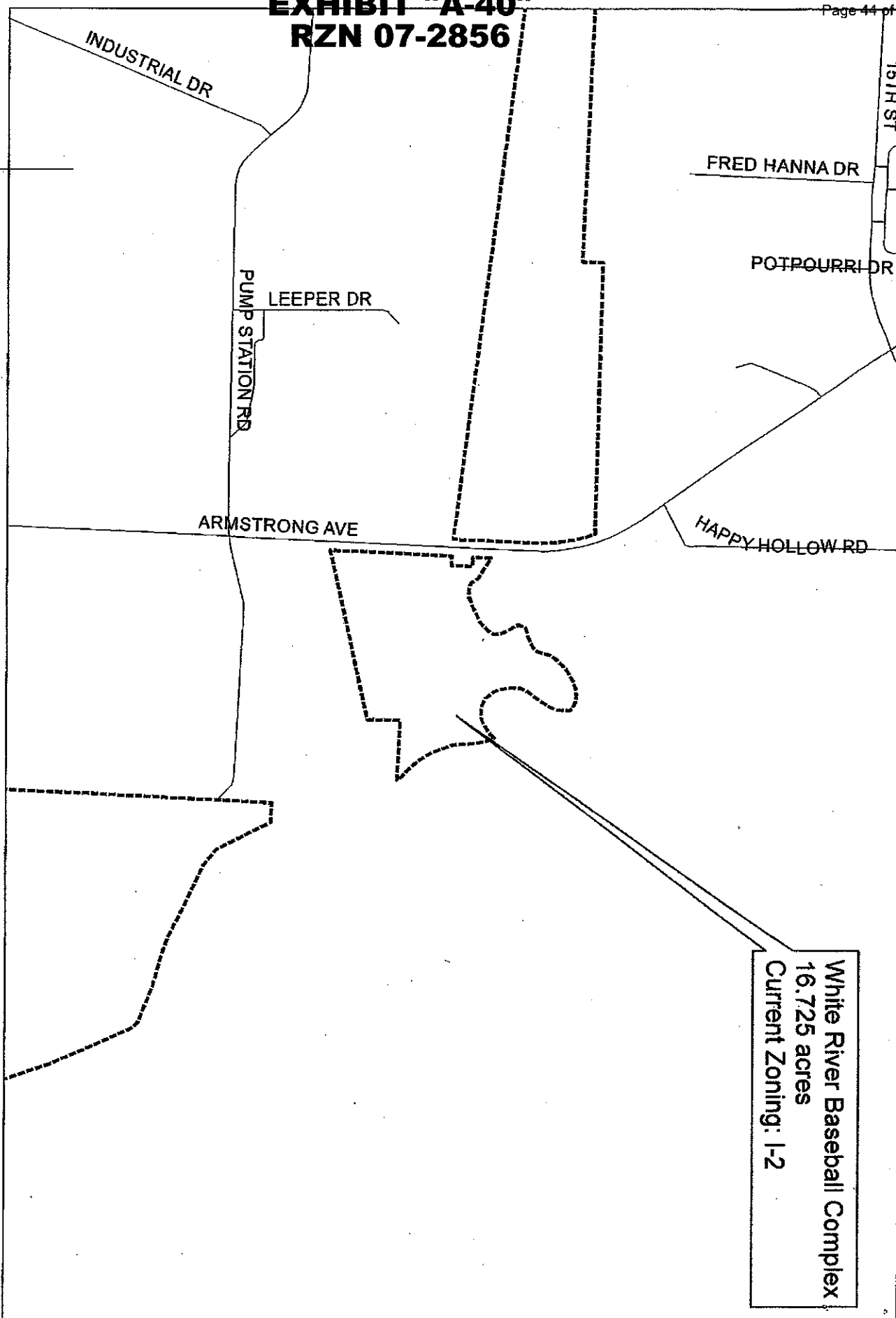


Park Rezoning Request



EXHIBIT "A-40"

RZN 07-2856



Park Rezoning Request

300 600

1,200 Feet

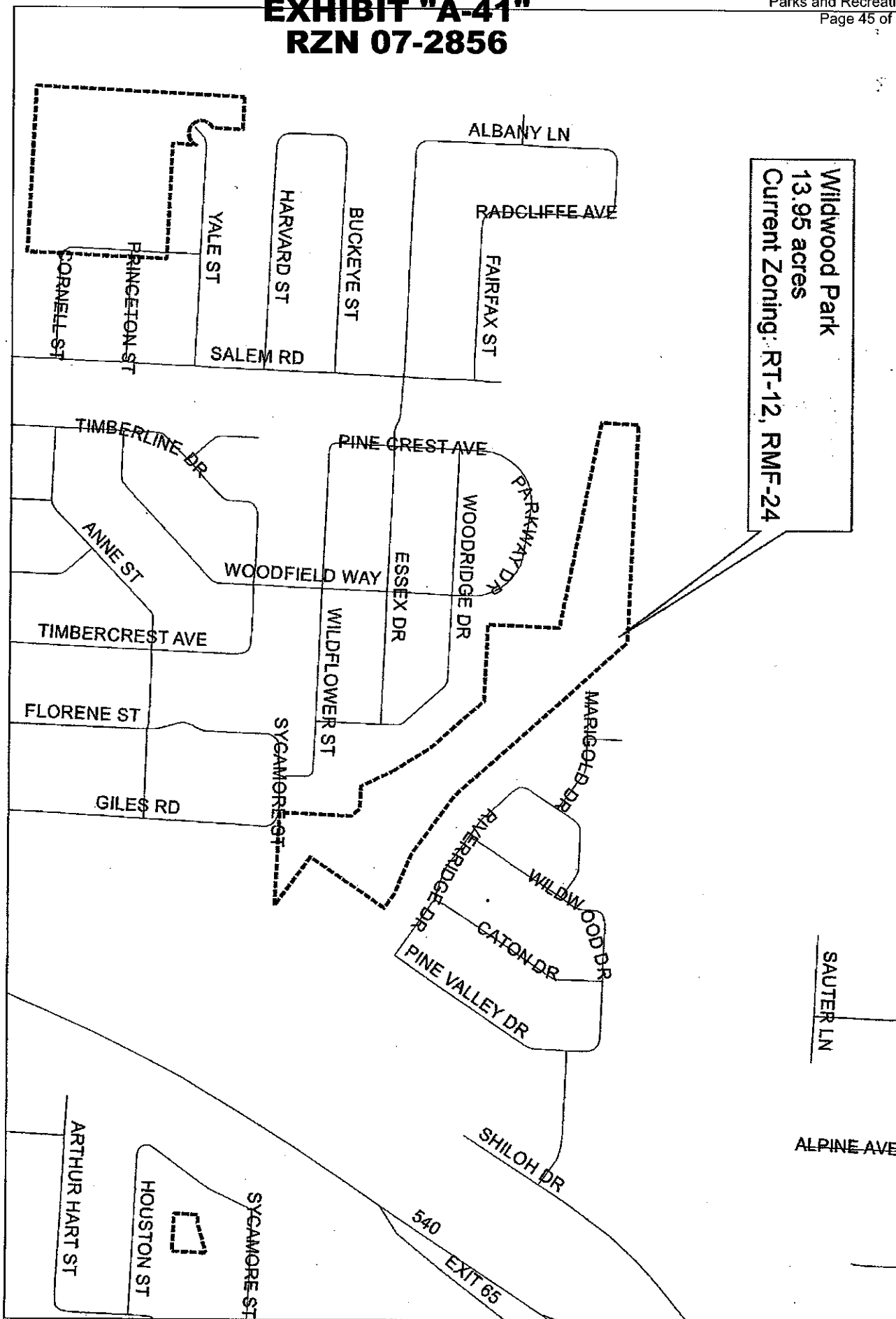


White River Baseball Complex
16.725 acres
Current Zoning: I-2

EXHIBIT "A-41"

RZN 07-2856

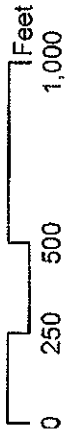
Wildwood Park
13.95 acres
Current Zoning: RT-12, RMF-24



Park Rezoning Request



EXHIBIT "A-42" RZN 07-2856



Park Rezoning Request



EXHIBIT "B"

RZN 07-2856

C. 4
RZN 07-2856
Parks and Recreation
Page 47 of 60

MAP EXHIBIT #	PARK NAME	ACREAGE	Warranty Deeds
A-1	Bayyari Park	7.392	96-48710, 2007-18675
A-2	Braden Park	2.248	99-91582
A-3	Bryce Davis Park	9.187	1301-522
A-4	Bundrick Park	4.251	95-67920 corrected 96-2625
A-5	Charles J. Finger Park	18.995	1073-133,1166-483
A-6	Clabber Creek Trail	50.691	03-25956,03-38384,99-56876,97-73790,95-34816, 2004-44839, 2006-37805
A-7	Clarence Craft Park	5.582	96-257
A-8	Combs Park	85.26	McClelland Boundary Sketch, 464-283,464-19951
A-9	Dale Clark Park	8.16	2001-165889 and dedication of lot 6 per plat
A-10	David Lashley Park	4.58	2005-6523,2002-48920
A-11	Duncan Avenue Natural Area	2.46	2005-23695
A-12	Eagle Park	7.44	2005-4284, 2006-43753, 98-92292
A-13	Fairfield Park Land	5.6	2003-35146
A-14	Fairlane Park Land	1.34	2005-56789
A-15	Friendship Park	0.378	95-60148
A-16	Frisco Park & Trail	3.403	01-117677,01-29399,95-10238,710-432,03-3838605-45232,07-37782
A-17	Gary Hampton Softball Complex	15.45	94-42621
A-18	Gordon Long Park	6.62	96-263,96-31007
A-19	Greathouse Park	6.54	460-217(1.04 acres) remainder dedicated per plat (legal des. Garver sketch for Line 4 Tract 10)
A-20	Gulley Park	27.909	1254-20797-47870, 1399-852
A-21	Harmony Pointe Park	8.35	2006-22171,2003-35676
A-22	Hotz Park	0.99	474-185
A-23	Mount Sequoyah Gardens	3.00	339-323,168-408,310-369,151-88/89
A-24	Mount Sequoyah Woods	97.271	2006-41535, 03-27312 corrected 04-23878
A-25	Mud Creek Trail (Gulley Area)	10.163	97-48208,97-48206,95-17909,95-1966394-57434
A-26	Mud Creek Trail (S. Joyce Area)	22.562	97-9229, 2001-17819(parking area Old Missouri Road)
A-27	Ralph "Buddy" Hayes Park	0.3989	94-26793 (tract 2), 94-50911
A-28	Red Oak Park	8.744	96-260,96-50225, 2001-23003,94-44887, 95-40885,95-57688
A-29	Ridgeway View Park	5.00	980-596
A-30	Rocky Branch Park	5.702	96-2623
A-31	Saint Joseph Park	0.18	2004-2017
A-32	Salem Park	1.84	2004-4849
A-33	Square Gardens	0.34	943-681
A-34	Stone Mountain Park Land	8.19	06-28322
A-35	Sweetbriar Park	4.046	92-56679,898-711,1007-236
A-36	Town Branch Creek Trail	6.85	03-63203
A-37	Trammell Park	1.273	94-038110, 94-038111, 94-051346, 94-051347, 94-051344, 94-051345
A-38	Walker Park	74.07	1291-855, 481-317, 95-27701, 831-482, 1164-59, 1023-635,994-336, 92-20963
A-39	Walnut Crossing Park Land	5.00	06-28053
A-40	White River Baseball Complex	16.725	464-283, 99-78571
A-41	Wildwood Park	13.947	96-1174
A-42	Wilson Park	22.75	347-86, 370-207



PC Meeting of January 28, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Dara Sanders, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: ~~January 17, 2008~~ Updated January 29, 2008

RZN 07-2856: (PARKS AND RECREATION): Submitted by CITY OF FAYETTEVILLE for property located at VARIOUS LOCATIONS THROUGHOUT THE CITY. The request is to rezone 42 city parks to P-1, Institutional.

Planner: Dara Sanders

BACKGROUND:

Property Description and Background: The subject property consists of 42 city parks throughout the City of Fayetteville. The underlying zoning for the City's parks and parklands ranges from Residential-Agricultural to General Industrial (I-2) to Residential Planned Zoning Districts (R-PZD), with a majority located within the Residential Single-Family-4 Units per Acre (RSF-4) and Residential Multi-Family-24 Units per Acre (RMF-24). The applicant proposes to rezone the properties listed in Appendix 1 to Institutional Use (P-1).

In 2002, the City Council approved the Parks and Recreation 10-Year Master Plan. A guiding policy of the Master Plan is to "upgrade existing and provide additional community and neighborhood parks". An implementation strategy of the guiding policy is to "develop design standards that address safety, maintenance, signage and aesthetic issues". As the subject properties are currently zoned, the Unified Development Code requires that the Planning Commission approve a conditional use permit request to upgrade community and neighborhood parks. Chapter 161.26 (A) states that the Institutional District is designed to protect and facilitate the use of property owned by larger public institutions and church related organizations and will allow cultural and recreational facilities as permitted uses. This zoning classification will better guide the development and maintenance of the City's parks and parkland.

Request: The applicant requests to rezone the 42 city parks listed in Appendix 1 from the various current zoning districts to Institutional Use (P-1).

Public Comment: Staff has not received public comment.

INFRASTRUCTURE:

- Streets:** All sites have access to public rights-of-way. Street improvements will be evaluated for each park in the case of future development.
- Water:** Public water is available to a majority of the sites, if not all. Service extension will be determined for each park at the time of the development.
- Sewer:** Sanitary sewer is available to a majority of the sites, if not all. Service extension will be determined for each park at the time of the development.
- Drainage:** Standard improvements and requirements for drainage will be determined for each park at the time of development.
- Fire:** As these properties are within the Fayetteville city limits, the Fayetteville Fire Department will respond to all calls for service. Based upon past calls for service, we anticipate 0-1 call for each park. The rezoning **will not** affect response times or calls for service.
- Police:** It is the opinion of the Fayetteville Police Department that this rezoning **will not** substantially alter the population density, create an undesirable increase in load on police services, or create an undesirable increase in traffic danger and congestion.

CITY PLAN 2025 FUTURE LAND USE PLAN:

The City Plan 2025 Future Land Use Plan designates these sites as **City Neighborhood Area, Residential Neighborhood Area, Urban Center Area, and Natural Area**. Staff finds that, due to the wide range of land uses, which consist primarily of residential uses, and the city-wide recreational need, the P-1 is appropriate for the proposed properties and would be compatible with the existing and planned land uses in the immediate vicinity. In addition, as the park properties are all owned by the City, the future use and improvements will be to the benefit of the surrounding neighborhoods.

The City Plan 2025, Goal 25 as adopted by the City Council states, "We will assemble an enduring green network". This goal supports the natural environment and recreational opportunities that contribute to our community character and quality of life. Staff finds that rezoning the proposed parks to the P-1 zoning district is consistent with the City's policies and goals, as well as the 10-year Parks Plan.

RECOMMENDATION:

Staff recommends forwarding the requested rezoning to the City Council based on the findings herein.

PLANNING COMMISSION ACTION:			
Required		<u>YES</u>	
☐ Approved	☒ Forwarded	☐ Denied	
Motion: <u>Myres</u>	Second: <u>Cabe</u>	Vote: <u>9-0-0</u>	
Date: <u>January 28, 2008</u>			
CITY COUNCIL ACTION:			
Required		<u>YES</u>	
☐ Approved	☐ Forwarded	☐ Denied	
Date: _____			

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: The properties are designated as City Neighborhood Area, Residential Neighborhood Area, Urban Center Area, and Natural Area. in the City Plan 2025 Future Land Use Plan. The proposed P-1 zoning is consistent with the City's land use planning objectives, principles and policies to provide and nurture a network of neighborhood parks, major parks, and recreational facilities throughout the community.

The surrounding land uses of the majority are established single and multiple family residences. The proposed P-1 zoning would be compatible with the existing and planned land uses and zonings, as it is designed to protect and facilitate cultural and recreational facilities and impose regulations in harmony with the residential uses these facilities are intended to serve.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: Staff finds the proposed zoning is justified. The proposed P-1 zoning will release the City-owned recreational use from the unnecessary and at times adverse regulations and limitations of the existing underlying residential, commercial, industrial, and planned zoning districts and will provide uniform standards that more appropriately address and regulate the existing public recreational use of the subject properties. The proposed zoning will protect and facility the use of

parks and park land owned by the City of Fayetteville.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: The existing use of the properties currently results in pedestrian and vehicular traffic. It is expected that a rezoning from the various zoning districts to P-1 will not create an increase in traffic. The proposed zoning would not result in traffic danger and congestion.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: The proposed zoning will not create undesirable impacts to public services, instead. Increased load on public services were taken into consideration and recommendations from Engineering, Fire, and Police Departments are included in this report.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:

- a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

Finding: These parcels have been developed and utilized as parkland for many years. Rezoning will resolve each park's non-conforming status and allow, by right, the necessary signage, possible expansion, and improvement to each property. Therefore, it is more practical and appropriate to re-zone the property to P-1 than to continue a nonconforming or a conditional use under the current zonings. In addition, as new parks enter the system, it will be a goal to rezone these properties, as appropriate.

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: Not applicable. Staff recommends in favor of the requested zoning.

APPENDIX I

TABLE 1: PARKS TO BE REZONED TO INSTITUTIONAL USE

<u>PARK NAMES</u>	<u>CURRENT ZONING</u>	<u>ADDRESS</u>
1 BAYYARI PARK	RSF-7, R-A, RSF-4	725 S. Regency Dr.
2 BRADEN PARK	RSF-4	2515 N. Worthington Way
3 BRYCE DAVIS PARK	RMF-24	1595 N. Dartmouth Ave.
4 BUNDRICK PARK	RT-12	1660 N. Plantation Ave.
5 CHARLES J. FINGER PARK	R-A	1525 S. East Farmers Dr.
6 CLABBER CREEK TRAIL	RSF-4	4150 Morning Mist Dr.
7 CLARENCE CRAFT PARK	RSF-4	1650 N. Jordan Ln.
8 COMBS PARK	R-A	2300 E. Borick Dr.
9 DALE CLARK PARK	R-A	560 N. Ruppel Rd.
10 DAVID LASHLEY PARK	RSF-4	4640 Copper Creek Dr.
11 DUNCAN AVENUE NATURAL AREA	RMF-24	1125 Duncan Avenue
12 EAGLE PARK	RSF-4	1852 S. River Meadows Dr.
13 FAIRFIELD PARK LAND	RSF-4	4910 W. Granby St.
14 FAIRLANE PARK LAND	RMF-24	1582 Fairlane Street
15 FRIENDSHIP PARK	RT-12	1678 N. Saddlehorn Ave.
16 FRISCO PARK AND TRAIL	MSC, NC, DG	110 S. Gregg Ave., 575 W. Center St.
17 GARY HAMPTON SOFTBALL COMPLEX	RSF-4	2790 N. Salem Rd.
18 GORDON LONG PARK	RSF-4	2800 N. Gregg Ave.
19 GREATHOUSE PARK	RMF-24	1710 S. Price Ave.
20 GULLEY PARK	RSF-4	1850 E. Township St.
21 HARMONY POINTE PARK	RMF-6, RSF-4	6264 W. Milliken Bend
22 HOTZ PARK	RSF-4	149 N. Palmer Ave.
23 MOUNT SEQUOYAH GARDENS	RSF-4	100 N. Summit Ave.
24 MOUNT SEQUOYAH WOODS	RSF-4	5 N. Happy Hollow Rd.
25 MUD CREEK TRAIL (GULLEY AREA)	RSF-4	1850 E. Township St.
26 MUD CREEK TRAIL (S. JOYCE AREA)	C-2, RMF-24, R-O	3770 Front St.
27 RALPH "BUDDY" HAYES PARK	RMF-24	235 E. Rock St.
28 RED OAK PARK	RT-12, RSF-4	4600 W. New Bridge Rd.
29 RIDGEWAY VIEW PARK	RSF-4	1676 E. Ridgeway Dr.
30 ROCKY BRANCH PARK	RSF-4	3263 E. Skillern Rd.
31 SAINT JOSEPH PARK	R-PZD	311 Lafayette St.
32 SALEM PARK	RSF-4	3508 Marsh St.
33 SQUARE GARDENS	MSC	1 W. Center St.
34 STONE MOUNTAIN PARK LAND	RSF-4	Crestline Pl.
35 SWEETBRIAR PARK	RSF-4	2645 E. Sweetbriar Dr.
36 TOWN BRANCH CREEK TRAIL	RMF -24	1699 S. Conway Place
37 TRAMMELL PARK	Not Zoned	1835 N. Fox Hunter Rd.
38 WALKER PARK	RMF-24, P-1	10 W. 15th St.
39 WALNUT CROSSING PARK LAND	R-PZD	4385 W. Alberta St.
40 WHITE RIVER BASEBALL COMPLEX	I-2	2080 S. Armstrong Ave.
41 WILDWOOD PARK	RT-12, RMF-24	3075 W. Marigold Dr.
42 WILSON PARK	RSF-4	675 N. Park Ave.

FAYETTEVILLE PARKS AND RECREATION DIVISION

Parks Rezoning Request

December 6, 2007

The Fayetteville Parks and Recreation Division owns and maintains over 50 parks and park lands. The zoning for most of the City's parks and park lands ranges from Residential-Agricultural (R-A) to General Industrial (I-2). The majority of the park properties are zoned as Residential Single-Family – Four Units per Acre (RSF-4) and Residential Multi-Family – Twenty-four Units per Acre (RMF-24).

The Parks and Recreation Division is requesting to rezone the properties listed on the enclosed attachments to Institutional Use (P-1). Per City Code, the Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations. This zoning allows cultural and recreational facilities as permitted uses. Additionally, the zoning allows for signage at the park facilities without obtaining Conditional Use Permits. For these reasons, the Parks and Recreation Division feels that the requested zoning will be more suitable for these properties.

Enclosed please find Attachments "A", "B", and "C". Attachment "A" illustrates the locations of the proposed park properties for this rezoning request. There are 44 park properties included in this request. Attachment "B" lists the park properties along with the current zoning(s) and address(es). Attachment "C" is a spreadsheet that was prepared by Ms. Kem Wimberly, one of the City's Land Agents. Ms. Wimberly performed extensive research on the properties to determine which deeds and plats are associated with each property. Also attached to this request are individual maps of each of the park properties with the associated deeds and county plats.



Executive Summary

Parks and Recreation

Guiding Policies and Implementation Strategies

Mission Statement: To meet the parks and recreational needs of all by providing a safe and diversified park system that encourages community pride, visionary planning and operations, and environmental stewardship.

Guiding Policy: Develop a citywide trails and greenways network.

Implementation Strategies:

- A. Hire a coordinator for trails and greenways.
- B. Coordinate and administer current and future trail projects.
- C. Develop and adopt a trails and greenways master plan within one year of adoption of the Parks and Recreation Master Plan.
- D. Seek a wide variety of funding sources for enhancements to a trails and greenways network.
- E. Utilize the Park Land Dedication Ordinance for development of a trails and greenways network.
- F. Provide adequate ongoing management and maintenance resources for a trails and greenways network.

Guiding Policy: Increase park safety and accessibility.

Implementation Strategies:

- A. Enhance and expand park patrol.
- B. Incorporate current ADA standards for all renovated and new park facilities.
- C. Develop design standards that address ADA and safety issues.
- D. Improve parking and pedestrian facilities.
- E. Provide improved security and sports lighting at appropriate park locations.

Guiding Policy: Upgrade existing and provide additional community and neighborhood parks.

Implementation Strategies:

- A. Implement detailed recommendations of the Parks and Recreation Master Plan.
- B. Provide neighborhood parks within ½ mile radius of all residential areas.
- C. Provide community parks within 2 mile radius of all residential areas.
- D. Utilize the Park Land Dedication Ordinance for adding new community and neighborhood parks.
- E. Use existing funding and seek alternative funding sources for land acquisition and park upgrades.
- F. Provide adequate management and maintenance resources for a continuous commitment to the highest level of quality service for community and neighborhood parks.
- G. Develop design standards that address safety, maintenance, signage and aesthetic issues.

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

113 West Mountain St.

Fayetteville, AR 72701

ENGINEERING DIVISION CORRESPONDENCE

479-575-8206

To: Dara Sanders, Planner

Date: January 17, 2008

From: Matt Casey, P.E.

Re: Rezoning Request

Development: RZN 07-2856: (PARKS AND RECREATION):

The Engineering Division has no objections to the change in zoning for these properties. There are no additional demands expected on the existing infrastructure with this proposal. Any redevelopment on the sites will require a review for compliance with the City's requirements for water, sewer, grading and drainage.



Fayetteville Fire Department

MEMO

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
Thru: Chief Tony Johnson
Assistant Chief Bud Thompson
From: Captain Dale Riggins
Date: January 22, 2008
Re: January 22, 2008 Zoning Review

RZN 07-2856: (PARKS AND RECREATION):

Submitted by CITY OF FAYETTEVILLE for property located at VARIOUS LOCATIONS THROUGHOUT THE CITY. The request is to rezone 44 city parks to P-1, Institutional. This re-zoning is for existing properties within the City of Fayetteville. They are all served by the Fayetteville Fire Department and will not affect our calls for service and our response times. The Fire Department is in support of these re-zonings.

If you have any questions concerning these comments please don't hesitate to call me

Dale Riggins

Captain, Fayetteville Fire Department

RZN 07-2856: (PARKS AND RECREATION): Submitted by CITY OF FAYETTEVILLE for property located at VARIOUS LOCATIONS THROUGHOUT THE CITY. The request is to rezone 44 city parks to P-1, Institutional.

Dara Sanders, Current Planner, gave the staff report, adding that two parks had been removed from the list, including Aspen Ridge and Tsa La Gi.

Jeremy Pate, Director of Current Planning, stated that the two omitted parks are tied up in foreclosure.

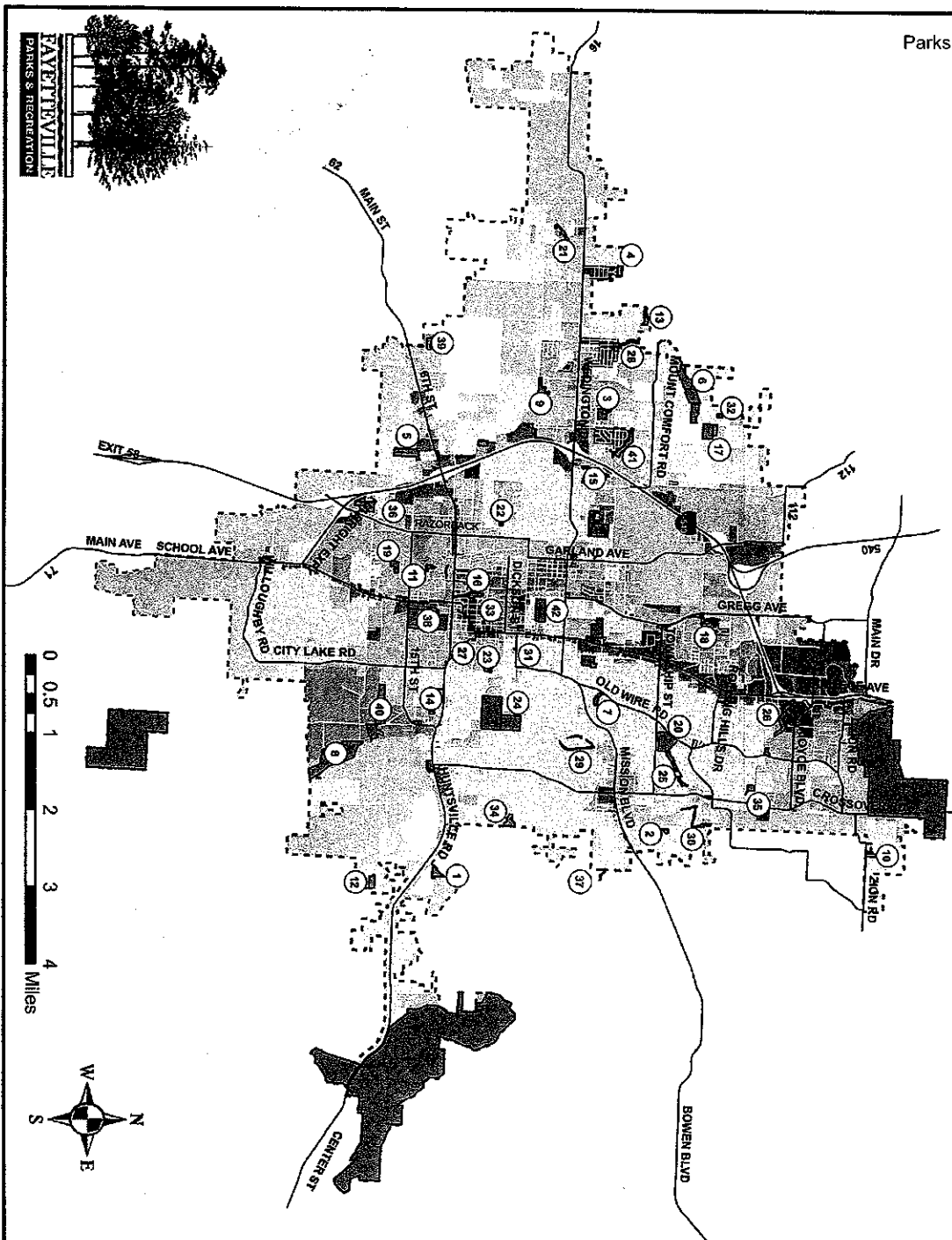
No public comment was received.

Motion:

Commissioner Myres made a motion to forward the request to City Council with a recommendation of approval with conditions as stated. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 9-0-0.**

All business being concluded, the meeting was adjourned at 6:38 PM.

CITY OF FAYETTEVILLE PARKS REZONING REQUEST ATTACHMENT "A"



**City of Fayetteville
Staff Review Form
City Council Agenda Items
or
Contracts**

4-Mar-08

City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

C-PZD 07-2858: Farmer's Market, 558: Submitted by Steve Clark for property located on the south side of 6th Street, between East and West Farmers Drive containing approximately 1.10 acres. The request is for re-zoning, land use, and large scale development approval for a Commercial Planned Zoning District with a 5,000 s.f. commercial building and associated parking.

\$0.00

n/a

n/a

Cost of this request

Category/Project Budget

Program Category / Project Name

n/a

n/a

n/a

Account Number

Funds Used to Date

Program / Project Category Name

n/a

n/a

n/a

\$

Project Number

Remaining Balance

Fund Name

Budgeted Item

Budget Adjustment Attached

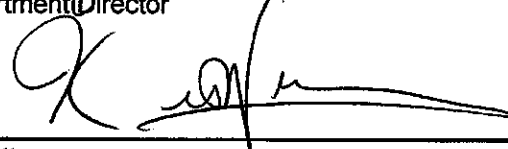

Department Director

2-14-08
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a


City Attorney

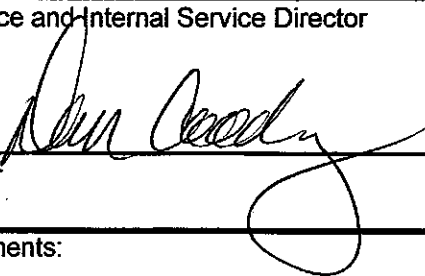
2-18-08


Finance and Internal Service Director

2-19-08
Date

Received in City Clerk's Office




Mayor

2-20-08
Date

Received in Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy C. Pate, Director of Current Planning *JCP*

Date: February 14, 2008

Subject: Residential Planned Zoning District for Farmer's Market (C-PZD 07-2858)

RECOMMENDATION

Planning Staff recommends approval of an ordinance creating a Commercial Planned Zoning District (C-PZD) for a project called Farmer's Market, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a single-use project on approximately 1.10 acres located south of 6th Street, between East and West Farmers Drive. The proposal is for a 5,000 sq. ft. commercial building with associated parking.

BACKGROUND

The subject property contains 1.10 acres located south of 6th Street between East and West Farmers Drives and is zoned R-A, Residential Agricultural. The property is currently undeveloped and located entirely within the 100-year floodplain or floodway. The applicant applied to rezone the property to C-2, Thoroughfare Commercial in February 2007. Staff recommended denial of the rezoning request due to concerns with rezoning the property to allow increased development intensity, without an evaluation of how a development would address environmental concerns regarding floodway and floodplain on the property. In response to staff's concerns, the applicant has proposed a C-PZD to allow simultaneous review of the zoning and development proposal.

DISCUSSION

On February 11, 2008 the Planning Commission voted 8-0-0 in favor of forwarding this request to the City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A COMMERCIAL PLANNED ZONING DISTRICT TITLED C-PZD 07-2858 (FARMER'S MARKET), LOCATED ON THE SOUTH SIDE OF HWY 62, BETWEEN EAST AND WEST FARMERS DRIVE, CONTAINING APPROXIMATELY 1.10 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1: That the zone classification of the following described property is hereby changed as follows:

From R-A, Residential Agricultural to C-PZD 07-2858 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

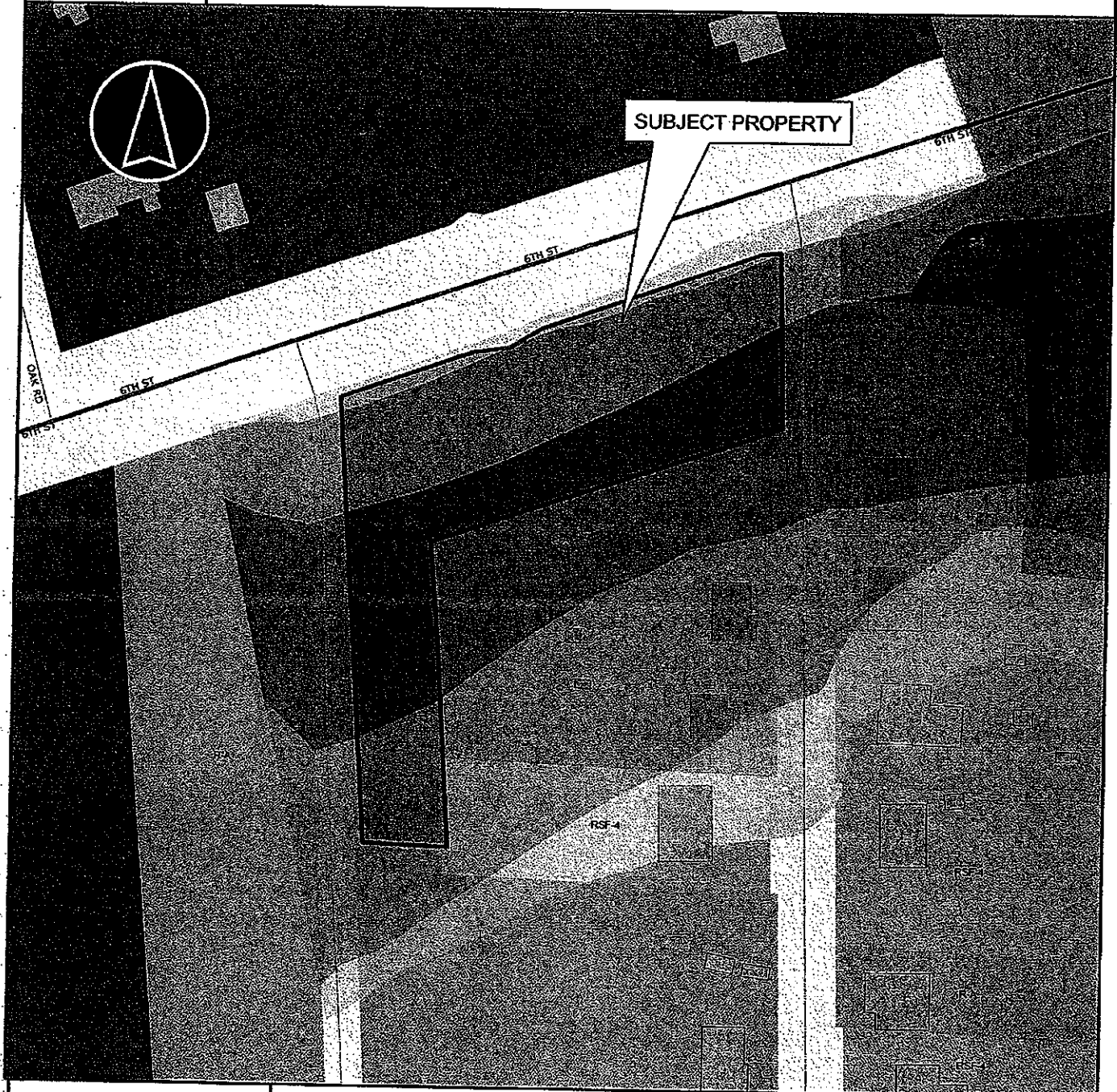
By: _____
SONDRA SMITH, City Clerk/Treasurer

EXHIBIT "A"
C-PZD 07-2858

CPZD07-2858

Close Up View

FARMER'S MARKET/ 6TH ST.



Overview



0 37.5 75 150 225 300
Feet

EXHIBIT "B"
C-PZD 07-2858

A PART OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) AND A PART OF THE NORTHWEST QUARTER (NW1/4) OF THE NORTHEAST QUARTER (NE1/4), ALL IN SECTION NINETEEN (19), TOWNSHIP SIXTEEN (16) NORTH, RANGE THIRTY (30) WEST, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF THE NORTHWEST QUARTER (1/4) OF SAID SECTION NINETEEN (19), SAID POINT BEING AN EXISTING ARKANSAS LAND SURVEY MONUMENT; THENCE S01°20'00"W 1642.77 FEET ALONG THE WEST LINE OF SAID NORTHEAST QUARTER (NE1/4) TO A POINT; THENCE S88°41'32"E 1035.19 FEET TO A SET 1/2" IRON REBAR ON THE EAST RIGHT-OF-WAY LINE OF WEST FARMER DRIVE FOR THE TRUE POINT OF BEGINNING; THENCE N05°02'11"W 227.19 FEET ALONG SAID RIGHT-OF-WAY LINE TO AN EXISTING IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY #62; THENCE ALONG THE SOUTH RIGHT-OF-WAY LINE OF SAID HIGHWAY #62, THE FOLLOWING BEARINGS AND DISTANCES:

N69°24'47"E 95.42 FEET TO A SET 1/2" IRON REBAR;
N80°49'10"E 25.50 FEET TO A SET 1/2" IRON REBAR;
N58°11'39"E 25.50 FEET TO A SET 1/2" IRON REBAR;
N69°30'39"E 160.66 FEET TO AN EXISTING IRON REBAR;
N83°33'24"E 13.33 FEET TO A CHISELED "X" IN A CONCRETE SIDEWALK AT THE WEST RIGHT-OF-WAY LINE OF EAST FARMER DRIVE; THENCE S02°46'22"E 119.92 FEET ALONG THE WEST RIGHT-OF-WAY LINE OF SAID EAST FARMER DRIVE TO A POINT IN THE CENTER OF A DITCH AND FROM WHICH AN EXISTING REFERENCE BEARS S02°46'22"E 4.50 FEET; THENCE LEAVING THE WEST RIGHT-OF-WAY LINE OF SAID EAST FARMER DRIVE, S70°06'28"W 255.45 FEET ALONG THE NORTH LINE OF A TRACT OF LAND DESCRIBED IN LAND DOCUMENT 95-47316 OF THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, TO A SET 1/2" IRON REBAR; THENCE S06°07'32"E 70.00 FEET TO AN EXISTING ANGLE IRON; THENCE S05°03'44"E 60.19 FEET TO AN EXISTING IRON REBAR; THENCE S04°54'26"E 79.58 FEET TO AN EXISTING IRON REBAR; THENCE N89°17'18"W 58.04 FEET TO AN EXISTING IRON REBAR; THENCE N05°05'53"W 80.03 FEET TO THE POINT OF BEGINNING, CONTAINING 1.10 ACRES, MORE OR LESS, FAYETTEVILLE, WASHINGTON COUNTY, ARKANSAS. THE ABOVE DESCRIBED 1.10 ACRE TRACT BEING SUBJECT TO ANY EASEMENTS AND/OR RIGHTS-OF-WAY WHETHER OR NOT OF RECORD.

CONDITIONS OF APPROVAL:

C-PZD 07-2858

Page 1 of 4

The Planning Commission and Staff recommend the following conditions of approval associated with C-PZD 07-2858 (Farmer's Market).

Conditions of Approval:

1. Planning Commission determination of street improvements. Staff recommends the following street improvements:
 - a. Replace the existing sidewalk along 6th Street with a new 5' sidewalk constructed at the Master Street Plan right-of-way. The new sidewalk shall be extended west of W. Farmers Drive to connect to the existing sidewalk. A final determination of construction grades of this sidewalk connection shall be made by the City Engineer at the time of construction.
 - b. W. Farmers Dr. shall be improved with pavement, curb and gutter, storm drainage and a 5' sidewalk at the right-of-way line with a minimum pavement width of 20' along the entire property frontage. Improvements to W. Farmers Dr. shall extend to the south property line of the 1.10 acre tract. The applicant shall install an asphalt overlay over the existing pavement utilized to meet the 20' width.
 - c. Replace the existing sidewalk along E. Farmers Dr. with a new 5' sidewalk constructed at the Master Street Plan right-of-way.
2. Planning Commission determination of a variance from the minimum street standards for W. Farmers Drive to allow for a 4' greenspace between the back of curb and the sidewalk where 6' is required. *Staff recommends in favor of the requested waiver, finding that the lack of right-of-way and existing ditch on the west side of the street creates a significant hardship for the applicant, and the street improvements necessary to serve the subject development will be provided in a safe and adequate manner.*
3. Planning Commission determination of compliance with Commercial Design Standards. *Staff recommends approval of the proposed elevations, finding that the elevations submitted meet the criteria set forth for commercial design standards.*
4. Planning Commission determination of a variance from the required 15' landscape requirement adjacent to 6th Street. *Staff finds in favor of the waiver request due to the many limitations associated with development of this property, which include floodway, floodplain and the overall depth of the property. Additionally, the waiver only applies to short section adjacent to the east parking area, where a back-out lane is located.*
5. Planning Commission determination of Tree Preservation Area. **CONDITION #5 WAS REWRITTEN AS FOLLOWS:** *Due to the intensity of development on the PZD site, much of the canopy proposed for preservation may be greatly impacted, based on the location of utility easements, drainage improvements and the proposed driveway. Because the canopy reduction is relatively great and adequate land does not exist on-site for replanting, staff's recommendation is to allow off-site preservation for this development. As depicted on the tree preservation plan, all canopy located on the south part of the southern tract shall be*

CONDITIONS OF APPROVAL:

C-PZD 07-2858

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placed within a tree preservation area. This includes trees 29-49, which are located within the subject property. All other trees on the north part of this tract shall be protected during construction, and will be evaluated for preservation or removal at the time of development of the subject property. As agreed to by the applicant, 100% of the canopy on the remainder of the southern tract, not located within the tree preservation area, shall be mitigated back on the property, if it is approved to be removed.

6. The applicant shall dedicate right-of-way in the amount of 48.5' from centerline for 6th Street by warranty deed, 21.5' from centerline for W. Farmers Drive and 25' from centerline for E. Farmers Drive, prior to issuance of a building permit.
7. Any portion of the public sidewalk located outside of the public right-of-way shall be located within a pedestrian access easement, which shall be dedicated by easement plat.
8. The applicant shall install a "no left turn" or other deterring signage at the south end of the southern drive to encourage drivers to exit north to 6th Street, rather than exiting south down W. Farmers Drive. Said sign shall be installed prior to a Certificate of Occupancy.
9. The applicant shall provide a screen or vegetative buffer along the full length of the south property line and on the east side of the southern parking lot, as the adjacent land use is residential. As noted on the landscape plan, white pines with a minimum height of 8' at the time of planting shall be utilized, unless otherwise recommended by the Urban Forester.
10. The applicant shall coordinate with the Corps of Engineers to determine if a 404 permit is required, prior to any land disturbance on the property.
11. Work within the floodway shall require a "no rise certification" and a Floodplain Development Permit.
12. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. as outlined in the PZD submittal. Signs are not allowed to be placed in utility easements. PZD approval does not guarantee sign permit approval. All signs shall be permitted by a separate sign permit application prior to installation.
13. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Tree preservation and landscape plan conditions:

14. All off-site preserved tree canopy proposed to meet mitigation requirements must be placed within a Tree Preservation Area. This Tree Preservation Area will need to be delineated on

CONDITIONS OF APPROVAL:

C-PZD 07-2858

Page 3 of 4

the easement plat and filed of record before a building permit is issued. Canopy not located within the Tree Preservation Area shall be protected during construction.

15. Any utilities visible from the right of way must be screened. Take this into consideration during the planning process. At time of the final inspection, additional plantings may be required.
16. Before approval of construction documents, the Landscape Plan must be stamped by a licensed Landscape Architect within the state of Arkansas.

Standard Conditions of Approval:

17. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.

18. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.

19. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning staff prior to building permit.

20. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).

21. Provide a CD containing the proposed Large Scale Development drawings in AutoCad or similar digital format.

22. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

23. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.

24. PZD/Large Scale development shall be valid for one calendar year. All building permits must be obtained within one year from the date of final approval, with a one year extension

CONDITIONS OF APPROVAL:

C-PZD 07-2858

Page 4 of 4

option available, subject to approval of the Planning Commission.

25. Prior to the issuance of a building permit the following is required:

- a. Grading and drainage permits
- b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
- c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
- d. Project Disk with all final revisions
- e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.

Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



Planning Commission Meeting
February 11, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

125 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 575-8267

PLANNING DIVISION CORRESPONDENCE

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
Matt Casey, Assistant City Engineer
THRU: Jeremy Pate, Director of Current Planning
DATE: February 5, 2008 Updated February 14, 2008

C-PZD 07-2858: Planned Zoning District (FARMER'S MARKET/6TH STREET, 558):
Submitted by STEVE CLARK for property located at S SIDE OF 6TH STREET, BETWEEN E AND W FARMERS DRIVE. The property is zoned R-A, RESIDENTIAL AGRICULTURAL and contains approximately 1.10 acres. The request is for rezoning, land use and large scale development approval for a C-PZD with a 5,000 s.f. commercial building with associated parking.

Planner: Jesse Fulcher

Findings:

Background: The subject development was reviewed by the Subdivision Committee on January 17, 2008 and was tabled to allow the applicant time to make corrections to the plat and booklet, and to work with the Urban Forester to provide additional tree preservation area south of the parking lot along W. Farmers Drive. The applicant addressed the majority of comments, including some revisions to the tree preservation plan and therefore the project was forwarded by the Subdivision Committee on January 31, 2007.

Property Description and Background: The subject property contains 1.10 acres located south of 6th Street between East and West Farmers Drives and is zoned R-A, Residential Agricultural. The property is currently undeveloped and located entirely within the 100-year floodplain or floodway. The applicant applied to rezone the property to C-2, Thoroughfare Commercial in February 2007. Staff recommended denial of the rezoning request due to concerns with rezoning the property to allow increased development intensity, without an evaluation of how a development would address environmental concerns regarding floodway and floodplain on the property.

Proposal: The applicant requests rezoning, land use, and large scale development approval for a commercial development within a C-PZD zoning district on the subject property. The proposed zoning would allow for a maximum intensity of 5,000 sq. ft. of commercial space. The project booklet and the plats provided the zoning criteria in detail. These documents are binding to the zoning of the property.

Surrounding Land Use/Zoning:

Direction	Land Use	Zoning
North	ROW/Commercial	C-2, Thoroughfare Commercial
South	Floodway/Residential	R-A, Residential Agricultural
East	ROW/Residential/Commercial	C-2, Thoroughfare Commercial/ R-A, Residential Agricultural
West	ROW/Commercial (WalMart)	R-A, Residential Agricultural, C-2

Phasing: The applicant proposes to develop the project in one phase in accordance with the standard timeframe requirements of the Unified Development Code, which allows one year from the date of approval to obtain all building permits with a one year extension request available with Planning Commission approval.

Water & Sewer: Water and sewer service are available to the site.

Access: Access to the proposed development will be from East and West Farmers Drive. Direct access to 6th Street is not proposed.

Adjacent Master Street Plan Streets: E. Farmers Drive (Local Street), W. Farmers Drive (Residential Street) and 6th Street (Principal Arterial)

Right-of-way dedication: Right-of-way in the amount of 48.5' from centerline for 6th Street by warranty deed, 21.5' from centerline for W. Farmers Drive and 25' from centerline for E. Farmers Drive.

**Street Improvements:* Staff is recommending that a new 5' sidewalk be constructed along 6th Street at the Master Street Plan right-of-way. 6th Street is a 5-lane section at this property, with curb and gutter constructed. The applicant is to tie in the new sidewalk with the sidewalk located west of W. Farmers Drive, with access ramps. The sidewalk connection shall be coordinated with the Engineering Department at the time of construction to ensure compliance with ADA requirements. W. Farmers Dr. shall be improved with pavement, curb and gutter, storm drainage and a 5' sidewalk at the right-of-way line with a minimum pavement width of 20' along the entire property frontage. Improvements to W. Farmers Dr. shall extend to the south property line of the 1.10 acre tract. E. Farmers Dr. is an improved 25' street section with an existing sidewalk located at the back of curb. The existing sidewalk shall be removed and a new 5' sidewalk constructed at the right-of-way line.

*The applicant has stated that the street improvements to W. Farmers Drive can not be constructed as originally recommended due to the location of an existing ditch and lack of existing right-of-way along the west side of the street. As a result, the applicant is proposing to offset the improvements to the east side of the road to provide all recommended improvements. However, shifting the improvements requires a reduction in the greenspace between the curb and sidewalk from 6' to 4'. A variance has been requested by the applicant and is noted as a conditional of approval. Additionally, approximately 1' of the public sidewalk will be located outside of the public right-of-way and shall be included in a pedestrian access easement and dedicated by easement plat.

Floodplain/Floodway: The entire site is located within the 100-year floodplain, and portions of the site are located within the floodway as identified by FEMA. Limited construction is permitted within the designated floodway. The Engineering Division has conducted a detailed review of the large scale development plans and included conditions of approval as needed.

***Tree Preservation:** Existing Canopy: 20.60%
Preserved Canopy: 9.71%
Required Canopy: 20.60% - Off-site preservation proposed.

***The Urban Forester** recommended denial of the Tree Preservation and Protection Plan that was reviewed at the January 17, 2008 Subdivision Committee, as the applicant was proposing to reduce the existing tree canopy from 37.20% to 20.30%, which is below the 25% required by ordinance. Since the initial review, a 0.40 acre section of property, which is located south of the southern parking lot, has been removed from the PZD request. It is staffs' understanding that the property owner never intended to include this separate parcel in the PZD request. As a result of removing the 0.40 acre tract, the existing canopy on the site has been reduced to 20.60% with the applicant preserving 9.16%. Mitigation is still required; however, the applicant is proposing to utilize an option within Chapter 167 for off-site tree preservation. Tree canopy is proposed to be permanently protected within a Tree Preservation Area on the small 0.40 acre site directly south of the parking lot, along West Farmers Drive. In addition, 100% of the remaining tree canopy on the off-site southern tract will be evaluated with future development, and if approved for removal, will be mitigated back on the site.

Recommendation: Staff recommends forwarding **C-PZD 07-2858** to the City Council with a recommendation for approval with the following conditions:

Conditions of Approval:

1. Planning Commission determination of street improvements. Staff recommends the following street improvements:
 - a. Replace the existing sidewalk along 6th Street with a new 5' sidewalk constructed at the Master Street Plan right-of-way. The new sidewalk shall be extended west of W. Farmers Drive to connect to the existing sidewalk. A final determination of construction grades of this sidewalk connection shall be made by the City Engineer at the time of construction.
 - b. W. Farmers Dr. shall be improved with pavement, curb and gutter, storm drainage and a 5' sidewalk at the right-of-way line with a minimum pavement width of 20' along the entire property frontage. Improvements to W. Farmers Dr. shall extend to the south property line of the 1.10 acre tract. The applicant shall install an asphalt overlay over the existing pavement utilized to meet the 20' width.
 - c. Replace the existing sidewalk along E. Farmers Dr. with a new 5' sidewalk constructed at the Master Street Plan right-of-way.
2. Planning Commission determination of a variance from the minimum street standards for W. Farmers Drive to allow for a 4' greenspace between the back of curb and the sidewalk where 6' is required. *Staff recommends in favor of the requested waiver, finding that the*

lack of right-of-way and existing ditch on the west side of the street creates a significant hardship for the applicant, and the street improvements necessary to serve the subject development will be provided in a safe and adequate manner.

3. Planning Commission determination of compliance with Commercial Design Standards. *Staff recommends approval of the proposed elevations, finding that the elevations submitted meet the criteria set forth for commercial design standards.*
4. Planning Commission determination of a variance from the required 15' landscape requirement adjacent to 6th Street. *Staff finds in favor of the waiver request due to the many limitations associated with development of this property, which include floodway, floodplain and the overall depth of the property. Additionally, the waiver only applies to short section adjacent to the east parking area, where a back-out lane is located.*
5. Planning Commission determination of Tree Preservation Area. *Staff recommends that all tree canopy located along the eastern boundary of the southern tract of land owned by the applicant be placed within a permanent tree preservation area. This includes trees #23, 25, 26, 26, 27, 28, 29, 30, 31, 32, 48 and 49. All other trees within this tract shall be protected during construction, and will be evaluated for preservation or removal at the time of development of the subject property. Due to the intensity of development on the PZD site, much of the canopy proposed for preservation may be greatly impacted, based on the location of utility easements, drainage improvements and the proposed driveway. Because the canopy reduction is relatively great, staff's recommendation is to allow off-site preservation for this development, as noted above. The applicant currently does not agree with this recommendation, and proposes only the trees on the south end of the tract to be preserved. Staff has consistently made this recommendation since the project was submitted.*

2/11/08: CONDITION #5 WAS REWRITTEN AS FOLLOWS: Due to the intensity of development on the PZD site, much of the canopy proposed for preservation may be greatly impacted, based on the location of utility easements, drainage improvements and the proposed driveway. Because the canopy reduction is relatively great and adequate land does not exist on-site for replanting, staff's recommendation is to allow off-site preservation for this development. As depicted on the tree preservation plan, all canopy located on the south part of the southern tract shall be placed within a tree preservation area. This includes trees 29-49, which are located within the subject property. All other trees on the north part of this tract shall be protected during construction, and will be evaluated for preservation or removal at the time of development of the subject property. **As agreed to by the applicant, 100% of the canopy on the remainder of the southern tract, not located within the tree preservation area, shall be mitigated back on the property, if it is approved to be removed.**

6. The applicant shall dedicate right-of-way in the amount of 48.5' from centerline for 6th Street by warranty deed, 21.5' from centerline for W. Farmers Drive and 25' from centerline for E. Farmers Drive, prior to issuance of a building permit.

7. Any portion of the public sidewalk located outside of the public right-of-way shall be located within a pedestrian access easement, which shall be dedicated by easement plat.
8. The applicant shall install a "no left turn" or other deterring signage at the south end of the southern drive to encourage drivers to exit north to 6th Street, rather than exiting south down W. Farmers Drive. Said sign shall be installed prior to a Certificate of Occupancy.
9. The applicant shall provide a screen or vegetative buffer along the full length of the south property line and on the east side of the southern parking lot, as the adjacent land use is residential. As noted on the landscape plan, white pines with a minimum height of 8' at the time of planting shall be utilized, unless otherwise recommended by the Urban Forester.
10. The applicant shall coordinate with the Corps of Engineers to determine if a 404 permit is required, prior to any land disturbance on the property.
11. Work within the floodway shall require a "no rise certification" and a Floodplain Development Permit.
12. All freestanding and wall signs shall comply with ordinance specifications for location, size, type, number, etc. as outlined in the PZD submittal. Signs are not allowed to be placed in utility easements. PZD approval does not guarantee sign permit approval. All signs shall be permitted by a separate sign permit application prior to installation.
13. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.

Tree preservation and landscape plan conditions:

14. All off-site preserved tree canopy proposed to meet mitigation requirements must be placed within a Tree Preservation Area. This Tree Preservation Area will need to be delineated on the easement plat and filed of record before a building permit is issued. Canopy not located within the Tree Preservation Area shall be protected during construction.
15. Any utilities visible from the right of way must be screened. Take this into consideration during the planning process. At time of the final inspection, additional plantings may be required.
16. Before approval of construction documents, the Landscape Plan must be stamped by a licensed Landscape Architect within the state of Arkansas.

Standard Conditions of Approval:

17. All mechanical and utility equipment on the wall and/or on the ground shall be screened. All roof mounted utilities and mechanical equipment shall be screened by incorporating screening to the structure utilizing materials compatible with the supporting building. Smaller ground-mounted equipment may be screened with tall grasses or shrubs. A note shall be added to all construction documents indicating as such.
18. Trash enclosures shall be screened on three sides with materials compatible with the surrounding structures, with access not visible from the street. Architectural elevations for these structures shall be submitted for review prior to issuance of a building permit.
19. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning staff prior to building permit.
20. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives: AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
21. Provide a CD containing the proposed Large Scale Development drawings in AutoCad or similar digital format.
22. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
23. All existing utilities below 12kv shall be relocated underground. All proposed utilities shall be located underground.
24. PZD/Large Scale development shall be valid for one calendar year. All building permits must be obtained within one year from the date of final approval, with a one year extension option available, subject to approval of the Planning Commission.
25. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area and all utility easements.
 - d. Project Disk with all final revisions
 - e. One copy of final construction drawings showing landscape plans including tree preservation measures submitted to the Landscape Administrator.
 - f. Completion of all required improvements or the placement of a surety with the

City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Additional conditions:

26. _____

Planning Commission Action:

☐ Tabled

☒ Forwarded to C.C.

Motion: Graves

Second: Trumbo

Vote: 8-0-0

Meeting Date: February 11, 2008

Comments: _____

The "Conditions of Approval" listed in the report above are accepted in total without exception by the entity requesting approval of this development item.

Signature _____

Date _____

Findings associated with R-PZD 07-2858 (Farmer's Market)

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan Planned Zoning District criteria established by the City Council. City Plan 2025 designates this site as an Urban Center Area. Rezoning this property to R-PZD 07-2858 to allow for the development of a retail building is consistent with the land use plan and other commercially zoned properties along 6th Street (Hwy 162). Additionally, the PZD request will allow the building to be set close to the front property lines. This provides sufficient space for parking to be located in the rear of the property, all while avoiding the existing floodway on the south side of the property.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions, or the applicant has submitted requests for waivers thereof.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would require the provision of public facilities, at the cost of the developer. As indicated in the submittal and the staff report, specific street improvements are proposed with this development to provide adequate ingress and egress for the development.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The proposed retail development is compatible with the surrounding commercial land uses to the east, west and north. The development fronts 6th Street (Hwy 62), which is designated a Principal Arterial by the Master Street Plan. The properties to the south are residential; however, existing tree canopy and required screening along the south and east property lines will provide a substantial visual buffer between these land uses.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The intended use of the property is suitable given its location along a principal arterial. However, as noted in the report, staff has cited concerns with a previous rezoning request to allow increased development intensity, without an evaluation of how a development would address environmental concerns. The development has been designed to minimize disturbance of the floodway and tree canopy along the south side of the property. As noted in the project booklet, the creek bed will remain undisturbed except for the driveway crossing, which will be constructed at or below the existing elevations. Additionally, several existing trees will be preserved along the creek bed, which should help with soil stabilization.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will certainly increase the amount of traffic on surrounding streets; however, street improvements are proposed for East and West Farmers Drive. Additionally, the development will provide a sidewalk connection to the west, which will provide an alternative transportation mode to the large commercial developments along 6th Street.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject infill development will be compatible with the assorted commercial developments along 6th Street, while also respecting the residential nature of East and West Farmers Drives. Tree canopy will be preserved along the south and east property lines, which will provide a natural visual barrier between the two land uses. Locating existing canopy within a tree preservation easement will protect the canopy in perpetuity, which will provide long term soil stabilization and conservation of natural site amenities. The proposed development is an appropriate transition between a residential neighborhood and principal arterial, and should provide area residents direct and convenient access to commercial service. Adequate screening and separation between uses should also minimize potentially adverse impacts, such as lighting, traffic and noise.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: Screening is proposed along the south and east property lines between the proposed commercial use and adjacent residential uses. Screening is proposed as a combination of existing vegetation and white pines to create an effective visual buffer. Fencing is likely not an option due to the creek bed along the south property line and the location of many trees on the property line. A fence has been proposed along the east property line to help screen the parking from adjacent residents.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:
 - (a) The adequacy of both the internal and external street systems shall be reviewed in light of

the projected future traffic volumes.

- (b) The traffic circulation system shall be comprised of a hierarchical scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
- (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
- (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
- (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
- (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Direct access to 6th Street is not proposed. Vehicular traffic will utilize the two existing public streets to access a through-drive, which is located over 100' from the intersection of Farmers Drive and 6th Street.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Three separate on-site parking areas will be provided to serve the development in accordance with the required parking ratios for a retail/restaurant development.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The applicant's proposal has met the open space requirements, with approximately 41% of the 1.10 acre site remaining pervious.

- (6) *Sidewalks.* As required by §166.03.

FINDING: The existing sidewalk along 6th Street will be replaced with a new 5' sidewalk at the Master Street Plan right-of-way and will connect to the existing sidewalk on the west side of W. Farmers Drive. Additionally, 5' sidewalks will be constructed along East and West Farmers Drives.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided at all intersections and with a maximum separation of 300 feet.

(8) *Water.* As required by §166.03.

FINDING: Public water will be provided to the project site, pursuant to city code. Improvements to water services may be required and shall be reviewed at the time of preliminary plat submittal.

(9) *Sewer.* As required by §166.03.

FINDING: Public sewer will be provided to the project site, pursuant to city code. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat submittal.

(10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

(a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.

(b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:

(i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing City standards and shall be dedicated as a public street.

(ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.

(iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.

(iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.

(v) The plat of the planned development shall designate each private street as a "private street."

(vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other

parties to the covenants.

(vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.

(viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: All public and private streets/drives shall conform to city standards, which have been indicated in the submitted statement of commitments. Public and Private streets shall not be gated, unless permitted by express approval from the City Council.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: The proposed development is a commercial PZD.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of

trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: A tree preservation plan has been submitted, indicating preservation of 9.1 canopy area on the development property. The applicant proposes the utilization of off-site preservation to the south of the parking lot area. Canopy located within a tree preservation area shall be protected in perpetuity. Staff has consistently recommended that all tree canopy along the east side of the off-site tract be placed within a tree preservation area, to account for the loss of on-site canopy.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: Staff is recommending in favor of the proposed building elevations.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

(E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:
- (a) *Building permit.* If no building permit has been issued within the time allowed.
 - (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
 - (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

(2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.

(3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

(1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

(2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:

- (a) The homeowner's association must be legally established before building permits are granted.
- (b) Membership and fees must be mandatory for each home buyer and successive buyer.
- (c) The open space restrictions must be permanent, rather than for a period of years.
- (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
- (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) **Purpose.** The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) **Flexibility.** Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) **Compatibility.** Providing for compatibility with the surrounding land uses.
- (3) **Harmony.** Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) **Variety.** Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) **No negative impact.** Does not have a negative effect upon the future development of the area;
- (6) **Coordination.** Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) **Open space.** Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) **Natural features.** Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) **General Plan.** Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) **Special Features.** Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including flexibility in design and a minimal disruption of natural features. The proposal will offer residents convenience goods and personal services within a small scale and compatible development. Reducing the building setbacks will permit a more efficient use of the property, while minimizing land disturbance within the floodway.

The following guiding policies within Urban Center Areas are applicable to this development, and help to achieve the twelve primary goals of the City Plan 2025:

Residential Neighborhood Areas:

- a. *Provide enough retail business and service space to enable Fayetteville to realize its full potential as a regional market.*
- b. *Require that large commercial sites be designed and landscaped in a manner that preserves the aesthetic character of their surroundings.*
- c. *Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.*
- d. *Utilize principles of traditional residential urban design to create compatible, livable and accessible neighborhoods.*

(B) Rezoning. Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *C-PZD, Commercial Planned Zoning District.*

(1) *Purpose and intent.* The C-PZD is intended to accommodate mixed-use developments containing any combination, including multiple combinations of commercial, office or residential uses in a carefully planned configuration in such a manner as to protect and enhance the availability of each independent use. The C-PZD is also intended to accommodate single use commercial developments that are determined to be more appropriate for a PZD application than a general commercial rezone. The legislative purposes, intent and application of this district include, but are not limited to, the following:

- (a) To encourage the clustering of commercial and office activities within areas specifically designated to accommodate such uses and to discourage the proliferation of commercial uses along major thoroughfares and noncommercial areas.
- (b) To provide for orderly development in order to minimize adverse impact on surrounding areas and on the general flow of traffic.
- (c) To encourage orderly and systematic commercial, office or mixed use development design or a combination thereof, providing for the rational placement of activities, vehicular and pedestrian circulation, access and egress, loading, landscaping and buffering strips.
- (d) To encourage commercial development which is consistent with the city's General Plan.

- (e) To accommodate larger scale suburban developments of mixed-uses in a harmonious relationship.

FINDING: Staff is recommending approval of this application, finding the proposed C-PZD meets the intent of the PZD ordinance. Although the request is for a single-use commercial development, it is staff's opinion that the small size and unusual shape of the property together with the existing natural features, including floodway and floodplain, warrant the use of the PZD process to permit the development of a small commercial center, which will be compatible with surrounding developments and provide convenience goods to neighboring residents.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan booklets and plats.

- (4) *Condition.* In no instance shall the commercial or office use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The commercial/office uses on this property will be 100 percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.

FINDING: No residential units are proposed for the development.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under

this chapter.

FINDING: Setback minimums are varied on this project with the structure oriented towards 6th Street. Due to the narrow depth of the property and existing natural features, it is not possible to conform to existing standards for setback requirements without severe degradation to the natural environment. Setbacks have been modified and certain permitted uses have been removed, which in staff's opinion are not appropriate given the proximity to existing residential properties. Still, the development is very similar to the standards for a commercial zoning district.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of commercial developments in the surrounding area, and shall not exceed 40'.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: Lot coverage has not been defined by the applicant, although the impervious surface area is proposed to be approximately 59%, which includes the building and parking lots. Therefore, the development exceeds the maximum impervious surface area of 85% found in most commercial zoning districts.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

1. A determination of the degree to which the proposed zoning is consistent with land use planning objectives, principles, and policies and with land use and zoning plans.

Finding: Staff finds the proposal is consistent with the land use planning objectives, principles and policies, as evidenced by the previous findings. The future land use plan designates the property as an Urban Center Area, which accommodates both office and commercial land uses and encourages an efficient use of property with buildings located close to lot frontages. Although a difficult site to develop, the applicant has presented a project that provides reduced front setbacks with a building oriented to the street, parking located at the rear of the structure, and preservation of the sites natural features.

2. A determination of whether the proposed zoning is justified and/or needed at the time the rezoning is proposed.

Finding: The property is currently zoned R-A, Residential Agricultural and since it is less than 2 acres, the property is a nonconforming lot of record. Development of the property for anything other than a single-family structure or an agricultural use requires a change in the zoning. The proposal is appropriate giving the future land use designation of an Urban Center Area and the property's location along a state highway. Additionally, the PZD request will allow for a efficient use of the property, while also maintaining the sites natural features.

3. A determination as to whether the proposed zoning would create or appreciably increase traffic danger and congestion.

Finding: Staff finds this proposal will not create or appreciably increase traffic danger and congestion. Street improvements are proposed for both East and West Farmers Drives.

4. A determination as to whether the proposed zoning would alter the population density and thereby undesirably increase the load on public services including schools, water, and sewer facilities.

Finding: Staff does not find that an undesirable increase in load on public services would be created.

5. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;
 - b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A



PC Meeting of February 11, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3472

TREE PRESERVATION and PROTECTION REPORT

To: Fayetteville Subdivision Committee

From: Carole Jones, Interim Urban Forester

Date: February 5, 2008

ITEM # C-PZD 07-2858: Planned Zoning District (Farmer's Market)

Requirements Submitted:

Y	Initial Review with the Urban Forester
Y	Site Analysis Map Submitted
Y	Site Analysis Written Report Submitted
N	Complete Tree Preservation Plan Submitted

Canopy Measurements:

Total Site Area	
acres	1.02
square feet	44,217
Existing Tree Canopy	
acres	0.1966
square feet	8,565
percent of site area	19.4%
Existing Tree Canopy Preserved	
acres	0.093
square feet	4,050
percent of total site area	9.16%
Percent Minimum Canopy Required	19.4%

FINDINGS:

The desirability of preserving a tree or group of trees by reason of age, location, size or species.

- **This site is has approximately 19% canopy with the majority of species consisting of elm, catalpa, cheery, and ash. Of all the trees on the site**

only 4 are significant by City of Fayetteville's Landscape Manual. There is existing drainage within identified floodway/floodplain along with a sewer easement along the south boundary of the property.

The extent to which the area would be subject to environmental degradation due to removal of the tree or group of trees.

- **The removal of the trees on-site will certainly reduce the existing canopy, but it is not anticipated that substantial environmental degradation will occur on this site, as the canopy is rather limited.**

The impact of the reduction in tree cover on adjacent properties, the surrounding neighborhood and the property on which the tree or group of trees is located.

- **Most trees on this site are located along common property lines with the surrounding neighborhood, particularly along the south and east property lines. If protected, adjacent properties should not be affected by the removal of tree canopy. The applicant has proposed removal of tree canopy on the site being developed, and has proposed protecting tree canopy on a lot directly adjacent to the south. Staff has recommended that these trees be preserved along the eastern and southern portion of the site. Additional screening in the form of a fence and evergreen trees will also be added to provide a buffer from adjacent residential uses.**

Whether alternative construction methods have been proposed to reduce the impact of development on existing trees.

- **None proposed.**

Whether the size or shape of the lot reduces the flexibility of the design.

- **The size and shape of the lot does reduce flexibility of design, in that it is an "L" shaped lot, quite narrow, and limited in development potential because of the existing floodway on the property. Staff, therefore, has recommended approval of the option to preserve off-site canopy on the lot adjacent to the south, also owned by the applicant.**

The general health and condition of the tree or group of trees, or the presence of any disease, injury or hazard.

- **The general health of these trees was determined to be good. A dead tree was removed recently from the property.**

The placement of the tree or group of trees in relation to utilities, structures, and use of the property.

- **Canopy that is proposed to be protected on the developed property is not in the best location for continued protection, with relation to new utilities. A sewer line exists in close proximity, and storm drainage improvements will be occurring with this project. The majority of saved canopy has been recommended by staff to be placed within a**

Tree Preservation Area, on the proposed off-site location. These trees are located along a common property line with adjacent neighbors, and are not planned to be disturbed with development or utilities. This distinction will allow the continued preservation of these trees in perpetuity. The removed canopy is due to road improvements, placement of structure, and associated parking.

The need to remove the tree or group of trees for the purpose of installing, repairing, replacing, or maintaining essential public utilities.

- **Trees within the Tree Preservation Area should not be affected by utilities. The two trees located at the southeast corner of the property are located between a sewer easement and drainage. If future maintenance is required, the root systems will be affected. Because of this, staff has not recommended these trees be placed within a permanently protected area, but they are to be protected with development.**

Whether roads and utilities are designed in relation to the existing topography, and routed, where possible, to avoid damage to existing canopy.

- **Topography is not a restriction on the site and canopy along the edges will be maintained.**

Construction requirements for On-Site and Off-Site Alternatives.

- **Construction within the off-site Tree Preservation Area may not occur during development. Tree protection fencing will be installed along this boundary.**

The effects of proposed On-Site Mitigation or Off-Site Alternatives.

- **Mitigation would not be required on this site if the 19.4% minimum were maintained. However, removal of tree canopy requires either on- or off-site measures. The proposed off-site preservation area will result in protected canopy very near to the developed area.**

The effect other chapters of the UDC, and departmental regulations have on the development design.

- **This is a Commercial Planned Zoning District, which allows the developer the flexibility with setbacks, placement of buildings, drives, etc. in order to better protect existing canopy.**

The extent to which development of the site and the enforcement of this chapter are impacted by state and federal regulations:

- **Adjacent to U.S. Highway 62**

The impact a substantial modification or rejection of the application would have on the Applicant:

- **Staff is recommending approval of the current Tree Preservation and Protection Plan with conditions that will require changes to the**

proposed plan. If the following revisions are made, staff will support the project.

Based on the submitted calculations, the applicant is proposing to preserve 4,050 SF of the 8,565 SF of tree canopy on the 1.02 net site acreage (9.16%). This results in removal of 4,515 SF of tree canopy for which mitigation is required. Due to site limitations, the applicant is proposing to utilize an option within Ch. 167 for off-site tree preservation. Tree canopy is proposed to be permanently protected within a Tree Preservation Area on the small 0.48 acre site directly south of the parking lot, along West Farmer's Drive. Should the Planning Commission require the recommended areas to be placed within a Tree Preservation Area, additional mitigation is not required.

Conditions of Approval:

1. All off-site preserved tree canopy proposed to meet mitigation requirements must be placed within a Tree Preservation Area. This Tree Preservation Area will need to be delineated on the easement plat before a building permit is issued. The canopy that is not being removed but not located within the Tree Preservation Area shall also be protected during construction.
2. Staff recommends, for a Planning Commission determination, that all off-site tree canopy located along the eastern property line of the adjacent tract to the south be placed within a Tree Preservation Area. This includes the canopy of trees #23, 25-32 and 48-49.
3. The off-site mitigation is incorrectly described in the tree canopy table. Please include the area (in SF) of the existing on-site canopy, not located within existing utility easements or right-of-way. Several trees indicated as saved are located in utility easements, ROW or on adjoining property. Staff's final recommendation will be subject to final calculations.
4. All revisions must be made to the Tree Preservation Plan before final approval.



PC Meeting of February 11, 2008

THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.
Fayetteville, AR 72701
Telephone: (479) 444-3470

LANDSCAPE REVIEW FORM

To: Fayetteville Planning Commission

From: Jesse Fulcher, Current Planned

Date: February 6, 2008

ITEM #: PZD 07-2858: Planned Zoning District (Farmer's Market/6th St)

Applicable Requirements:

Y	Site Development & Parking Lot Standards
NA	T-340 Design Overlay
Y	Street Tree Planting Standards
NA	Stormwater Facilities

Plan Checklist:

Y= submitted by applicant
N=requested by City of Fayetteville
NA= not applicable

Preliminary Submittal	Final Submittal	
		All Landscape Plans
N	Y	Irrigation notes either automatic or hose bib
Y	Y	Species of plant material identified
Y	Y	Size of plant material at time of installation indicated
N	Y	Soil amendments notes include that soil is amended and sod removed
N	Y	Mulch notes indicate organic mulching around trees and within landscape beds
N	N	Plans stamped by a licensed Landscape Architect
Y	Y	Planting details according to Fayetteville's Landscape Manual
		Site Development & Parking Lot Standards
Y	Y	Wheel stops/ curbs
Y	Y	Interior landscaping Narrow tree lawn (8' min width, 17' min length/ 1 tree per 12 spaces) Tree island (8' min. width/1 tree per 12 spaces)

Preliminary Submitted	Final Submitted	
N	Y	Perimeter landscaping <i>Side and rear property lines (5' landscaped)</i> <i>Shade trees as described in street tree planting standards,</i> <i>Parking lot adjacent to R.O.W.- continuous planting of shrubs-at least</i> <i>8 per tree- and ground cover -50% evergreen)</i>
		Overlay District Requirements
NA		Greenspace adjacent to street R.O.W. (25' wide)
NA		Large street trees planted every 30' L.F. along R.O.W.
NA		25% of total site area left in greenspace (80% landscape)
NA		Parking lots and outdoor storage screened with landscaping
		Street Tree Planting Standards (one tree per lot)
NA		Residential Subdivisions- 1 large species shade tree/ lot tree <i>planted within R.O.W. if possible</i>
N	Y	Nonresidential Subdivision- 1 large species shade tree/30 L.F. <i>tree planted within 15-25' greenspace</i>
NA		Urban Tree Wells-urban streetscape only-8foot sidewalk
NA		Structural Soil-if urban wells are used, a note or detail of structural <i>soil must be indicated on the landscape plan</i>
NA		Timing of planting indicated on plans (subdivisions only)
NA		Written description of the method for tracking plantings
		Stormwater Facilities (one of 1/2 or 3/4)
NA		1 deciduous or evergreen tree/ 3000 square feet
NA		4 large shrubs (3 gal) or small trees / 3000 square feet
NA		6 shrubs or grasses (1 gal) / 3000 square feet
NA		Ground cover unless seed or sod is specified
NA		50% of facility planted with grass or grass like plants

Conditions of Approval:

1. Any utilities visible from the right of way must be screened. Please take this into consideration during the planning process. At time of the final inspection, additional plantings may be required.
2. Before approval of construction documents, the Landscape Plan must be stamped by a licensed Landscape Architect within the state of Arkansas.
3. Prior to building permit, a cost estimate for all required landscape is to be submitted to the Urban Forester for review. Once approval is gained, a guarantee is to be issued (bond/letter of credit/cash) for 150% of the cost of the materials and installation of the plants. This guarantee will be held until the improvements are installed and inspected, at the time of Certificate of Occupancy.
4. Under the Landscape Regulations Chapter 177, street trees must be bonded for a 3 year period. This bond is for the maintenance of the trees. This amount must be deposited with the City before issuance of a final certificate of occupancy.

From: Brian Pugh
To: Fulcher, Jesse; Garner, Andrew; Sanders, Dara
Date: 1/24/08 4:41PM
Subject: Subdivision Committee 1-31-08

C-PZD 07-2858 (Farmer's Market / 6th St.) - Approach is fine but cannot tell the size of the enclosure.
Enclosure must be 15' wide x 12' deep with 15' clear opening for enclosure.

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

J. STEVE CLARK, P.E.

CIVIL / ENVIRONMENTAL ENGINEERING

January 22, 2008

Mr. Jesse Fulcher
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

Re: Farmers Market - West Sixth Street
Fayetteville, AR

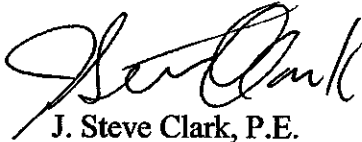
Dear Mr. Fulcher:

We are resubmitting this project with a revision to the legal description of the PZD. We have removed the southern most 0.4 acre along West Farmer's Drive from the area to be zoned as a commercial PZD. The owners never desired that this area be included in the original description. I inadvertently included when we revised the legal at the time of resubmittal after adding the additional parking lot that extended along West Farmers Drive.

By eliminating this area as part of the PZD we also improved the percentage of tree canopy preserved. We are now in excess of the 25 percent requested by the Urban Forester.

Additionally there are two item that were not addressed in this submittal but will be added soon. We have not shown the existing street lights or the state plane coordinates. This information is being developed and will be included in the next submittal.

Sincerely,
Clark Consulting



J. Steve Clark, P.E.

January 9, 2008

Mr. Jeremy Pate
City of Fayetteville
113 West Mountain St.
Fayetteville, AR 72701

Re: Farmers Market - West Sixth Street
Fayetteville, AR

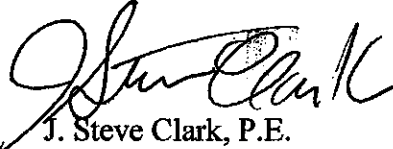
Dear Mr. Pate:

The developer requests a variance to the City Development Code that requires a 15 foot landscape buffer between a commercial development and a residential district. In this case we meet that buffer for a portion of our south boundary, but cannot comply along west 65 feet of the south boundary and along the east side of the peninsula. The size and depth of the tract does not provide adequate space to construct the building and adjacent driveway and still meet the buffer requirement.

We believe the intent of the ordinance will be met with the buffer area available along the south property line as there are several large existing trees on the property line where the buffer is less than the minimum. Additionally, a screening fence along the peninsula area will provide adequate buffering between the uses. This is because there are no buildings on the peninsula area to screen, a fence will screen the parking lot effectively.

Thank you for your consideration.

Sincerely,
Clark Consulting

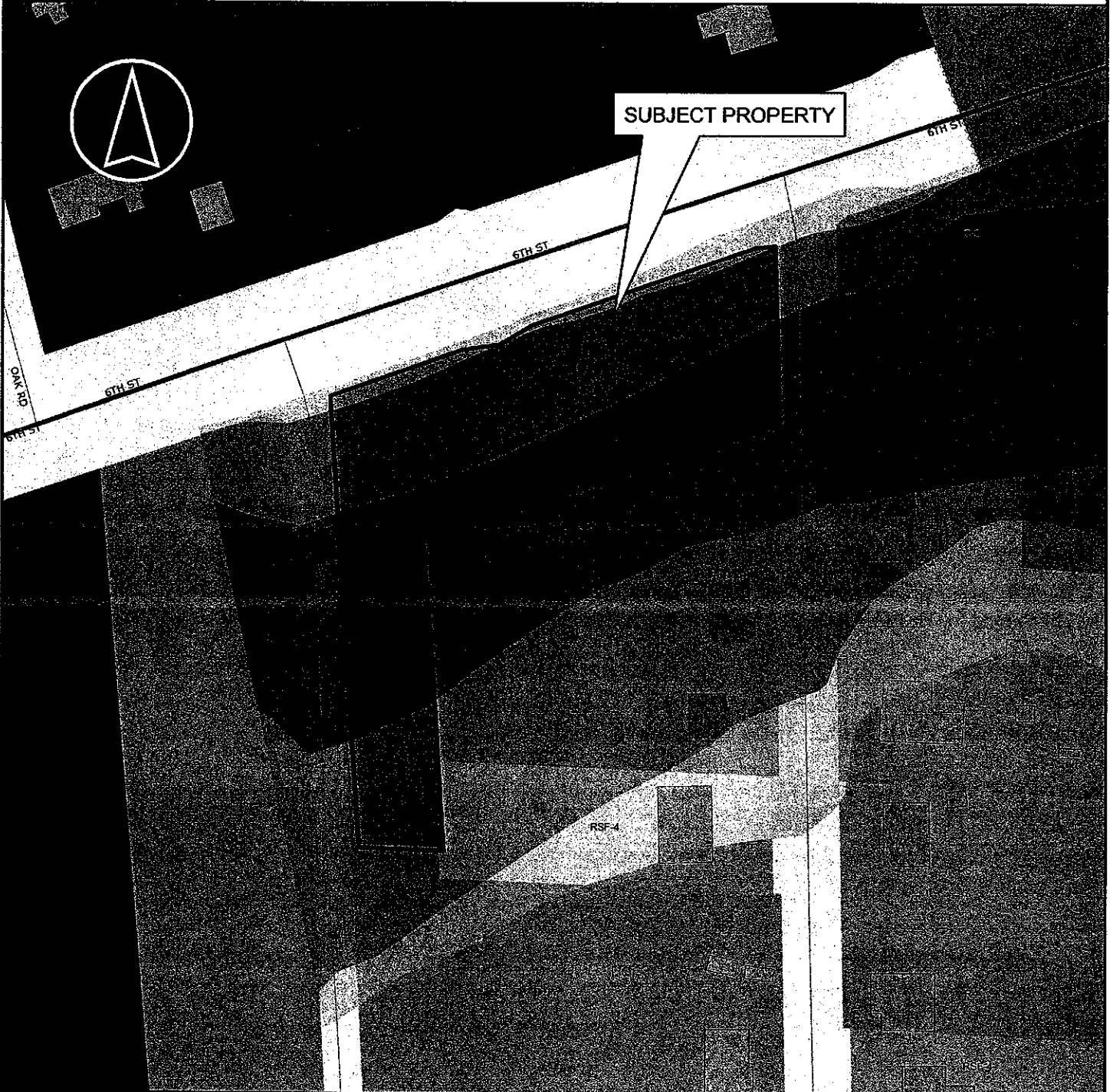


J. Steve Clark, P.E.

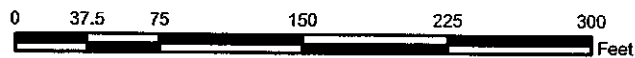
CPZD07-2858

Close Up View

FARMER'S MARKET/ 6TH ST.



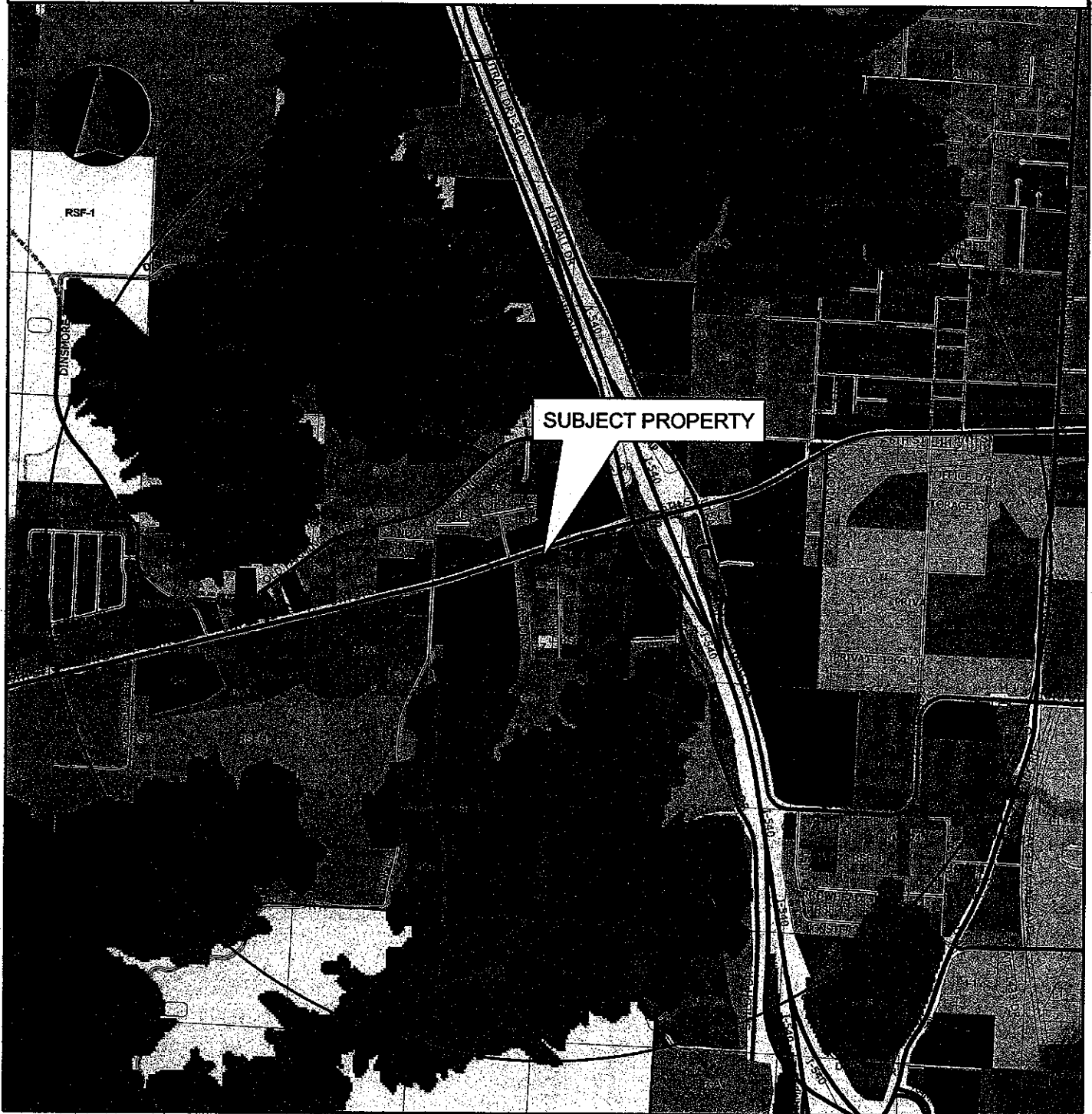
Overview



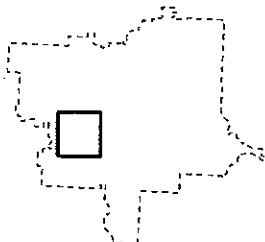
CPZD07-2858

FARMER'S MARKET/ 6TH ST

One Mile View



Overview



Legend

Subject Property

CPZD07-2858

Boundary

Planning Area

Overlay District

Outside City

Legend

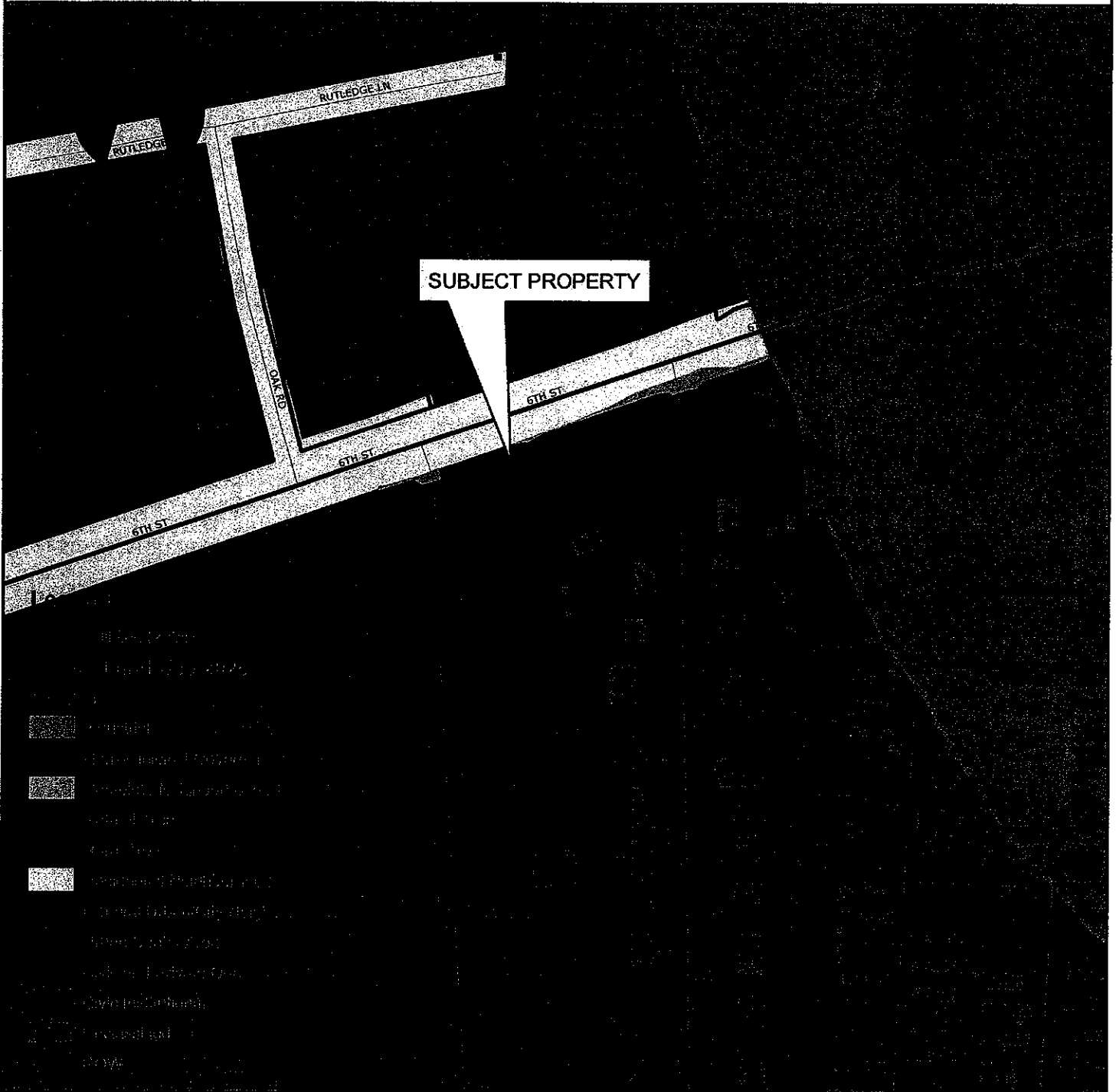
Hillside-Hilltop Overlay District



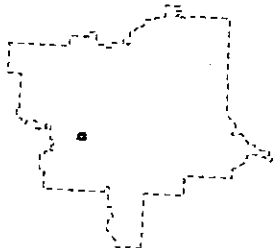
CPZD07-2858

Future Land Use

FARMER'S MARKET/ 6TH ST



Overview



Legend

Subject Property

CPZD07-2858

Streets

Existing

Planned

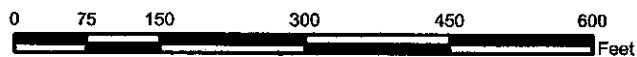
Boundary

Planning Area

Overlay District

Outside City

Legend



City of Fayetteville Staff Review Form

C. 6
Bid # 07-70 Ark-O Petroleum
Page 1 of 12City Council Agenda Items
and
Contracts, Leases or Agreements

3-4-08

~~2/19/2008~~City Council Meeting Date
Agenda Items Only

David Bragg

Submitted By

Fleet Operations

Division

Operations

Department

Action Required:

A resolution awarding bid #07-70 to Ark-O Petroleum of Tontitown in the amount of \$178,022 plus tax for the purchase of one automatic touchless vehicle wash system for use at Fleet Operations Division.

\$ 188,785.00	\$ 35,360.00	WashBay & Covered Storage Imprvmt
Cost of this request	169,776.00	Automatic Vehicle Wash
9700.1920.5804.00	Category / Project Budget	Program Category / Project Name
9700.1920.5801.00	\$ -	Building Costs
Account Number	Funds Used to Date	Fixed Assets
02121.1	\$ 205,136.00	Program / Project Category Name
06012.1	Remaining Balance	Shop Fund
Project Number		Shop Fund
		Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Date

Received in City
Clerk's OfficeENTERED
1/31/08Received in
Mayor's OfficeENTERED
1/31/08

Mayor

Date

Comments:



Interdepartmental Correspondence

To: Mayor Dan Coody
Via: Gary Dumas, Director Of Operations
From: David Bragg, Fleet Operations Superintendent
Date: February 13, 2008
Subject: Purchase Of Fleet Vehicle Wash System

Background:

In June 1998, the City Council approved a contract with Dy-Chem International to provide automatic drive through vehicle wash equipment at no charge and to exclusively provide chemicals and supplies at a cost of \$5.00 per gallon. That contract provided automatic renewals through December, 2003. The contract has since been extended each year through December, 2007.

Fleet Operations staff began a review of the existing contract and actively researching alternatives in July, 2003.

The Dy-Chem system utilizes a two step low PH (acid), high PH (base) chemical process to achieve a chemical "shock" to release dirt and film. This process is common in the vehicle wash industry; however the Dy-Chem low PH product contains a very harsh and dangerous hydrofluoric acid solution that leaves unpainted aluminum bright and shiny, but is unfriendly to painted finishes, glass, and unpainted galvanized and ferrous metals as well as posing potential health and injury hazards.

Fleet mechanical staff has complained that the chemical acid damages electrical components since I first arrived in 2003. This product certainly does not comply with the City of Fayetteville Environmental Purchasing Policy.

Wash process is dependent on the operator driving through at the proper speed. Proper "dwell" time following each chemical application is essential to the cleaning process. Chemical and water usage are also dependent upon travel speed. Results and supply cost vary substantially from one operator to another. Removal of soot and road film from painted surfaces is mediocre.

In mid 2005 we realized that many of our 3-4 year old vehicles had severe paint damage – clear coat was gone. The only plausible explanation was the hydrofluoric acid. Zinc plating on hydraulic lines was also gone and exposed steel lines were rusted – obviously the result of acid. Though DyChem denied ever having a similar paint complaint, we requested a replacement chemical.

Two high PH (alkaline) chemicals were supplied which do not clean well at all, but we have not seen paint damage to vehicles purchased since the chemical change.

Achieving a cleaner fleet without paint damage should increase resale value. A 5% increase would net approximately \$100,000 in 8 years.

For the past two years, we have continued to spend \$5,500 per month for chemical that does not work effectively.

Since 1998, the City has paid Dy-Chem \$575,854 for hazardous chemical pumped through their "free" equipment.

Search for Alternatives:

Fleet Operations staff understands that our mission includes maintaining a clean and attractive fleet that positively represents the image of our City.

No known touchless automatic wash equipment does a perfect job of getting a dirty truck clean. They do get them cleaner and do a good job of maintaining a clean vehicle when used regularly.

The Dy-Chem hydrofluoric acid product cleans, but is too dangerous to personnel and harmful to the vehicles. The current chemicals do not clean. Overall operating cost is high.

Hand washing is the most effective method of providing the best available wash, however, no cost effective way of providing this service on the time schedule required has been found. A hot high pressure hand wand system is used by operators for occasional heavy cleaning, however labor cost for regular cleaning is not cost effective compared to automated systems. A trial contract with an on site mobile wash contractor during January and February, 2004 did not effectively meet the needs of the vehicle operating divisions. Environmental concerns further dictated elimination of this alternative.

Tokens are being purchased for Spot-Not commercial drive through touchless facilities for sedans and pickup trucks without overhead racks or equipment. However, there is no available commercial facility that will accommodate larger trucks and equipment.

The varied configuration of the City's fleet essentially prevents use of brush type wash equipment.

Automatic touchless equipment that moves over a parked vehicle at a programmed rate and capable of accommodating the complete size range of the City fleet appears to be the most viable alternative.

An RFP to provide wash equipment, chemicals and services on a pay per wash basis for a 60 month term was opened August 13, 2004. Limited responses were received and those were not cost effective due to the short term and limited number of wash cycles in which contractors had to recover their equipment and installation costs. The better proposal would have provided an improved wash quality and the City would have owned the equipment after 60 months. However, the cost per wash was 12% greater than the Dy-Chem system and was not approved by the Equipment Committee.

A cost analysis was performed using an 8 year depreciation schedule for purchased equipment resulting in a per wash cost lower than the cost of using the Dy-Chem system. Funds were budgeted in FY2006 for the wash equipment purchase. Bids were opened in July 2006, however all were rejected for various general contractor discrepancies.

Bids were restructured and opened again August 16, 2007. The bid from Ark-O Petroleum of Tontitown was approved by the Equipment Committee on January 29, 2008.

Throughout this process, Fleet Staff (David Bragg, Jesse Beeks, Barbara Olsen) and Solid Waste Staff (Ronnie Caudle) have visited automatic equipment installations at Hot Springs, AR; Ft. Leonard Wood, MO; Chicago, IL; Pittsburg, TX; and Dallas, TX. Equipment from three manufacturers was inspected including two different installations of the Belanger V-Max equipment proposed by Ark-O. Age of inspected equipment was from one to eight years.

The equipment proposed to be purchased

- has a useful life of at least 8 years (96 months). At 96 months, adequate funds will have been recaptured through depreciation payments to recover the equipment purchase cost;
- does not utilize dangerous chemicals;
- does utilize substantially less water per wash 153 gallons vs 260 gallons with the Dy-Chem system;
- does reduce wastewater utilization to 153 gallons per wash;

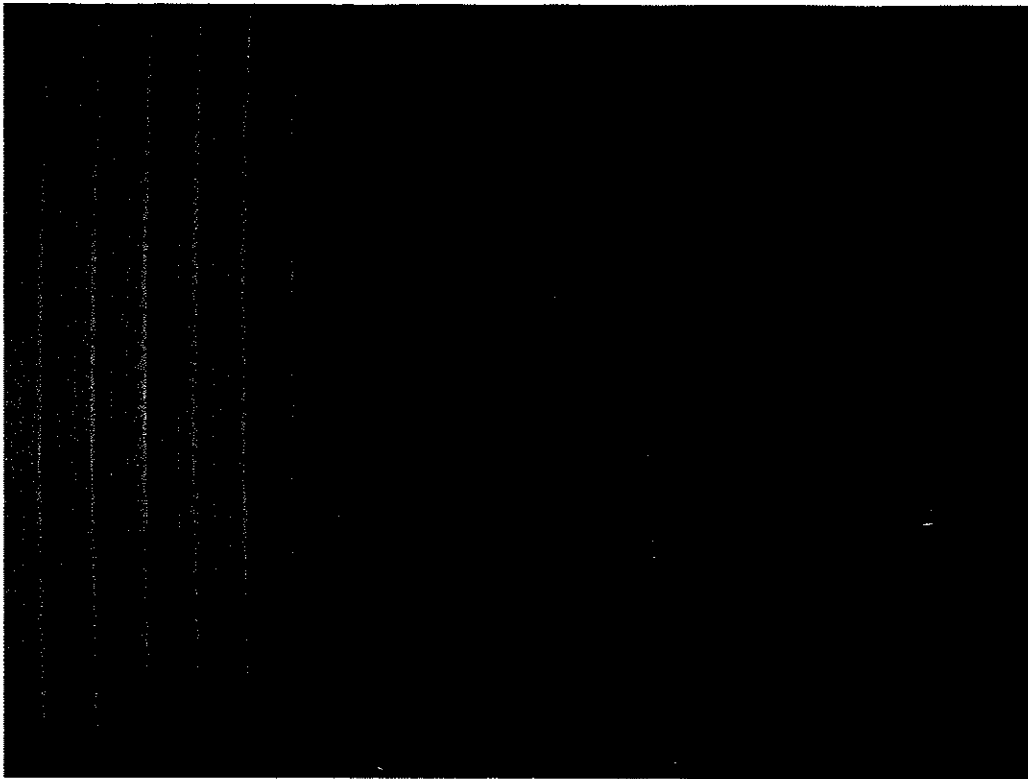
By owning the equipment, the City of Fayetteville can choose the most effective and environmentally preferable cleaning agents available from any supplier.

CONCLUSION:

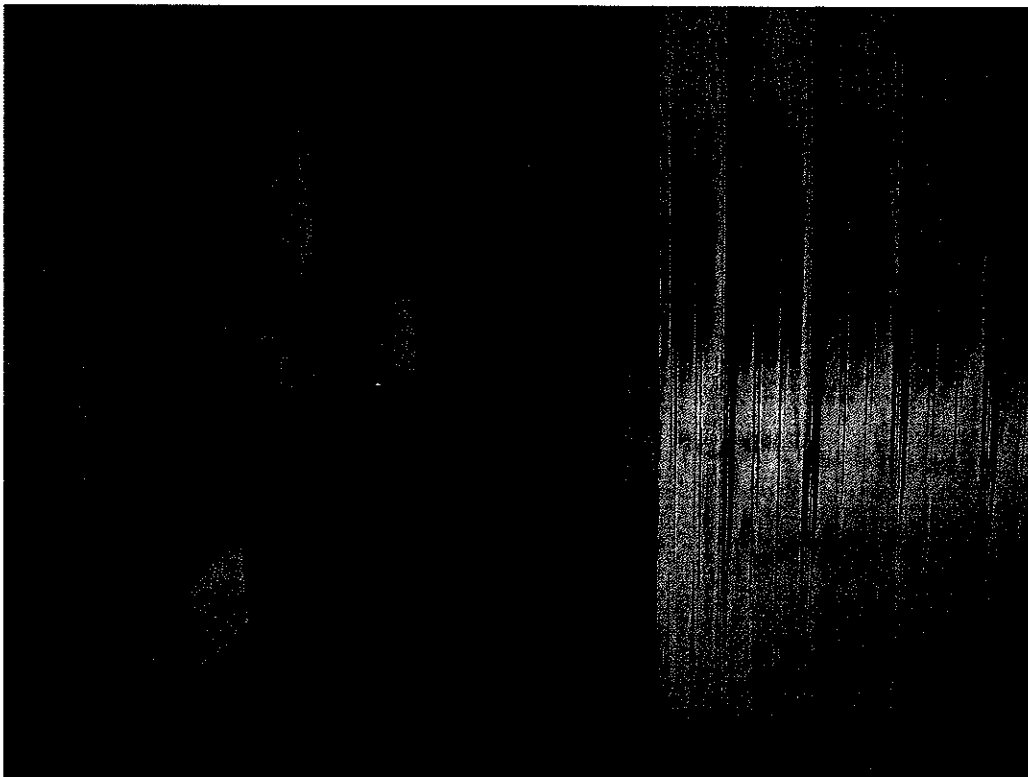
The Belanger proposal is the best alternative considering cost and wash quality that we have found in four years of study and research

EFFECTS OF DY-CHEM CHEMICALS TO FLEET WASH BAY

C. 6
Bid # 07-70 Ark-O Petroleum
Page 5 of 12



WASH BAY WALL ADJACENT TO HYDROFLUORIC ACID ARCH



WALK DOOR IN WASH BAY NEAR DY-CHEM CHEMICAL ARCHES



EFFECTS OF HYDROFLUORIC ACID ON STEEL GRATES AND CONCRETE

FLEET WASH SYSTEM BID EVALUATION

REVISED Feb-08

Bid No. 07-70

	ARK-O Belanger V-Max	Auto Coin Op Ryco Atlantis	Current DYCHEM
Base Bid	\$ 179,518.00	\$ 165,955.95	
Underbody Spray	\$ 2,045.00	\$ 10,670.00	
Rocker Panel	\$ 2,557.00	\$ 3,535.00	
2 Hand Wands	\$ 10,902.00	\$ 13,400.00	
Bid Total	\$ 195,022.00	\$ 193,560.95	
Deductive Alternate: 45' Length	\$ (17,000.00)	\$ (3,000.00)	
Revised Total	\$ 178,022.00	\$ 190,560.95	
Additional installation cost	\$ 9,000.00	\$ 9,000.00	
TOTAL	\$ 187,022.00	\$ 199,560.95	No Cost
Total Units in Service	Par 2.3	25	20
Wash Pressure		1100 PSI	350 PSI
Life in Months	96		
Monthly Depreciation	\$1,948.15	\$2,078.76	\$ -
30' Truck			
Washes per Month	900		
Water Consumption - Gallons		153	926
Sewer		153	926
Electric - Kwh		1.02	3.91
Water per Month	\$333.23	\$2,016.83	\$566.28
Sewer per Month	\$280.91	\$1,700.14	\$477.36
Electric per Month	\$54.44	\$208.67	Unknown
Monthly Total Water/Sewer/Electric	\$668.58	\$3,925.63	\$1,043.64
Chemical			
Gallons per wash		0.350	
Price per gallon		\$4.00	\$ 5.00
Chemical Cost per wash	\$1.79	\$1.40	
Chemical per month	\$1,611.00	\$1,260.00	\$5,174.54
Total Monthly Cost	\$4,227.72	\$7,264.39	\$6,218.18



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



C. 6
Petroleum
Page 8 of 12

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: GARY DUMAS, DIRECTOR OF OPERATIONS

FROM: DAVID BRAGG, FLEET OPERATIONS SUPERINTENDENT *DB*

DATE: JANUARY 30, 2008

SUBJECT: PURCHASE OF AUTOMATIC TOUCHLESS VEHICLE WASH

RECOMMENDATION: That City Council approve the purchase of one automatic touchless vehicle wash system per bid #07-70.

BACKGROUND: Bid #07-70 was opened on October 12, 2007 for one automatic touchless vehicle wash system for the Fleet Operations Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from Interclean Equipment does not meet specifications. An automatic system which moves around a parked vehicle in a controlled program is specified. Unit bid is a drive through type dependent upon driver controlled speed for wash dwell time. This is the type of equipment currently in use that does not operate satisfactorily.

The second lowest bid from Powerain Systems does not meet specifications (Par. 2.2) requiring the unit bid to have been in commercial production for a minimum of 5 years and a minimum of 15 units currently in operation. Powerain has produced only one of the units bid and it has been in operation approximately two years. This is not an acceptable track record for equipment of this complexity.

The two remaining bids meet specifications. With the deductive alternate for 45' maximum length, the bid from Ark-O Petroleum for a Belanger V-Max is the lowest bid. There are only two tractor trailer vehicles in the fleet that require additional length, and the 45' unit bid will wash the tractor portion without removing the trailer.

Three Fleet Staff members recently visited a City of Dallas Sanitation facility and observed a Belanger V-Max in operation. This unit is approximately two years old and performed well in washing a variety of vehicles. The wash quality is much better than the drive through unit currently in use.

Additionally, the utility operating cost of the Belanger V-Max is one forth the utility cost of the Ryko Atlantis bid by Arkansas Coin Carwash, and two thirds the utility cost of the existing unit.

I recommend acceptance of the bid from Ark-O Petroleum of Tontitown in the amount of \$178,022.00 plus tax. Funds are available for this purchase in the Fleet Special Project 06012 – Automatic Vehicle Wash, and Project 02121 – Wash Bay Improvement

The purchase of this unit was approved by the Equipment Committee on January 29th, 2008.

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-70 AND APPROVING THE PURCHASE OF ONE (1) AUTOMATIC TOUCHLESS VEHICLE WASH SYSTEM FROM ARK-O PETROLEUM OF TONTITOWN IN THE AMOUNT OF \$188,785.00 FOR USE BY THE FLEET OPERATION DIVISION.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.

PASSED and APPROVED this 19th day of February, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer



FLEET OPERATIONS

1525 S. Happy Hollow Road
Fayetteville, AR 72701

C. 6
Bid #07-70 Ark-O Petroleum
Page 10 of 12

Equipment Committee Correspondence

TO: City of Fayetteville, Equipment Committee
Bobby Ferrell, Chairman
Kyle Cook
Adella Gray
Lioneld Jordan

FROM: David Bragg, Fleet Operations Supt

DATE: January 22, 2008

SUBJECT: Award of Bid 07-70

Bid #07-70 was opened on October 12, 2007 for one automatic touchless vehicle wash system for the Fleet Operations Division. Four bid responses were received. A detailed tabulation sheet is attached.

The lowest bid from InterClean Equipment does not meet specifications. An automatic system which moves around a parked vehicle in a controlled program is specified. Unit bid is a drive through type dependent upon driver controlled speed for wash dwell time. This is the type of equipment currently in use that does not operate satisfactorily.

The second lowest bid from Powerain Systems does not meet specifications (Par. 2.2) requiring the unit bid to have been in commercial production for a minimum of 5 years and a minimum of 15 units currently in operation. Powerain has produced only one of the units bid and it has been in operation approximately two years. This is not an acceptable track record for equipment of this complexity.

The two remaining bids meet specifications. With the deductive alternate for 45' maximum length, the bid from Ark-O Petroleum for a Belanger V-Max is the lowest bid. There are only two tractor trailer vehicles in the fleet that require additional length, and the 45' unit bid will wash the tractor portion without removing the trailer.

Three Fleet Staff members recently visited a City of Dallas Sanitation facility and observed a Belanger V-Max in operation. This unit is approximately two years old and performed well in washing a variety of vehicles. The wash quality is much better than the drive through unit currently in use.

Additionally, the utility operating cost of the Belanger V-Max is one forth the utility cost of the Ryko Atlantis bid by Arkansas Coin Carwash, and two thirds the utility cost of the existing unit.

I recommend acceptance of the bid from Ark-O Petroleum of Tontitown in the amount of \$178,022.00.

Funds are available for this purchase in the Fleet Special Project 06012 – Automatic Vehicle Wash, and 02121 – Wash Bay Improvement

cc:
Gary Dumas

APPROVED

3 FOR

1 ABSENT

1/29/08

DRB

BID: 07-60
8/16/2007
2:00 PM
CITY OF FAYETTEVILLE



Bid 07-70, Automatic Touchless Vehicle Wash System

BIDDER	Manufacturer	Model	Price Each	Total Bid Price
1 ARK-O Petroleum Equipment, Inc.	Belanger Belanger V MAX Underbody Spray Wash V-MAX Rooker Panel / Wheel Blaster Farley's	V-Max-V W 75140 75' max length V-Max V W 45140 45' max length GEM IV	\$179,518.00 \$2,045.00 \$2,557.00 \$5,451.00 \$178,022 ←	\$179,518.00 *deduct \$17,000 for 45' max length \$2,045.00 \$2,557.00 \$10,902.00 \$195,022.00 \$17,000 \$178,022
2 Automatic Coin Carwash Sys., Inc.	Ryko Mfg. Ryko Mfg. Ryko Mfg. Whitco	Atlantis Atlantis Atlantis #418	\$165,955.95 \$10,670.00 \$3,535.00 \$6,700.00	\$165,955.95 \$10,670.00 \$3,535.00 \$13,400.00 \$193,560.95
3 InterClean Equipment, Inc.	InterClean Equip InterClean Equip InterClean Equip InterClean Equip	LY05-FT1-00 Centri Spinner ICE-100 BY06-103 Landa VH4-22024B	\$109,950.00 \$2,500.00 \$3,032.00 \$10,210.00	\$109,950.00 \$2,500.00 \$3,032.00 \$20,420.00 \$135,902.00
4 PowerIn Systems, Inc.	PowerIn PowerIn PowerIn Landa	LVW 7000 LVW 7000 LVW 7000 VNG4-20024B	\$156,495.00 Included Included \$5,995.00	\$156,495.00 Included Included \$11,990.00 \$168,485.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

P. Vice

CERTIFIED:

P. VICE PURCH MGR

J. Zuer

WITNESS

19/5/07

DATE

City Of Fayetteville (Not a Purchase Order)										Requisition No.	Date: 1/30/2008
Vendor # 7079										P.O Number	Expected Delivery Date:
Vendor Name: ARK-O PETROLEUM										Mail Yes: No: XX	
Address:										Taxable Yes: XX No:	
City:										Ship to code: 050	Quoted Attached Yes: No:
Requester: Barbara Olsen										Requester's Employee # 1940	
Fob Point:										Extension: 485	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	BELANGER V-MAX AUTOMATIC	1	EA	\$178,022.00	\$178,022.00	9700.1920.5801.00	06012.1				
2	VEHICLE WASH SYSTEM PER		EA		\$0.00						
3	BID #07-70		EA		\$0.00						
4			EA		\$0.00						
5			EA		\$0.00						
6			EA		\$0.00						
7			EA		\$0.00						
8			EA		\$0.00						
9			EA		\$0.00						
10			EA		\$0.00						
	Shipping/Handling		Lot		\$0.00						
Special Instructions:										Subtotal: 178,022.00	
Amount of Tax is capped. We will have to apply for rebate.										Tax: 10,762.57	
Approvals:										Total: 188,784.57	
Mayor: _____ Department Director: _____ Purchasing Manager: _____ Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____ Dispatch Manager: _____ Utilities Manager: _____											

City of Fayetteville Staff Review Form

C. 7
Amend Rules of Order and Procedure
Page 1 of 4

City Council Agenda Items and Contracts, Leases or Agreements

3/4/2008

City Council Meeting Date
Agenda Items Only

Sondra E. Smith

Submitted By

City Clerk

Division

City Clerk

Department

Action Required:

Change Section H (2) (e) of the Rules of Order and Procedure Fayetteville Mayor/City Council

N/A

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

Remaining Balance

N/A

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Sondra E. Smith
Department Director

2/13/08
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

K. Smith
City Attorney

2/14/08
Date

Paul A. Buh
Finance and Internal Service Director

2-14-08
Date

Received in City
Clerk's Office

ENTERED
2/14/08
aw

Don Cordy
Mayor

2/14/08
Date

Received in
Mayor's Office

ENTERED
2/14/08
BEP

Comments:



City Council Meeting Date: **March 4, 2008**

City Council Agenda Memo

To: **Mayor and City Council**
From: **Sondra Smith, City Clerk/Treasurer**
Date: **February 15, 2008**
Subject: **Rules of Order and Procedure**
 Fayetteville Mayor/City Council

Recommendation:

Adopt a resolution revising the Rules of Order and Procedure Fayetteville Mayor/City Council Section H Citizen Committees (2) (e).

Background:

Currently Section H Citizen Committees (2) (e) states the following: *Any person who has served two consecutive full terms on any City commission or board shall not be eligible for reappointment to the same commission or board until one full term of office has expired, unless there are an insufficient number of qualified applicants to fill all vacancies. A full term shall be the term established by the City Council for the commission or board, or an appointment to a vacant position when the person appointed participates in regularly scheduled meetings of the commission or board for one-half or more of the term established by the City Council.*

We request this section be changed to read: *Any person who has served two consecutive full terms on any City commission or board shall not be eligible for reappointment to the same commission or board until one full term of office has expired, unless there are an insufficient number of qualified applicants to fill all vacancies. A full term shall be the term established by the City Council for the commission or board. Service of a partial term shall not count against the two terms that are allowed.*

We currently have 54 unexpired or partial terms. Tracking the number of days for all members serving a partial term would be very difficult considering that each board's term varies. The Nominating Committee has the power to decide if someone is not performing the duties of the position they are filling and can decide to not reappoint the person to an additional term.

Budget Impact:

None

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY

DEPARTMENTAL CORRESPONDENCE

C. 7
Amend Rules of Order and Procedure
Page 3 of 4



LEGAL DEPARTMENT

TO: **Dan Coody, Mayor**
City Council

FROM: **Kit Williams, City Attorney**

A handwritten signature in black ink, appearing to read "Kit Williams", with a long horizontal line extending to the right.

DATE: **February 14, 2008**

RE: **Rules of Order and Procedure**

City Clerk Sondra Smith, partially in response to the City Council Nominating Committee, has requested a change in the two term service limitation in your Rules of Order and Procedure. Currently if an applicant has served a partial term of more than one half the normal length, that citizen could only serve one full term before being term limited out.

The proposed change would not count any partial term service against the two term limit so that even if a citizen served 90% of an initial term, he or she could be reappointed to two additional full terms.

Since you were considering this amendment to your Rules of Order and Procedure, I thought I would suggest that you change the awkwardly worded: "Rules of Order and Procedure Fayetteville Mayor/City Council" to: "Rules of Order and Procedure of the Fayetteville City Council." The Mayor, by state law, is for most purposes a member of the City Council. The Mayor is "ex officio president of the City Council and shall preside at its meetings". A.C.A. § 14-43-501 (b)(1) (A). Thus, these procedural rules apply to him without the need for the awkward reference to the Mayor in the title.

My proposed change in the title of your rules has **no substantive effect** on any existing rule of procedure. I simply have never liked what seemed to me to be an unnecessarily awkward title. If you like the current title, merely delete Section 1 of the Resolution and consider Section 2 which does made a substantive change in your reappointment procedure.

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE RULES OF ORDER AND
PROCEDURE OF THE FAYETTEVILLE CITY COUNCIL BY
CHANGING ITS TITLE AND REMOVING THE PROVISION
THAT SERVING MORE THAN HALF A NORMAL TERM
COUNTS AGAINST THE TWO TERM LIMIT FOR CITIZEN
COMMITTEES.

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF
FAYETTEVILLE, ARKANSAS:**

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby amends the
name of these rules to the "Rules of Order and Procedure of the Fayetteville City Council."

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends
Section H Citizen Committees paragraph 2.e by repealing it in its entirety and enacting a new
paragraph 2.e. as follows:

"2.e. Any person who has served two consecutive, full terms on any City
commission or board shall not be eligible for reappointment to the same
commission or board until one full term of office has expired, unless there
is an insufficient number of qualified applicants to fill all vacancies. Service
of a partial term shall not count against the two terms that are allowed."

PASSED and APPROVED this 4th day of March, 2008.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA E. SMITH, City Clerk/Treasurer

Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 04, 2008**

A meeting of the Fayetteville City Council will be held on March 04, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

✓ King Electrical Contractors Contract Discussion - Alderman Lioneld Jordan.
Ordinance was approved at the February 19, 2008 City Council meeting.

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

✓ **Presentations, Reports and Discussion Items:**

✓ **Agenda Additions:**

A. Consent:

1. ✓ Approval of the February 19, 2008 City Council meeting minutes.
2. ✓ **Walton Arts Center Council, Inc. By-laws:** A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.

- Consent*
2. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities.
 3. **Water/Sewer Rate Approval:** A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.
 4. **RZN 07-2856 (Parks and Recreation):** An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.
 5. **C-PZD 07-2858 (Farmer's Market):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.
 6. **Bid # 07-70 Ark-O Petroleum:** A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.
 7. **Amend Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

Announcements:

1. City Council Tour: ~~March 03, 2008~~

NONE

Adjournment:



THE CITY OF FAYETTEVILLE, ARKANSAS

113 W. Mountain St.3
Fayetteville, AR 72701
Telephone: (479) 444-3469

PARKS AND RECREATION DIVISION CORRESPONDENCE

To: City Council, Mayor Dan Coody
From: Alison Jumper, Park Planner
Through: Gary Dumas, Director of Operations
Date: February 25, 2008
Subject: King Electrical Contractors and the Downtown Square Electrical Contract

Since at least 1996, the City has competitively awarded a contract for electrical services. The contracts awarded were always for time and materials. Work typically performed has involved work on City buildings, work on City owned street lights, and work on the Downtown Square. The limitation for any one job has been \$20,000. Any job requiring time or materials greater than \$20,000 required specific City Council authorization.

King Electrical Contractors has held this contract since 1996. The services were competitively bid in 1996, 2000 and 2006 with King Electrical Contractors being awarded the bid each time. Contracts were renewed annually at the City's option as outlined in each bid. The King Electric bid for the contract approved in 2006 was required to outline their pricing for material, labor, transportation, supervision, equipment, and services necessary to accomplish a top quality job.

As a result of King's work for the City for the last twelve years they have developed a great deal of knowledge concerning the design, layout, flaws, and needs of the existing electrical system on the Square.

With the initiation of work on the Square rehabilitation it was assumed that the most efficient and economical method was through the utilization of City forces and contract services (electrical work). Through this method, the development of detailed plans and specifications with unit quantities could be avoided. This was to save the expense of detailed engineering services and perhaps 90 days for survey, research, and design along with the a 30 day bidding timeframe and another 30 days for bid award. This 5 month time saving was seen as critical.

An electrical engineer was retained to determine the electrical needs of the Square but only schematic plans were necessary as King Electric, based upon their existing contract with the City, was asked to cost the job and begin the work. Under the \$20,000 limitation they were asked to begin the work knowing that additional authorization for the remainder of the work would be necessary. We are at that point.

Square Gardens Improvements		
Demolition and Replacement of Concrete Sidewalk for inner walks		\$114,220.00
Demolition and Replacement of Concrete Sidewalk for outer walks		\$153,600.00
Electrical Upgrade		\$165,000.00
Overlay and Striping		\$28,000.00
Total City		\$460,820.00
Trees, grate and structural soil		\$70,200.00
Benches		\$25,413.00
Lighting		\$103,500.00
Rock Planters		\$118,215.00
Seatwall		\$31,510.00
Replant Planters		\$84,000.00
Repair Upper brick paths		\$6,000.00
Water Feature Upgrade		\$18,000.00
Total A & P		\$456,838.00
		\$917,658.00

Estimate Report

Estimate: Square Lighting

2/21/2008 8:24:06 AM

Estimated by: chris

File: Fayetteville Square lighting.bhs

Page 1

Title Page

Due Date: 1/23/2008
 Bid To Gen. Contractor: N
 Bid Direct to Customer: N
 Bid Bond: N
 Performance Bond: N
 Sales Tax Material %: 9.5000
 Sales Tax Labor %: 0.0000

Job Information:

Recap Page

Page	A	T	Description/Location	Mult	Material	Labor Hrs	Phase	\$/SqFt	Hrs/SqFt
1	Y	R	Inside	1.00	\$56,585.19	962.84	0	\$0.00	0.00
2	Y	R	NE continue ed	1.00	\$1,937.21	80.56	0	\$0.00	0.00
3	Y	R	North	1.00	\$4,110.35	187.63	0	\$0.00	0.00
4	Y	R	West	1.00	\$6,511.20	286.87	0	\$0.00	0.00
5	Y	R	South	1.00	\$6,388.53	265.95	0	\$0.00	0.00
6	Y	R	East BOA Area	1.00	\$7,587.11	317.82	0	\$0.00	0.00

Extended Material = \$103,483.89
 Extended Labor = \$58,846.76
 Estimate Total = \$162,330.65

Job Factors Page

Labor Factor Category/Description	Percent	Hours	Locked
Raw Labor Hours =	2101.67		
Total Labor Hours =	2101.67		

Labor Distribution Page

Labor Category/Description	Percent	Hours	Rate	Cost	Locked
Journeyman	100.00	2101.67	\$28.00	\$58,846.76	N
Total Labor Hours = 2101.67 Hours					
Total Labor Hours Allocated= 2101.67 Hours					
Total Labor Cost = \$58,846.76					
Average Labor Cost = \$28.00					

Job Expense Page

Labor Factor Category/Description	Percent	Hours	Locked
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2/21/2008 9:10:43 AM

Buyers Report

Estimate: Square Lighthouse

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 1

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
F	11x18	14.00	\$135.00	E	\$1890.00
F	8x8	9.00	\$20.00	E	\$180.00
F	8x8	37.00	\$20.00	E	\$740.00
F	Bond	1.00	\$4800.00	E	\$4800.00
F	bollards install	37.00	\$0.00	E	\$0.00
F	demo labor	1.00	\$500.00	E	\$500.00
F	j box feeders	1.00	\$300.00	E	\$300.00
F	polaris	40.00	\$20.00	E	\$800.00
F	polaris	40.00	\$20.00	E	\$800.00
F	polaris	42.00	\$20.00	E	\$840.00
F	polaris	27.00	\$20.00	E	\$540.00
F	polaris	40.00	\$20.00	E	\$800.00
F	relocate panels	4.00	\$7500.00	E	\$30000.00
F	set poles	14.00	\$50.00	E	\$700.00
F	set poles	5.00	\$100.00	E	\$500.00
F	set poles	13.00	\$50.00	E	\$650.00
F	set poles	13.00	\$50.00	E	\$650.00
F	set poles	9.00	\$50.00	E	\$450.00
F	steel	4.00	\$25.00	E	\$100.00
F	tape in ditch	1.00	\$25.00	E	\$25.00
I 514	BU-3/4 PLASTIC BUSHING	4.00	\$30.80	C	\$1.23
I 514	BU-3/4 PLASTIC BUSHING	4.00	\$30.80	C	\$1.23
I 514	BU-3/4 PLASTIC BUSHING	98.00	\$30.80	C	\$30.18
I 514	BU-3/4 PLASTIC BUSHING	4.00	\$30.80	C	\$1.23
I 516	BU-1 PLASTIC BUSHING	4.00	\$18.01	C	\$0.72
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3194	FS-1G 3/4 SIN/TOP	5.00	\$25.00	E	\$125.00
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3198	FS-1G 3/4 C TOP/BOT	8.00	\$18.28	E	\$146.24
I 3702	GR-3/4 GRC-CONDUIT	10.00	\$116.66	C	\$11.67
I 3702	GR-3/4 GRC-CONDUIT	10.00	\$116.66	C	\$11.67

Confidential Information, Property of King Electric

* Parts in Assemblies are broken out into individual component's phases.

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2/21/2008 9:10:43 AM

Buyers Report

Estimate: Square Lighthing

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 3

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 10637	PV-3/4" S40 COND COUP	40.00	\$14.96	C	\$5.98
I 10637	PV-3/4" S40 COND COUP	14.00	\$14.96	C	\$2.09
I 10637	PV-3/4" S40 COND COUP	4.00	\$14.96	C	\$0.60
I 10637	PV-3/4" S40 COND COUP	4.00	\$14.96	C	\$0.60
I 10637	PV-3/4" S40 COND COUP	12.00	\$14.96	C	\$1.80
I 10637	PV-3/4" S40 COND COUP	4.00	\$14.96	C	\$0.60
I 10638	PV-1" S40 COND COUP	4.00	\$21.55	C	\$0.86
I 10746	PV-3/4 MALE-ADAPT.	4.00	\$32.04	C	\$1.28
I 10746	PV-3/4 MALE-ADAPT.	4.00	\$32.04	C	\$1.28
I 10746	PV-3/4 MALE-ADAPT.	80.00	\$32.04	C	\$25.63
I 10746	PV-3/4 MALE-ADAPT.	2.00	\$32.04	C	\$0.64
I 10746	PV-3/4 MALE-ADAPT.	18.00	\$32.04	C	\$5.77
I 10746	PV-3/4 MALE-ADAPT.	4.00	\$32.04	C	\$1.28
I 10748	PV-1 MALE-ADAPT.	4.00	\$40.44	C	\$1.62
I 484	BL-2 CONDUIT STRAP	10.00	\$134.54	C	\$13.45
I 520	BU-1 1/2 PLASTIC BUSHING	18.00	\$30.95	C	\$5.57
I 520	BU-1 1/2 PLASTIC BUSHING	26.00	\$30.95	C	\$8.05
I 520	BU-1 1/2 PLASTIC BUSHING	60.00	\$30.95	C	\$18.57
I 520	BU-1 1/2 PLASTIC BUSHING	25.00	\$30.95	C	\$7.74
I 522	BU-2 PLASTIC BUSHING	35.00	\$58.96	C	\$20.64
I 522	BU-2 PLASTIC BUSHING	16.00	\$58.96	C	\$9.43
I 522	BU-2 PLASTIC BUSHING	4.00	\$58.96	C	\$2.36
I 522	BU-2 PLASTIC BUSHING	24.00	\$58.96	C	\$14.15
I 644	CO-2 MEYER HUBS	4.00	\$927.25	C	\$37.09
I 2110	ER-ICKSON 2 COUP	2.00	\$34.81	E	\$69.62
I 3708	GR-1 1/2 GRC-CONDUIT	70.00	\$294.00	C	\$205.80
I 3708	GR-1 1/2 GRC-CONDUIT	70.00	\$294.00	C	\$205.80
I 3708	GR-1 1/2 GRC-CONDUIT	70.00	\$294.00	C	\$205.80
I 3708	GR-1 1/2 GRC-CONDUIT	60.00	\$294.00	C	\$176.40
I 3710	GR-2 GRC-CONDUIT	50.00	\$356.40	C	\$178.20
I 3728	GR-1 1/2 GR-COUPLING	50.00	\$277.00	C	\$138.50
I 3728	GR-1 1/2 GR-COUPLING	50.00	\$277.00	C	\$138.50
I 3728	GR-1 1/2 GR-COUPLING	120.00	\$277.00	C	\$332.40

Confidential Information, Property of King Electric

* Parts In Assemblies are broken out into individual component's phases.

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2/21/2008 9:10:44 AM

Buyers Report

Estimate: Square Lighthouse

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 5

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 10605	PV-2 S40 CONDUIT	100.00	\$56.88	C	\$56.88
I 10605	PV-2 S40 CONDUIT	100.00	\$56.88	C	\$56.88
I 10605	PV-2 S40 CONDUIT	200.00	\$56.88	C	\$113.76
I 10640	PV-1 1/2"S40 COND COUP	25.00	\$37.04	C	\$9.26
I 10640	PV-1 1/2"S40 COND COUP	10.00	\$37.04	C	\$3.70
I 10640	PV-1 1/2"S40 COND COUP	150.00	\$37.04	C	\$55.56
I 10640	PV-1 1/2"S40 COND COUP	16.00	\$37.04	C	\$5.93
I 10641	PV-2" S40 COND COUP	25.00	\$62.65	C	\$15.66
I 10641	PV-2" S40 COND COUP	8.00	\$62.65	C	\$5.01
I 10641	PV-2" S40 COND COUP	10.00	\$62.65	C	\$6.26
I 10641	PV-2" S40 COND COUP	42.00	\$62.65	C	\$26.31
I 10641	PV-2" S40 COND COUP	6.00	\$62.65	C	\$3.76
I 10750	PV-1 1/2 MALE ADAPT.	25.00	\$62.70	C	\$15.68
I 10750	PV-1 1/2 MALE ADAPT.	60.00	\$62.70	C	\$37.62
I 10750	PV-1 1/2 MALE ADAPT.	18.00	\$62.70	C	\$11.29
I 10750	PV-1 1/2 MALE ADAPT.	26.00	\$62.70	C	\$16.30
I 10751	PV-2 MALE ADAPT.	34.00	\$90.13	C	\$30.64
I 10751	PV-2 MALE ADAPT.	18.00	\$90.13	C	\$16.22
I 10751	PV-2 MALE ADAPT.	24.00	\$90.13	C	\$21.63
I 10751	PV-2 *MALE ADAPT.	10.00	\$90.13	C	\$9.01
I 10751	PV-2 MALE ADAPT.	16.00	\$90.13	C	\$14.42
I 8190	WC-THHN-STRA #10	900.00	\$170.40	M	\$153.36
I 8190	WC-THHN-STRA #10	1000.00	\$170.40	M	\$170.40
I 8190	WC-THHN-STRA #10	1000.00	\$170.40	M	\$170.40
I 8190	WC-THHN-STRA #10	600.00	\$170.40	M	\$102.24
I 8190	WC-THHN-STRA #10	800.00	\$170.40	M	\$136.32
I 8190	WC-THHN-STRA #10	500.00	\$170.40	M	\$85.20
I 8190	WC-THHN-STRA #10	1500.00	\$170.40	M	\$255.60
I 8190	WC-THHN-STRA #10	900.00	\$170.40	M	\$153.36
I 8190	WC-THHN-STRA #10	10000.00	\$170.40	M	\$1704.00
I 8190	WC-THHN-STRA #10	1000.00	\$170.40	M	\$170.40
I 8190	WC-THHN-STRA #10	2400.00	\$170.40	M	\$408.96
I 8190	WC-THHN-STRA #10	4000.00	\$170.40	M	\$681.60

Confidential Information, Property of King Electric

* Parts in Assemblies are broken out into individual component's phases.

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2/21/2008 9:10:44 AM

Buyers Report

Estimate: Square Lighting

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 7

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 396	BE-BELL DUPLEX REC VERT	2.00	\$1500.00	C	\$30.00
I 396	BE-BELL DUPLEX REC VERT	2.00	\$1500.00	C	\$30.00
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1102	DE2-20A IV DPLX RECP-RES	8.00	\$1.35	E	\$10.80
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1108	DE2-20A IV GFI RECEPT	5.00	\$9.83	E	\$49.15
I 10993	PV- 6 X 6 X 6 MOLDED JBX	9.00	\$1800.00	C	\$162.00
I 10993	PV- 6 X 6 X 6 MOLDED JBX	5.00	\$1800.00	C	\$90.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	14.00	\$135.00	E	\$1890.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	6.00	\$1800.00	C	\$108.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	9.00	\$1800.00	C	\$162.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	13.00	\$135.00	E	\$1755.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	8.00	\$135.00	E	\$1080.00
I 10997	PV- 12X 12X 6 MOLDED JBX	13.00	\$135.00	E	\$1755.00
I 6428	PP2-200A 240V 4W40CT MB	2.00	\$621.30	E	\$1242.60
I 6438	PP2-LC TRIM 40CT FLUSH	2.00	\$44.18	E	\$88.36
I 6828	PCB-20A 1P GFI PL-I BKR.	25.00	\$35.00	E	\$875.00
I 6828	PCB-20A 1P GFI PL-I BKR.	4.00	\$67.59	E	\$270.36
I 7324	PBI-200A 3P-240V 4.5H	2.00	\$839.77	E	\$1679.54
I 7590	ST-20A 6P CONTACTOR	1.00	\$527.65	E	\$527.65
I 7596	ST-60A 3P CONTACTOR	1.00	\$306.99	E	\$306.99
I 7794	TC-4PDPDT 7-DAYTIME SW	2.00	\$97.43	E	\$194.86
I 3658	GD-3/4X10 GROUND ROD	9.00	\$20.39	E	\$183.51
I 3658	GD-3/4X10 GROUND ROD	13.00	\$20.39	E	\$265.07
I 3658	GD-3/4X10 GROUND ROD	5.00	\$20.39	E	\$101.95
I 3658	GD-3/4X10 GROUND ROD	14.00	\$20.39	E	\$285.46
I 3658	GD-3/4X10 GROUND ROD	13.00	\$20.39	E	\$265.07
I 3664	GD-3/4 GR-ROD-CLAMP	13.00	\$217.89	C	\$28.33
I 3664	GD-3/4 GR-ROD-CLAMP	13.00	\$217.89	C	\$28.33

Confidential Information, Property of King Electric

* Parts in Assemblies are broken out into individual component's phases.

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From: Alison Jumper
To: Smith, Sondra
Date: 2/22/2008 8:07 AM
Attachments: elec. estimate breakdown.pdf

KING ELECTRICAL CONTRACTORS, INC**COMMERCIAL INDUSTRIAL DESIGN-BUILD**

2145 W. Moore Lane
Phone 479-443-0006
Chris King

Fayetteville, Arkansas 72704
Fax 479-443-1719
E-Mail CKINGELECTRIC@AOL.COM

FAX TO: Allie

FAX # _____

DATE: 2-21-08NO. OF PAGES: 11RE: Square EstimateMESSAGE: Following is breakdown of estimate.ThanksCK

Estimate Report

Estimate: Square Lighthing

2/21/2008 8:24:06 AM

Estimated by: chris

File: Fayetteville Square lighting.bhs

Page 1

Title Page

Due Date: 1/23/2008

Bid To Gen. Contractor: N

Bid Direct to Customer: N

Bid Bond: N

Performance Bond: N

Sales Tax Material %: 9.5000

Sales Tax Labor %: 0.0000

Job Information:

Recap Page

Page	A	T	Description/Location	Mult	Material	Labor Hrs	Phase	\$/SqFt	Hrs/SqFt
1	Y	R	Inside	1.00	\$56,585.19	962.84	0	\$0.00	0.00
2	Y	R	NE continue ed	1.00	\$1,937.21	80.56	0	\$0.00	0.00
3	Y	R	North	1.00	\$4,110.35	187.63	0	\$0.00	0.00
4	Y	R	West	1.00	\$6,511.20	286.87	0	\$0.00	0.00
5	Y	R	South	1.00	\$6,388.53	265.95	0	\$0.00	0.00
6	Y	R	East BOA Area	1.00	\$7,587.11	317.82	0	\$0.00	0.00

Extended Material = \$103,483.89

Extended Labor = \$58,846.76

Estimate Total = \$162,330.65

Job Factors Page

Labor Factor Category/Description	Percent	Hours	Locked
-----------------------------------	---------	-------	--------

Raw Labor Hours = 2101.67

Total Labor Hours = 2101.67

Labor Distribution Page

Labor Category/Description	Percent	Hours	Rate	Cost	Locked
Journeyman	100.00	2101.67	\$28.00	\$58,846.76	N

Total Labor Hours = 2101.67 Hours

Total Labor Hours Allocated= 2101.67 Hours

Total Labor Cost = \$58,846.76

Average Labor Cost = \$28.00

Job Expense Page

Labor Factor Category/Description	Percent	Hours	Locked
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Estimate Report

Estimate: Square Lighthouse

2/21/2008 8:24:06 AM

Estimated by: chris

File: Fayetteville Square lighting.bhs

Page 2

Total Labor Cost = \$58,846.76
 Total Job Expense = \$0.00
 Labor+Job Expense = \$58,846.76
 Job Expense Percentage 0.00%

Summary Page

Raw Material Cost		\$83,119.59
Material Tax	9.5000%	\$7,896.36
Material Markup	15.0000%	\$12,467.94

Material Total		\$103,483.89
----------------	--	--------------

Labor Cost		\$58,846.76
Labor Tax	0.0000%	\$0.00
Labor Markup	0.0000%	\$0.00

Labor Total		\$58,846.76
-------------	--	-------------

Job Expense	0.0000%	\$0.00
-------------	---------	--------

Job Cost		\$162,330.65
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Overhead:	0.0000%	\$0.00
SubTotal1:		\$162,330.65
Profit:	0.0000%	\$0.00
SubTotal2:		\$162,330.65

Markup Category	Percent	Dollars	Locked
Special Insurance	0.00	\$0.00	N
Performance Bond	0.00	\$0.00	N
Taxes	0.00	\$0.00	N
Adjustments	0.00	\$0.00	N

Summary Markups Total:	\$0.00
Quotes/Subcontract Totals	\$0.00

Estimate Total:	\$162,330.65
-----------------	--------------

Labor/Material Ratio = 36: 64
 Square Footage Calculations Not Performed

2/21/2008 9:10:43 AM

Buyers Report

Estimate: Square Lighthing

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 1

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
F	11x18	14.00	\$135.00	E	\$1890.00
F	8x8	9.00	\$20.00	E	\$180.00
F	8x8	37.00	\$20.00	E	\$740.00
F	Bond	1.00	\$4800.00	E	\$4800.00
F	bollards install	37.00	\$0.00	E	\$0.00
F	demo labor	1.00	\$500.00	E	\$500.00
F	j box feeders	1.00	\$300.00	E	\$300.00
F	polaris	40.00	\$20.00	E	\$800.00
F	polaris	40.00	\$20.00	E	\$800.00
F	polaris	42.00	\$20.00	E	\$840.00
F	polaris	27.00	\$20.00	E	\$540.00
F	polaris	40.00	\$20.00	E	\$800.00
F	relocate panels	4.00	\$7500.00	E	\$30000.00
F	set poles	14.00	\$50.00	E	\$700.00
F	set poles	5.00	\$100.00	E	\$500.00
F	set poles	13.00	\$50.00	E	\$650.00
F	set poles	13.00	\$50.00	E	\$650.00
F	set poles	9.00	\$50.00	E	\$450.00
F	steel	4.00	\$25.00	E	\$100.00
F	tape in ditch	1.00	\$25.00	E	\$25.00
I 514	BU-3/4 PLASTIC BUSHING	4.00	\$30.80	C	\$1.23
I 514	BU-3/4 PLASTIC BUSHING	4.00	\$30.80	C	\$1.23
I 514	BU-3/4 PLASTIC BUSHING	98.00	\$30.80	C	\$30.18
I 514	BU-3/4 PLASTIC BUSHING	4.00	\$30.80	C	\$1.23
I 516	BU-1 PLASTIC BUSHING	4.00	\$18.01	C	\$0.72
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3194	FS-1G 3/4 SIN/TOP	5.00	\$25.00	E	\$125.00
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3194	FS-1G 3/4 SIN/TOP	2.00	\$15.87	E	\$31.74
I 3198	FS-1G 3/4 C TOP/BOT	8.00	\$18.28	E	\$146.24
I 3702	GR-3/4 GRC-CONDUIT	10.00	\$116.66	C	\$11.67
I 3702	GR-3/4 GRC-CONDUIT	10.00	\$116.66	C	\$11.67

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Buyers Report

Estimate: Square Lighthing

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 2

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 3702	GR-3/4 GRC-CONDUIT	50.00	\$116.66	C	\$58.33
I 3702	GR-3/4 GRC-CONDUIT	10.00	\$116.66	C	\$11.67
I 3702	GR-3/4 GRC-CONDUIT	10.00	\$116.66	C	\$11.67
I 3722	GR-3/4 GR-COUPPLING	12.00	\$122.00	C	\$14.64
I 3722	GR-3/4 GR-COUPPLING	46.00	\$122.00	C	\$56.12
I 3722	GR-3/4 GR-COUPPLING	150.00	\$122.00	C	\$183.00
I 3722	GR-3/4 GR-COUPPLING	12.00	\$122.00	C	\$14.64
I 3722	GR-3/4 GR-COUPPLING	40.00	\$122.00	C	\$48.80
I 3722	GR-3/4 GR-COUPPLING	12.00	\$122.00	C	\$14.64
I 3724	GR-1 GR-COUPPLING	8.00	\$182.00	C	\$14.56
I 3742	GR-3/4 GRC-90-ELLS	20.00	\$450.00	C	\$90.00
I 3742	GR-3/4 GRC-90-ELLS	74.00	\$450.00	C	\$333.00
I 3742	GR-3/4 GRC-90-ELLS	6.00	\$450.00	C	\$27.00
I 3742	GR-3/4 GRC-90-ELLS	6.00	\$450.00	C	\$27.00
I 3742	GR-3/4 GRC-90-ELLS	6.00	\$450.00	C	\$27.00
I 3742	GR-3/4 GRC-90-ELLS	6.00	\$450.00	C	\$27.00
I 3742	GR-3/4 GRC-90-ELLS	23.00	\$450.00	C	\$103.50
I 3744	GR-1 GRC-90-ELLS	4.00	\$650.00	C	\$26.00
I 3868	HA-3/4 MINERALLAC	4.00	\$28.59	C	\$1.14
I 3868	HA-3/4 MINERALLAC	4.00	\$28.59	C	\$1.14
I 3868	HA-3/4 MINERALLAC	8.00	\$28.59	C	\$2.29
I 3868	HA-3/4 MINERALLAC	4.00	\$28.59	C	\$1.14
I 4850	LO-3/4 LOCKNUTS	4.00	\$11.52	C	\$0.46
I 4850	LO-3/4 LOCKNUTS	4.00	\$11.52	C	\$0.46
I 4850	LO-3/4 LOCKNUTS	4.00	\$11.52	C	\$0.46
I 4852	LO-1 LOCKNUTS	4.00	\$19.37	C	\$0.77
I 10601	PV-3/4 S40 CONDUIT	10.00	\$18.53	C	\$1.85
I 10601	PV-3/4 S40 CONDUIT	50.00	\$18.53	C	\$9.27
I 10601	PV-3/4 S40 CONDUIT	600.00	\$18.53	C	\$111.18
I 10601	PV-3/4 S40 CONDUIT	500.00	\$18.53	C	\$92.65
I 10601	PV-3/4 S40 CONDUIT	50.00	\$18.53	C	\$9.27
I 10601	PV-3/4 S40 CONDUIT	50.00	\$18.53	C	\$9.27
I 10601	PV-3/4 S40 CONDUIT	1000.00	\$18.53	C	\$185.30
I 10601	PV-3/4 S40 CONDUIT	50.00	\$18.53	C	\$9.27
I 10602	PV-1 S40 CONDUIT	100.00	\$26.98	C	\$26.98

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Buyers Report

Estimate: Square Lighting

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 3

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 10637	PV-3/4" S40 COND COUP	40.00	\$14.96	C	\$5.98
I 10637	PV-3/4" S40 COND COUP	14.00	\$14.96	C	\$2.09
I 10637	PV-3/4" S40 COND COUP	4.00	\$14.96	C	\$0.60
I 10637	PV-3/4" S40 COND COUP	4.00	\$14.96	C	\$0.60
I 10637	PV-3/4" S40 COND COUP	12.00	\$14.96	C	\$1.80
I 10637	PV-3/4" S40 COND COUP	4.00	\$14.96	C	\$0.60
I 10638	PV-1" S40 COND COUP	4.00	\$21.55	C	\$0.86
I 10746	PV-3/4 MALE-ADAPT.	4.00	\$32.04	C	\$1.28
I 10746	PV-3/4 MALE-ADAPT.	4.00	\$32.04	C	\$1.28
I 10746	PV-3/4 MALE-ADAPT.	80.00	\$32.04	C	\$25.63
I 10746	PV-3/4 MALE-ADAPT.	2.00	\$32.04	C	\$0.64
I 10746	PV-3/4 MALE-ADAPT.	18.00	\$32.04	C	\$5.77
I 10746	PV-3/4 MALE-ADAPT.	4.00	\$32.04	C	\$1.28
I 10748	PV-1 MALE-ADAPT.	4.00	\$40.44	C	\$1.62
I 484	BL-2 CONDUIT STRAP	10.00	\$134.54	C	\$13.45
I 520	BU-1 1/2 PLASTIC BUSHING	18.00	\$30.95	C	\$5.57
I 520	BU-1 1/2 PLASTIC BUSHING	26.00	\$30.95	C	\$8.05
I 520	BU-1 1/2 PLASTIC BUSHING	60.00	\$30.95	C	\$18.57
I 520	BU-1 1/2 PLASTIC BUSHING	25.00	\$30.95	C	\$7.74
I 522	BU-2 PLASTIC BUSHING	35.00	\$58.96	C	\$20.64
I 522	BU-2 PLASTIC BUSHING	16.00	\$58.96	C	\$9.43
I 522	BU-2 PLASTIC BUSHING	4.00	\$58.96	C	\$2.36
I 522	BU-2 PLASTIC BUSHING	24.00	\$58.96	C	\$14.15
I 644	CO-2 MEYER HUBS	4.00	\$927.25	C	\$37.09
I 2110	ER-ICKSON 2 COUP	2.00	\$34.81	E	\$69.62
I 3708	GR-1 1/2 GRC-CONDUIT	70.00	\$294.00	C	\$205.80
I 3708	GR-1 1/2 GRC-CONDUIT	70.00	\$294.00	C	\$205.80
I 3708	GR-1 1/2 GRC-CONDUIT	70.00	\$294.00	C	\$205.80
I 3708	GR-1 1/2 GRC-CONDUIT	60.00	\$294.00	C	\$176.40
I 3710	GR-2 GRC-CONDUIT	50.00	\$356.40	C	\$178.20
I 3728	GR-1 1/2 GR-COUPLING	50.00	\$277.00	C	\$138.50
I 3728	GR-1 1/2 GR-COUPLING	50.00	\$277.00	C	\$138.50
I 3728	GR-1 1/2 GR-COUPLING	120.00	\$277.00	C	\$332.40

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Buyers Report

Estimate: Square Lighting

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 4

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 3728	GR-1 1/2 GR-COUPLING	32.00	\$277.00	C	\$88.64
I 3730	GR-2 GR-COUPLING	20.00	\$368.00	C	\$73.60
I 3730	GR-2 GR-COUPLING	36.00	\$368.00	C	\$132.48
I 3730	GR-2 GR-COUPLING	12.00	\$368.00	C	\$44.16
I 3730	GR-2 GR-COUPLING	24.00	\$368.00	C	\$88.32
I 3730	GR-2 GR-COUPLING	68.00	\$368.00	C	\$250.24
I 3730	GR-2 GR-COUPLING	32.00	\$368.00	C	\$117.76
I 3748	GR-1 1/2 GRC-90-ELLS	25.00	\$1150.00	C	\$287.50
I 3748	GR-1 1/2 GRC-90-ELLS	25.00	\$1150.00	C	\$287.50
I 3748	GR-1 1/2 GRC-90-ELLS	16.00	\$1150.00	C	\$184.00
I 3748	GR-1 1/2 GRC-90-ELLS	60.00	\$1150.00	C	\$690.00
I 3750	GR-2 GRC-90-ELLS	12.00	\$1600.00	C	\$192.00
I 3750	GR-2 GRC-90-ELLS	10.00	\$1600.00	C	\$160.00
I 3750	GR-2 GRC-90-ELLS	16.00	\$1600.00	C	\$256.00
I 3750	GR-2 GRC-90-ELLS	34.00	\$1600.00	C	\$544.00
I 3750	GR-2 GRC-90-ELLS	6.00	\$1600.00	C	\$96.00
I 3750	GR-2 GRC-90-ELLS	18.00	\$1600.00	C	\$288.00
I 3876	HA-2 MINERALLAC	4.00	\$64.57	C	\$2.58
I 3876	HA-2 MINERALLAC	4.00	\$64.57	C	\$2.58
I 4002	JB-NEMA 4 1210CHNF	2.00	\$135.00	E	\$270.00
I 4856	LO-1 1/2 LOCKNUTS	25.00	\$38.27	C	\$9.57
I 4856	LO-1 1/2 LOCKNUTS	60.00	\$38.27	C	\$22.96
I 4856	LO-1 1/2 LOCKNUTS	18.00	\$38.27	C	\$6.89
I 4856	LO-1 1/2 LOCKNUTS	26.00	\$38.27	C	\$9.95
I 4858	LO-2 LOCKNUTS	8.00	\$51.87	C	\$4.15
I 4858	LO-2 LOCKNUTS	35.00	\$51.87	C	\$18.15
I 4858	LO-2 LOCKNUTS	16.00	\$51.87	C	\$8.30
I 4858	LO-2 LOCKNUTS	24.00	\$51.87	C	\$12.45
I 5344	NI-GR-NIPPLE 2 X CL	4.00	\$331.35	C	\$13.25
I 10604	PV-1 1/2 S40 CONDUIT	600.00	\$44.56	C	\$267.36
I 10604	PV-1 1/2 S40 CONDUIT	900.00	\$44.56	C	\$401.04
I 10604	PV-1 1/2 S40 CONDUIT	900.00	\$44.56	C	\$401.04
I 10604	PV-1 1/2 S40 CONDUIT	900.00	\$44.56	C	\$401.04
I 10605	PV-2 S40 CONDUIT	150.00	\$56.88	C	\$85.32
I 10605	PV-2 S40 CONDUIT	1500.00	\$56.88	C	\$853.20

Confidential Information, Property of King Electric

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Buyers Report

Estimate: Square Lighthouse

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 5

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 10605	PV-2 S40 CONDUIT	100.00	\$56.88	C	\$56.88
I 10605	PV-2 S40 CONDUIT	100.00	\$56.88	C	\$56.88
I 10605	PV-2 S40 CONDUIT	200.00	\$56.88	C	\$113.76
I 10640	PV-1 1/2"S40 COND COUP	25.00	\$37.04	C	\$9.26
I 10640	PV-1 1/2"S40 COND COUP	10.00	\$37.04	C	\$3.70
I 10640	PV-1 1/2"S40 COND COUP	150.00	\$37.04	C	\$55.56
I 10640	PV-1 1/2"S40 COND COUP	16.00	\$37.04	C	\$5.93
I 10641	PV-2" S40 COND COUP	25.00	\$62.65	C	\$15.66
I 10641	PV-2" S40 COND COUP	8.00	\$62.65	C	\$5.01
I 10641	PV-2" S40 COND COUP	10.00	\$62.65	C	\$6.26
I 10641	PV-2" S40 COND COUP	42.00	\$62.65	C	\$26.31
I 10641	PV-2" S40 COND COUP	6.00	\$62.65	C	\$3.76
I 10750	PV-1 1/2 MALE ADAPT.	25.00	\$62.70	C	\$15.68
I 10750	PV-1 1/2 MALE ADAPT.	60.00	\$62.70	C	\$37.62
I 10750	PV-1 1/2 MALE ADAPT.	18.00	\$62.70	C	\$11.29
I 10750	PV-1 1/2 MALE ADAPT.	26.00	\$62.70	C	\$16.30
I 10751	PV-2 MALE ADAPT.	34.00	\$90.13	C	\$30.64
I 10751	PV-2 MALE ADAPT.	18.00	\$90.13	C	\$16.22
I 10751	PV-2 MALE ADAPT.	24.00	\$90.13	C	\$21.63
I 10751	PV-2 MALE ADAPT.	10.00	\$90.13	C	\$9.01
I 10751	PV-2 MALE ADAPT.	16.00	\$90.13	C	\$14.42
I 8190	WC-THHN-STRA #10	900.00	\$170.40	M	\$153.36
I 8190	WC-THHN-STRA #10	1000.00	\$170.40	M	\$170.40
I 8190	WC-THHN-STRA #10	1000.00	\$170.40	M	\$170.40
I 8190	WC-THHN-STRA #10	600.00	\$170.40	M	\$102.24
I 8190	WC-THHN-STRA #10	800.00	\$170.40	M	\$136.32
I 8190	WC-THHN-STRA #10	500.00	\$170.40	M	\$85.20
I 8190	WC-THHN-STRA #10	1500.00	\$170.40	M	\$255.60
I 8190	WC-THHN-STRA #10	900.00	\$170.40	M	\$153.36
I 8190	WC-THHN-STRA #10	10000.00	\$170.40	M	\$1704.00
I 8190	WC-THHN-STRA #10	1000.00	\$170.40	M	\$170.40
I 8190	WC-THHN-STRA #10	2400.00	\$170.40	M	\$408.96
I 8190	WC-THHN-STRA #10	4000.00	\$170.40	M	\$681.60

Confidential Information, Property of King Electric

* Parts in Assemblies are broken out into individual component's phases.

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Buyers Report

Estimate: Square Lighting

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 6

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 8190	WC-THHN-STRA #10	1500.00	\$170.40	M	\$255.60
I 8192	WC-THHN-STRA #8	1500.00	\$290.40	M	\$435.60
I 8192	WC-THHN-STRA #8	3000.00	\$290.40	M	\$871.20
I 8192	WC-THHN-STRA #8	3000.00	\$290.40	M	\$871.20
I 8192	WC-THHN-STRA #8	3000.00	\$290.40	M	\$871.20
I 8192	WC-THHN-STRA #8	13500.00	\$290.40	M	\$3920.40
I 6092	SC-TAPE 33+66	3.00	\$3.53	E	\$10.59
I 6092	SC-TAPE 33+66	2.00	\$3.53	E	\$7.06
I 6092	SC-TAPE 33+66	2.00	\$3.53	E	\$7.06
I 6092	SC-TAPE 33+66	1.00	\$3.53	E	\$3.53
I 6092	SC-TAPE 33+66	2.00	\$3.53	E	\$7.06
I 6092	SC-TAPE 33+66	2.00	\$3.53	E	\$7.06
I 6112	SC-WIRENUT RED	250.00	\$87.50	M	\$21.88
I 6112	SC-WIRENUT RED	40.00	\$87.50	M	\$3.50
I 6112	SC-WIRENUT RED	50.00	\$87.50	M	\$4.38
I 6112	SC-WIRENUT RED	27.00	\$87.50	M	\$2.36
I 6112	SC-WIRENUT RED	30.00	\$87.50	M	\$2.63
I 6112	SC-WIRENUT RED	40.00	\$87.50	M	\$3.50
I 6112	SC-WIRENUT RED	60.00	\$87.50	M	\$5.25
I 6112	SC-WIRENUT RED	36.00	\$87.50	M	\$3.15
I 6112	SC-WIRENUT RED	30.00	\$87.50	M	\$2.63
I 8194	WC-THHN-STRA #6	50.00	\$442.80	M	\$22.14
I 8194	WC-THHN-STRA #6	150.00	\$442.80	M	\$66.42
I 8194	WC-THHN-STRA #6	100.00	\$442.80	M	\$44.28
I 8194	WC-THHN-STRA #6	130.00	\$442.80	M	\$57.56
I 8194	WC-THHN-STRA #6	140.00	\$442.80	M	\$61.99
I 8196	WC-THHN-STRA #4	70.00	\$697.20	M	\$48.80
I 8208	WC-THHN-STRA #3/0	300.00	\$2620.80	M	\$786.24
I 396	BE-BELL DUPLEX REC VERT	2.00	\$1500.00	C	\$30.00
I 396	BE-BELL DUPLEX REC VERT	5.00	\$1500.00	C	\$75.00
I 396	BE-BELL DUPLEX REC VERT	8.00	\$1500.00	C	\$120.00
I 396	BE-BELL DUPLEX REC VERT	2.00	\$1500.00	C	\$30.00

Confidential Information, Property of King Electric

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Buyers Report

Estimate: Square Lighthing

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 7

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 396	BE-BELL DUPLEX REC VERT	2.00	\$1500.00	C	\$30.00
I 396	BE-BELL DUPLEX REC VERT	2.00	\$1500.00	C	\$30.00
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1102	DE2-20A IV DPLX RECP-RES	8.00	\$1.35	E	\$10.80
I 1102	DE2-20A IV DPLX RECP-RES	2.00	\$1.35	E	\$2.70
I 1108	DE2-20A IV GFI RECEPT	5.00	\$9.83	E	\$49.15
I 10993	PV- 6 X 6 X 6 MOLDED JBX	9.00	\$1800.00	C	\$162.00
I 10993	PV- 6 X 6 X 6 MOLDED JBX	5.00	\$1800.00	C	\$90.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	14.00	\$135.00	E	\$1890.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	6.00	\$1800.00	C	\$108.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	9.00	\$1800.00	C	\$162.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	13.00	\$135.00	E	\$1755.00
I 10994	PV- 8 X 8 X 4 MOLDED JBX	8.00	\$135.00	E	\$1080.00
I 10997	PV- 12X 12X 6 MOLDED JBX	13.00	\$135.00	E	\$1755.00
I 6428	PP2-200A 240V 4W40CT MB	2.00	\$621.30	E	\$1242.60
I 6438	PP2-LC TRIM 40CT FLUSH	2.00	\$44.18	E	\$88.36
I 6828	PCB-20A 1P GFI PL-I BKR.	25.00	\$35.00	E	\$875.00
I 6828	PCB-20A 1P GFI PL-I BKR.	4.00	\$67.59	E	\$270.36
I 7324	PBI-200A 3P-240V 4.5H	2.00	\$839.77	E	\$1679.54
I 7590	ST-20A 6P CONTACTOR	1.00	\$527.65	E	\$527.65
I 7596	ST-60A 3P CONTACTOR	1.00	\$306.99	E	\$306.99
I 7794	TC-4PDPDT 7-DAYTIME SW	2.00	\$97.43	E	\$194.86
I 3658	GD-3/4X10 GROUND ROD	9.00	\$20.39	E	\$183.51
I 3658	GD-3/4X10 GROUND ROD	13.00	\$20.39	E	\$265.07
I 3658	GD-3/4X10 GROUND ROD	5.00	\$20.39	E	\$101.95
I 3658	GD-3/4X10 GROUND ROD	14.00	\$20.39	E	\$285.46
I 3658	GD-3/4X10 GROUND ROD	13.00	\$20.39	E	\$265.07
I 3664	GD-3/4 GR-ROD-CLAMP	13.00	\$217.89	C	\$28.33
I 3664	GD-3/4 GR-ROD-CLAMP	13.00	\$217.89	C	\$28.33

Confidential Information, Property of King Electric

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Buyers Report

Estimate: Square Lighthing

Estimated by: chris

File: Fayetteville Square lighting.bhs

Entire Active Estimate

Page 8

Phase/DB#	Description	Quantity	Mat.Cost	U	Total Mat.
I 3664	GD-3/4 GR-ROD-CLAMP	5.00	\$217.89	C	\$10.89
I 3664	GD-3/4 GR-ROD-CLAMP	14.00	\$217.89	C	\$30.50
I 3664	GD-3/4 GR-ROD-CLAMP	9.00	\$217.89	C	\$19.61
I 11801	FIS ST LIGHTING 20' POLE	13.00	\$0.00	E	\$0.00
I 11801	FIS ST LIGHTING 20' POLE	9.00	\$0.00	E	\$0.00
I 11801	FIS ST LIGHTING 20' POLE	14.00	\$0.00	E	\$0.00
I 11801	FIS ST LIGHTING 20' POLE	13.00	\$0.00	E	\$0.00
I 11801	FIS ST LIGHTING 20' POLE	5.00	\$0.00	E	\$0.00
I 11836	FIS STREET FIX 400 WATT	13.00	\$0.00	E	\$0.00
I 11836	FIS STREET FIX 400 WATT	13.00	\$0.00	E	\$0.00
I 11836	FIS STREET FIX 400 WATT	5.00	\$0.00	E	\$0.00
I 11836	FIS STREET FIX 400 WATT	9.00	\$0.00	E	\$0.00
I 11836	FIS STREET FIX 400 WATT	14.00	\$0.00	E	\$0.00
I 11028	PV-1 QUART CEMENT VC9982	2.00	\$1158.05	C	\$23.16
I 11028	PV-1 QUART CEMENT VC9982	2.00	\$1158.05	C	\$23.16
I 11028	PV-1 QUART CEMENT VC9982	3.00	\$1158.05	C	\$34.74
I 11028	PV-1 QUART CEMENT VC9982	2.00	\$1158.05	C	\$23.16
I 11028	PV-1 QUART CEMENT VC9982	2.00	\$1158.05	C	\$23.16
I 11028	PV-1 QUART CEMENT VC9982	1.00	\$1158.05	C	\$11.58
I 436	BL-CHNL 3/4X1 5/8 SLOT	50.00	\$154.61	C	\$77.31
I 10000	UNG TRENCH 6" X 18"	4500.00	\$6.73	C	\$302.85
Estimate Totals					\$83119.59

Pre-Agenda Meeting 2-20-08

Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Nancy Allen
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Lioneld Jordan



Mayor Dan Coody
City Attorney Kit Williams
City Clerk Sondra Smith

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
March 04, 2008**

A meeting of the Fayetteville City Council will be held on March 04, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

Contract discussion

King Electrical Contractors ~~motion to reconsider~~ - Alderman Lioneld Jordan.
Ordinance was approved at the February 19, 2008 City Council meeting.

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

— Agenda Additions

A. Consent:

✓ 1. Approval of the February 19, 2008 City Council meeting minutes.

NB #6

2. **Bid # 07-70 Ark-O Petroleum:** A resolution awarding Bid #07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.

4 ✓ 2. **RZN 07-2856, Parks and Recreation:** An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.

5 ✓ 3. **C-PZD 07-2858 (Farmer's Market):** An ordinance establishing a Commercial Planned Zoning District titled C-PZD 07-2858 (Farmer's Market), located on the south side of Hwy. 62, between east and west Farmer's Drive, containing approximately 1.10 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

Consent ✓ 4. **ADM 08-2929 (Stonebridge Square Tree Preservation Variance):** A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.

Next Meeting 3-18-08 5. **EcoTag Parking:**

Consent ✓ 6. **Fire Pension Drug Law Enforcement Fund:** A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of \$36,902.00 and for the Fire Pension Fund in the amount of \$70,844.00.

Next Meeting 3-18-08 7. **Amend Chapter 168: Flood Damage Prevention Code:**

NB #2 ✓ 8. **Ambulance Service Interlocal Agreement: Mayor Coody will submit (SES)**

~~Agenda Additions:~~

Announcements:

1. **City Council Tour: March 03, 2008**

Adjournment:

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

KIT WILLIAMS, CITY ATTORNEY

DAVID WHITAKER, ASST. CITY ATTORNEY



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Dan Coody**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to be 'Kit Williams', written over a horizontal line.

DATE: **March 5, 2008**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of March 4, 2008**

1. **Walton Arts Center Council, Inc. By-laws:** A resolution to approve the third amendment to the by-laws of the Walton Arts Center Council, Inc.;
2. **Dead Horse Mountain Bridge Replacement:** A resolution approving a payment to the Arkansas State Highway and Transportation Department in the amount of \$20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project;
3. **Brasfield & Gorrie, LLC Change Order #4:** A resolution approving Change Order #4 to the construction contract with Brasfield & Gorrie, LLC in the amount of \$624,521.00 for construction of the Hamestring Sewer Lift Station;
4. **2008 ESRI Software Maintenance Fees:** A resolution approving purchase requests in the amount of \$30,821.25 with ESRI, Inc. for GIS software service and maintenance fees;
5. **2008 D.I.S.C. Software Maintenance Fees:** A resolution approving the 2008 service and support agreement in the amount of \$38,265.48 with Dynamic Information Solutions Company, Inc.;
6. **Fire Pension Drug Law Enforcement Fund:** A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of \$36,902.00 and for the Fire Pension Fund in the amount of \$70,844.00;

7. **Bid #07-70 Ark-O Petroleum:** A resolution awarding Bid #07-70 and the purchase of One Automatic Touchless Vehicle Wash System from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division;
8. **2008 Hansen Software Maintenance Fees:** A resolution approving purchase requests to Hansen Technology, Inc. in the amount of \$64,634.28 for 2008 Software Service and Maintenance Fees;
9. **Fayetteville Municipal Property Owners' Improvement District #24:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 – College Avenue Townhomes Development Infrastructure Project;
10. **Recommended Water Rate Changes:** A resolution accepting the Sewer Committee's recommended water rate changes; and directing the City Attorney to draft a water rate ordinance consistent with the recommendation;
11. **Recommended Sewer Rate Changes:** A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a sewer rate ordinance consistent with these preferences;
12. **Amend Rules of Order and Procedure:** A resolution to amend the Rules of Order and Procedure of the Fayetteville City Council by changing its title and removing the provision that serving more than half a normal term counts against the two term limit for citizen committees.

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

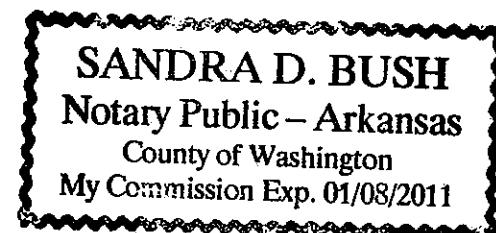
I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville- Final Agenda

March 2, 2008

Publication Charge: \$168.80

Subscribed and sworn to before me
This 3 day of March, 2008.

Notary Public Sandra D. Bush



My Commission Expires: Jan 8, 2011

Do not pay from Affidavit, an invoice will be sent

RECEIVED

MAR 04 2008

**CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE**

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
MARCH 04, 2008**



A meeting of the Fayetteville City Council will be held on March 04, 2008 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Agenda Additions:

A. Consent:

1. Approval of the February 19, 2008 City Council meeting minutes.
2. **Walton Arts Center Council, Inc. By-laws:** A resolution to approve the Third Amendment to the By-laws of the Walton Arts Center Council, Inc.
3. **Dead Horse Mountain Bridge Replacement Project:** A resolution approving a payment to the Arkansas State Highway and Transportation Department (AHTD) in the amount of \$20,000.00 for utility relocations for the Dead Horse Mountain Bridge Replacement Project.
4. **Brasfield & Gorrie, LLC Change Order #4:** A resolution approving Change Order #4 to the construction contract with Brasfield & Gorrie, LLC in the amount of \$624,521.00 for construction of the Harnesring Sewer Lift Station.
5. **2008 ESRI Software Maintenance Fees:** A resolution approving purchase requests in the amount of \$30,821.25 with ESRI, Inc. for Geographic Information System (GIS) software service and maintenance fees.
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7. **Fire Pension Drug Law Enforcement Fund:** A resolution approving budget adjustments for the Drug Law Enforcement Fund in the amount of \$36,902.00 and for the Fire Pension Fund in the amount of \$70,844.00.
8. **Bid # 07-70 Ark-O Petroleum:** A resolution awarding Bid # 07-70 and approving the purchase of one (1) automatic touchless vehicle wash system from Ark-O Petroleum of Tontitown in the amount of \$188,785.00 for use by the Fleet Operation Division.

B. Unfinished Business:

1. **Hiring Freeze:** Hiring Freeze Appeals.
2. **RZN 07-2889 (Cooper):** An ordinance rezoning that property described in rezoning petition RZN 07-2889, for approximately 0.69 acres, located at the southwest corner of North College Avenue and East Cleburn Street from R-PZD, Residential Planned Zoning District, to DG, Downtown General. This ordinance was left on the Second Reading at the February 19, 2008 City Council meeting.

C. New Business:

1. **2008 Hansen Software Maintenance Fees:** A resolution approving purchase requests to Hansen Technology, Inc. in the amount of \$64,634.28 for 2008 software service and maintenance fees.
2. **Fayetteville Municipal Property Owners' Improvement District No. 24 - College Avenue Townhomes Development Infrastructure Project:** An ordinance to establish and lay off Fayetteville Municipal Property Owners' Improvement District No. 24 - College Avenue Townhomes Development Infrastructure Project.
3. **Ambulance Service Interlocal Agreement:** A resolution to approve an interlocal agreement for ambulance service by and with the City of Fayetteville, Washington County, Elkins, Farmington, Goshen, Greenland, Lincoln, Prairie Grove, West Fork, Winslow and Johnson, and to establish the ambulance authority and Central Emergency Medical Services as the exclusive emergency and non-emergency ambulance service within the cities.
4. **Water/Sewer Rate Approval:** A resolution expressing preference for specific revisions to sewer rates and related policy changes; and directing the City Attorney to draft a water and sewer rate ordinance consistent with these preferences.
5. **RZN 07-2856 (Parks and Recreation):** An ordinance rezoning the properties described in rezoning petition RZN 07-2856, for forty-two City of Fayetteville parks on approximately 591 acres, located throughout the city from multiple zoning districts to P-1, Institutional.
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8. **ADM 08-2929 (Stonebridge Square Tree Preservation Variance):** A resolution approving a variance from Ch. 167.04 Tree Preservation and Protection to allow off-site tree preservation in lieu of on-site plantings for prior tree removal in the manner recommended by the Planning Commission for large scale development (LSD) 07-2765.

Announcements:

1. **City Council Tour:** None

Adjournment:

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MAR 04 2008

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE