

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
October 16, 2007**

A meeting of the Fayetteville City Council will be held on October 16, 2007 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**

Housing Authority Board Appointment

A. CONSENT:

- 1. Approval of the September 4 and September 18, 2007 City Council meeting minutes.**

THE SEPTEMBER 4, 2007 MINUTES WERE APPROVED AND THE SEPTEMBER 19, 2007 MINUTES WERE PULLED.

- 2. Bid #07-58 Joe Perme Construction:** A resolution awarding Bid #07-58 and approving a contract with Joe Perme Construction d/b/a Perme Excavating in the amount of \$105,692.17 for renovations at the City Animal Shelter; and approving a project contingency in the amount of \$10,569.83.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 177-07.

- 3. Bid #07-65 Graybar Electric:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) Dynamic Light Fixtures from Graybar Electric in the amount of \$59,014.95 for Phase III of the Scull Creek Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 178-07.

4. **Bid #07-65 Composite Materials Technologies:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) light poles from Composite Materials Technologies, South Carolina, LLC in the amount of \$51,775.00 for Phase III of the Scull Creek Trail.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 179-07.

5. **NWA Democrat Gazette:** A resolution approving one-year agreements with the Arkansas Democrat-Gazette – Northwest Edition for display and legal advertising.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 180-07.

6. **Telecommunications System Upgrades:** A resolution approving the purchase of a CS1000e Telecommunications System from AT&T through the state purchasing contract in the amount of \$51,172.94 to upgrade the city's communications infrastructure; and approving a 9% contingency in the amount of \$4,605.56.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 181-07.

7. **Fayetteville Municipal Airport Revised Mission Statement:** A resolution approving a revised Mission Statement for the Fayetteville Municipal Airport, Drake Field.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 182-07.

8. **Sam's Club Grant for Veterinary Supplies:** A resolution authorizing the Fayetteville Animal Services Division to accept a grant from Sam's Club in the amount of \$3,000.00 for the purchase of veterinary supplies; and approving a budget adjustment to recognize the grant revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 183-07.

9. **Romine Lawsuit Insurance Deductible:** A resolution to approve a budget adjustment in the amount of \$50,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 184-07.

B. UNFINISHED BUSINESS:

1. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 2, 2007 City Council meeting.*

THIS ITEM WAS LEFT ON THE SECOND READING OF THE ORDINANCE.

C. NEW BUSINESS:

- 1. Riparian Zones Protection:** A resolution to protect and restore riparian zones.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 185.07.

- 2. ADM 07-2748, R-PZD 06-2190 (Woodbury):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2190, Woodbury, located on the south side of Zion Road and east of Taliesin Lane, containing approximately 11.66 acres, to reflect revised building setbacks in Planning Area 2 as described and depicted herein.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5070.

- 3. VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres.

THIS ITEM WAS TABLED TO NOVEMBER 6, 2007 CITY COUNCIL MEETING.

- 4. 2008 Employee Benefits:** A resolution approving the placement of group major medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008 through December 31, 2008, with the right of renewal for four annual renewals; renewing COBRA and Section 125 Cafeteria Plan administration with Datapath; HSA account administration with Delta Trust & Banking Corp.; employee-paid dental insurance with Delta Dental; and accidental death and dismemberment coverage with ACE-USA for plan year 2008.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 186-07.

D. INFORMATIONAL:

City Council Tour: October 15, 2007

Meeting adjourned at 7:50 p.m.

Adjourn 7:50 PM

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

Subject: Housing Authority Board Appointment of					
Motion To:		Approve Appointments:			Hugh
Motion By:		Cook			Earnest
Seconded:		Thiel			
Approve	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

Subject: Consent					
Motion To:		Approve			
Motion By:		Jordan			
Seconded:		Thiel			
Sept 18 Minutes Removed	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
Res. 177-07 to 184-07	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

Subject: 2007 Millage Levy					
Motion To:		2nd reading			
Motion By:		Jordan			
Seconded:		Cook			
B.I. Unfinished Business Left on the Second Reading	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

Subject: Riparian Zones Protection					
Motion To:		Approve			
Motion By:		Allen			
Seconded:		Thiel			
C. 1. New Business <u>Passed</u> 185-07	Allen	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Jordan	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Mayor Coody				

Subject: ADM 07-2748 R-PZD 06-2190 (Woodbury)					
Motion To:		2nd read	3rd read	Pass	
Motion By:		Cook	Cook		
Seconded:		Ferrell	Ferrell		
C. 2. New Business <u>Passed</u> 5670	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				

Subject: UAC 07-2722 (Menninger)					
Motion To:		2nd read	3rd read	Tabled until	next meeting.
Motion By:		Cook	Thiel	Ferrell	
Seconded:		Allen	Ferrell	Rhoads	
C. 3. New Business Tabled to Nov. 6, 2007	Allen	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Jordan	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Mayor Coody				

Subject: 2008 Employee Benefits					
Motion To:			Amend to add Section #3		Approve
Motion By:			Ferrell		Jordan
Seconded:			Jordan		Allen
C. 4. New Business Passed 186-07	Allen	✓	✓		✓
	Rhoads	✓	✓		✓
	Ferrell	✓	✓		✓
	Lucas	✓	✓		✓
	Jordan	✓	✓		✓
	Gray	✓	✓		✓
	Thiel	✓	✓		✓
	Cook	✓	✓		✓
	Mayor Coody				

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D. INFORMATIONAL:

City Council Tour: October 15, 2007

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

RECEIVED

OCT 09 2007

**CITY OF FAYETTEVILLE
MAYOR'S OFFICE**

October 4th, 2007

Mayor Dan Coody & Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Dan Coody & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its October 1st, 2007, Special Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Hugh Earnest. His term will begin on October 1st, 2007 and end on December 28, 2010.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Hugh Earnest) be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statute #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely,



Fredia Sawin

Executive Director

fs



*Handed out at agenda session
B.1 2007 millage levy*

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and City Council

FROM: Paul A. Becker, Finance Director

Paul A. Becker

DATE: October 9, 2007

SUBJECT: **Millage Request Update**

I have reviewed the 2008 operating budget and discussed requests with pertinent departments and believe at this time we have reduced the General Fund budget as much as practicable without mandatory reductions which will affect the level of service provided and/or personnel. Attached are schedules which show what additional reductions would be needed to achieve a \$995,000 mandatory reduction necessary if allocated equally among divisions. The schedules are provided to demonstrate the relative impact on each division. The first schedule shows the impact on the total budget of each division. The second schedule shows the impact on each divisional budget if the personnel accounts are not reduced.

The administration is not recommending a mandatory reduction. This information is for consideration if this option is pursued.

The administration's recommendation continues to be the adoption of a 0.9 mil property tax increase and an adjustment of the City's sales tax split from 50% operations and 50% capital to approximately 57% operations and 43% capital. I believe this is the best long term option.

Between now and the time of final presentation, I will continue to review the proposed General Fund budget for possible reductions. However, any adjustments are expected to be minor.

I would also like to bring to the Council's attention that in 2006, the City cut \$97,946 from the General Fund Travel & Training Budgets. In 2007, \$321,528 in budget reductions were made from Fire, Police, and Parks & Recreation. In 2008, \$227,801 of prior year budget items were initially cut. Also, the administration is not recommending a COLA for employees which would be approximately \$960,000.

Schedule 1

City of Fayetteville, Arkansas
Total General Fund Operating Department (Total) Budgets
2008 Reductions which would be needed to equal \$995,000

	<u>Total Operating 2008 Budget</u>	<u>% of Budget</u>	<u>\$995,000 Reduction</u>
<u>Expenditures (Total Operating):</u>			
Police Department:			
Central Dispatch	\$ 1,270,497	-2.9%	\$ (36,600)
Police Patrol/Support	10,865,917	-2.9%	(312,800)
Animal Services	888,665	-2.9%	(25,600)
Total Police Department	<u>13,025,079</u>	<u>-2.9%</u>	<u>(375,000)</u>
Fire Department:			
Prevention	407,328	-2.9%	(11,700)
Operations	7,607,144	-2.9%	(219,000)
Training	228,108	-2.9%	(6,600)
Total Fire Department	<u>8,242,580</u>	<u>-2.9%</u>	<u>(237,300)</u>
Operations Department:			
Operations Director	74,313	-2.8%	(2,100)
Human Resources	1,267,809	-2.9%	(36,500)
Building Services	714,105	-2.9%	(20,600)
Parking & Telecommunications	590,415	-2.9%	(17,000)
Parks & Recreation	2,078,133	-2.9%	(59,800)
Planning & Development Management	345,845	-2.9%	(10,000)
Engineering:	1,159,700	-2.9%	(33,400)
Current Planning	575,511	-2.9%	(16,600)
Building Safety	670,501	-2.9%	(19,300)
Community Code Enforcement	334,031	-2.9%	(9,600)
Total Operations Department	<u>7,810,363</u>	<u>-2.9%</u>	<u>(224,900)</u>

Schedule 1

City of Fayetteville, Arkansas
Total General Fund Operating Department (Total) Budgets
2008 Reductions which would be needed to equal \$995,000

	<u>Total Operating 2008 Budget</u>	<u>% of Budget</u>	<u>\$995,000 Reduction</u>
General Government Department:			
Mayor's Administration	344,288	-2.9%	(9,900)
City Council	80,844	-2.8%	(2,300)
City Attorney	305,153	-2.9%	(8,800)
City Prosecutor	495,663	-2.9%	(14,300)
Economic Development	81,335	-2.8%	(2,300)
Public Information	152,138	-2.9%	(4,400)
Cable Administration	223,810	-2.9%	(6,400)
Internal Audit	85,135	-2.9%	(2,500)
City Clerk/Treasurer	363,261	-2.9%	(10,500)
Fayetteville District Court	693,387	-2.9%	(20,000)
General Government Department	<u>2,825,014</u>	<u>-2.9%</u>	<u>(81,400)</u>
Finance Department:			
Finance Director	135,064	-2.9%	(3,900)
Accounting & Audit	686,859	-2.9%	(19,800)
Budget & Research	297,669	-2.9%	(8,600)
Purchasing	226,233	-2.9%	(6,500)
Information Technology	1,306,140	-2.9%	(37,600)
Total Finance Department	<u>2,651,965</u>	<u>-2.9%</u>	<u>(76,400)</u>
	<u>\$ 34,555,001</u>		<u>\$ (995,000)</u>
	<u>% Reduction</u>	<u>-2.9%</u>	

Schedule 2

City of Fayetteville, Arkansas
Total General Fund Operating Department (Non Personnel) Budgets
2008 Reductions which would be needed to equal \$995,000

	Non Personnel 2008 Budget	% Budget	\$995,000 Reduction
<u>Expenditures (Non-Personnel):</u>			
Police Department:			
Central Dispatch	\$ 116,977	-17.8%	\$ (20,800)
Police Patrol/Support	1,862,234	-17.7%	(330,500)
Animal Services	151,791	-17.7%	(26,900)
Total Police Department	<u>2,131,002</u>	<u>-17.7%</u>	<u>(378,200)</u>
Fire Department:			
Prevention	57,594	-17.7%	(10,200)
Operations	735,041	-17.7%	(130,400)
Training	56,033	-17.7%	(9,900)
Total Fire Department	<u>848,668</u>	<u>-17.7%</u>	<u>(150,500)</u>
Operations Department:			
Operations Director	6,000	-18.3%	(1,100)
Human Resources	245,500	-17.8%	(43,600)
Building Services:	85,303	-17.7%	(15,100)
Parking & Telecommunications:	286,656	-17.8%	(50,900)
Parks & Recreation	897,853	-17.7%	(159,300)
Planning & Development Management:	14,154	-17.7%	(2,500)
Engineering:	83,240	-17.8%	(14,800)
Current Planning	57,584	-17.7%	(10,200)
Building Safety	70,747	-17.8%	(12,600)
Community Code Enforcement	58,271	-17.7%	(10,300)
Total Operations Department	<u>1,805,308</u>	<u>-17.7%</u>	<u>(320,400)</u>

Schedule 2

City of Fayetteville, Arkansas
Total General Fund Operating Department (Non Personnel) Budgets
2008 Reductions which would be needed to equal \$995,000

	Non Personnel 2008 Budget	% Budget	\$995,000 Reduction
General Government Department:			
Mayor's Administration	99,095	-17.8%	(17,600)
City Council	7,800	-17.9%	(1,400)
City Attorney	29,620	-17.9%	(5,300)
City Prosecutor	28,100	-17.8%	(5,000)
Economic Development	29,992	-17.7%	(5,300)
Public Information	11,400	-17.5%	(2,000)
Cable Administration	30,276	-17.8%	(5,400)
Internal Audit	3,536	-17.0%	(600)
City Clerk/Treasurer	84,160	-17.7%	(14,900)
Fayetteville District Court:	31,275	-17.6%	(5,500)
General Government Department	355,254	-17.7%	(63,000)
Finance Department:			
Finance Director	4,101	-17.1%	(700)
Accounting & Audit	26,685	-17.6%	(4,700)
Budget & Research	11,606	-18.1%	(2,100)
Purchasing	22,258	-17.5%	(3,900)
Information Technology	402,952	-17.7%	(71,500)
Total Finance Department	467,602	-17.7%	(82,900)
	\$ 5,607,834		\$ (995,000)
	% Reduction	-17.7%	



THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

To: Mayor Dan Coody, City Council
From: Jeremy Pate, Director of Current Planning
Date: 11 October, 2007
Subject: Menninger Vacation (VAC 07-2722)

Please substitute the attached, amended legal descriptions and exhibits that represent Exhibits "A" and "B" for VAC 07-2722 (Menninger).

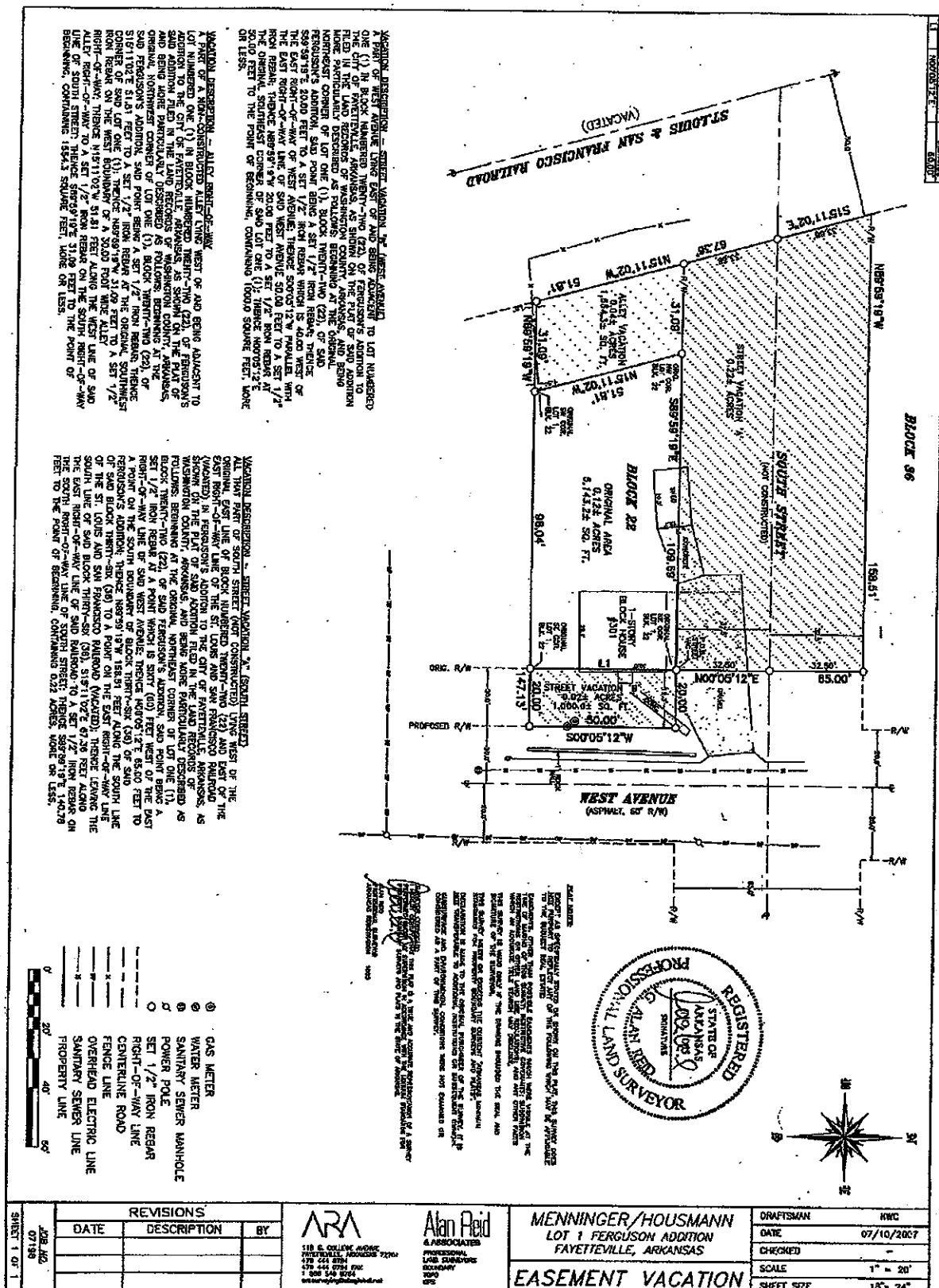


EXHIBIT "B"
VAC 07-2722

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

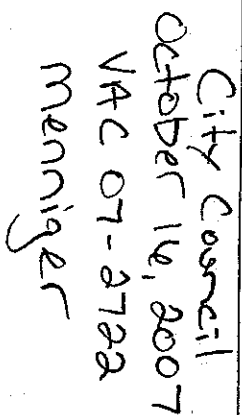
VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

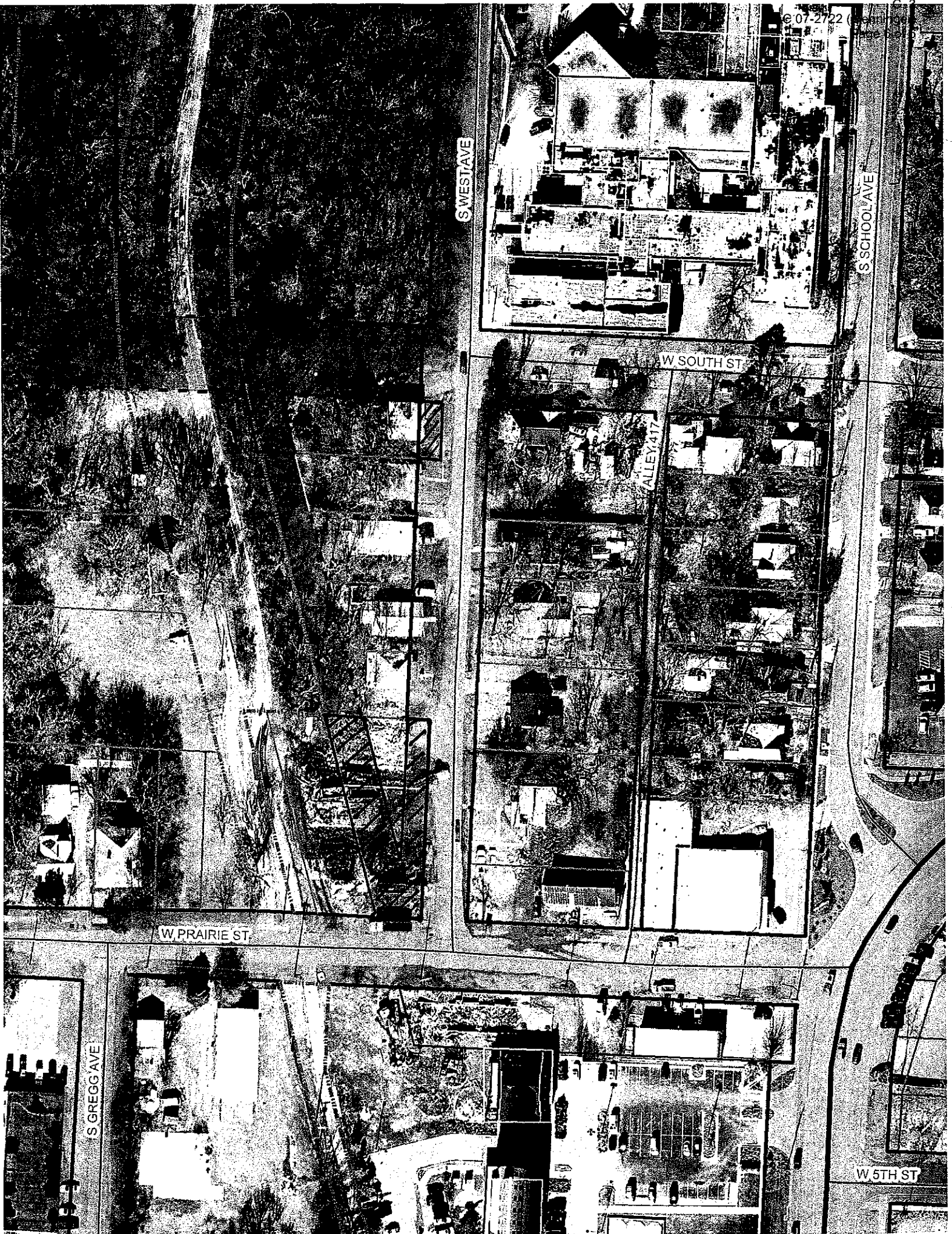
A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

ALL THAT PART OF SOUTH STREET (NOT CONSTRUCTED) LYING WEST OF THE ORIGINAL EAST LINE OF BLOCK NUMBERED TWENTY-TWO (22) AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED) IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR AT A POINT WHICH IS SIXTY (60) FEET WEST OF THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE; THENCE N00°05'12"E 65.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF BLOCK THIRTY-SIX (36) OF SAID FERGUSON'S ADDITION; THENCE N89°59'19"W 158.51 FEET ALONG THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36), S15°11'02"E 67.36 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR ON

THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 140.78
FEET TO THE POINT OF BEGINNING, CONTAINING 0.22 ACRES, MORE OR LESS.





RESOLUTION NO. _____

A RESOLUTION APPROVING THE PLACEMENT OF GROUP MAJOR MEDICAL COVERAGE WITH BLUE CROSS/BLUE SHIELD OF ARKANSAS to run from January 1, 2008 through December 31, 2008, with the right of renewal for four annual renewals; RENEWING COBRA AND SECTION 125 CAFETERIA PLAN ADMINISTRATION WITH DATAPATH; HSA ACCOUNT ADMINISTRATION WITH DELTA TRUST & BANKING CORP.; EMPLOYEE-PAID DENTAL INSURANCE WITH DELTA DENTAL; AND ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE WITH ACE-USA FOR PLAN YEAR 2008.

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 placement of Group Major Medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008, through December 31, 2008, with the right of renewal for four annual renewals.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves renewing with Datapath for COBRA administration and the administration of the Section 125 Cafeteria Plan; HSA account administration with Delta Trust & Banking Corp.; Delta Dental for employee-paid Dental Insurance; and Accidental Death and Dismemberment coverage with ACE-USA for Plan Year 2008.

PASSED AND APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

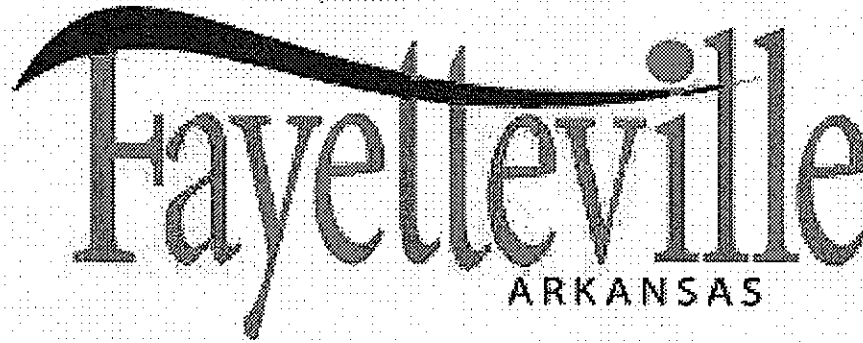
Aldermen

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



**City of Fayetteville Arkansas
City Council Meeting Minutes
September 4, 2007**

A meeting of the Fayetteville City Council was held on September 4, 2007 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, Allen, Rhoads, Ferrell, Lucas, Jordan, Mayor Coody, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Cook

Pledge of Allegiance

Mayor Coody welcomed Mohammond Milhilm from Palestine who is here in Fayetteville studying Political Science.

Sam's Club Presentation

Shane Houltry, Club Manager at the new Fayetteville Sam's stated we are very excited to come to your town and be a part of your town. He stated we have come here this evening to present you with a few CFL bulbs for you to utilize. We want to present them to the City to help with sustainability of the offices or however you see fit. He also presented the City with a \$500 gift card to utilize at the Sam's Club grand opening on September 13th. We are very excited to be a part of your city and also to continue to serve Northwest Arkansas. We appreciate the Mayor's initiatives on sustainability; we have great sustainability features at our new location. We look forward to working with Mr. Coleman and the City of Fayetteville to continue the vision that the City and Sam's Club has.

Mayor Coody: Thank you. I want to congratulate you and if you would please pass our regards along to Wal-Mart stores and Sam's Club for the efforts that you have put into the sustainability movement world wide. If it weren't for Wal-Mart making this huge global private push for sustainability we wouldn't be having these discussions. We owe you a debt of gratitude for this push. Thank you for the pallet of bulbs.

Shane Houltry: I appreciate your support on us coming to the City of Fayetteville. Thank you very much.

Mayor Coody: Well, it's really good to have you here.

CONSENT:

Disadvantaged Business Enterprise Program: A resolution to accept and approve the updated Fayetteville Municipal Airport Disadvantaged Business Enterprise (DBE) program participation goal for FY2008.

Resolution 154-07 as Recorded in the office of the City Clerk.

Law Enforcement Firing Range Partnership: A resolution approving an inter-local agreement between the City of Fayetteville, Arkansas and Washington County, Arkansas to build a new law enforcement firing range; and approving a budget adjustment in the amount of \$40,000.00 as the City of Fayetteville's share of the construction costs.

Resolution 155-07 as Recorded in the office of the City Clerk.

Powell Johnson Investments, LLC Donation: A resolution accepting the donation of a golf cart from Powell Johnson Investments, LLC for use in the Fayetteville Police Department's DWI/DUI prevention program.

Resolution 156-07 as Recorded in the office of the City Clerk.

Roll Off Service: A resolution authorizing the Mayor to execute a contract with Roll Off Service, Inc. to haul and dispose of solid waste within the city limits of Fayetteville.

Resolution 157-07 as Recorded in the office of the City Clerk.

Garney Companies, Inc: A resolution approving a construction contract with Garney Companies, Inc. in the amount of \$1,393,880.00 for the replacement of the 2.6 mgd Mally Wagon Lift Station and 16-inch force main, WSIP Subproject EL-1; and approving an 8% contingency in the amount of \$110,000.00.

Resolution 158-07 as Recorded in the office of the City Clerk.

Rosetta Construction, LLC: A resolution approving a construction contract with Rosetta Construction, LLC in the amount of \$10,431,995.00 for construction of 26,458 feet of 42-inch

gravity sewer pipeline, WSIP Subproject EL-2; and approving a 7% contingency in the amount of \$730,000.00.

Resolution 159-07 as Recorded in the office of the City Clerk.

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

Mayor Coody: These two big sewer projects, they came in \$4 million under the projected cost.

David Jurgens, Water/Wastewater Director: That is correct.

Mayor Coody: Very good. Congratulations and thanks for doing such a good job for us. Since we have brought this program in-house, it has been hitting on all eight cylinders on time, on budget and everything has been working very well. You have done a very good job for us.

UNFINISHED BUSINESS:

Amend Ordinance 4971 (R-PZD 04-1307 Aspen Ridge): An ordinance repealing and replacing Ordinance No. 4971, extending the expiration date for R-PZD 04-1307 (Aspen Ridge) to June 29, 2008. *This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting.*

Mayor Coody: I visited with staff earlier today and we are thinking about tabling this until we make sure of the direct line of ownership and that the owners are going to resolve the Phase I and II problems. Kit did you have any input on that.

City Attorney Kit Williams: We were talking about that this morning and we also talked about that at the Agenda Session. We talked about what we can do to make sure that if the project is built, it is built according to what was agreed upon and not half built and half left undone. There has been some talk from the potential developers about trying to change it in some ways. I think this should be totally worked out before we try to go to any third and final reading and extend the permit. We need to table this until we have firm ownership that we can speak to and negotiate with.

Mayor Coody: Brenda, did you have any input on that?

Alderman Thiel: That was going to be my recommendation that we just table it until the ownership can be worked out. I think it is important that the public understands that the situation is Phase II and that is in a real mess. We can't just throw out Phase I and move forward because we need the leverage or some way to ensure that both phases are done to the satisfaction of the neighborhood and the community.

Alderman Thiel moved to table the ordinance indefinitely. Alderman Gray seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Cook was absent.

This ordinance was Tabled Indefinitely.

Boardwalk Property Owners Association: An ordinance waiving the requirements of formal competitive bidding and approving a cost-share with the Boardwalk Property Owners Associated (POA) in an amount not to exceed \$69,674.00 to dredge the Boardwalk POA pond. *This ordinance was left on the First Reading at the August 7, 2007 City Council meeting. This ordinance was left on the Second Reading at the August 23, 2007 City Council meeting.*

Alderman Gray: We would like to table this until we get information from a couple of different sources that might help us pay for this. Although I still feel like we need to take care of this problem. I would like to table it until we get that information.

Mayor Coody: I spoke with the head of the ADEQ today who said they did not have the money for this in their General Fund but they did have a fund that we could apply for that had to do with remedial work and it was very complex. There may be an opportunity for a little help from ADEQ. I have not heard back from the Highway Department yet.

Alderman Gray moved to table the ordinance to the October 2, 2007 City Council meeting. Alderman Thiel seconded the motion. Upon roll call the motion to table passed 7-0. Alderman Cook was absent.

This ordinance was Tabled to the October 2, 2007 City Council meeting.

ADM 07-2577 (Downtown Design Overlay District Architecture Standards): An ordinance amending Title XV: Unified Development Code of the Code of Fayetteville to amend Chapter 151: Definitions and Chapter 166: Development to adopt a Downtown Design Overlay District, Parking Garage Design Standards, DDOD Boundary Map and related definitions. *This ordinance was left on the First Reading at the August 23, 2007 City Council meeting.*

Alderman Gray moved to suspend the rules and go to the second reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Cook was absent.

City Attorney Kit Williams read the ordinance.

Alderman Allen: Mayor, I expressed concern last time about making sure that we have some homes in this area that would still be affordable for middle class people and not be too stringent in terms of our architectural design. I believe it is a 40% change that must be made in the home before it is considered a significant change and has to apply to these new rules.

Leif Olson, Long Range Planner: It would have to be a 50% change in the building footprint, habitable space, or volume.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Cook was absent.

Ordinance 5056 as Recorded in the Office of the City Clerk.

NEW BUSINESS:

Amend Chapter 177 Landscape Regulations: An ordinance amending Chapter 177, Landscape Regulations, of the Unified Development Code to require minimum width of tree wells to be three feet and minimum area to be fifteen square feet when utilizing urban tree wells.

City Attorney Kit Williams read the ordinance.

Mayor Coody: This is basically to allow for flexibility. We are going to a different kind of tree grate that trash and cigarette butts can't fall down into. It will be a lot easier to keep the tree and mulch clean. It will make it more flexible for sidewalk designs since there are so many different shapes of tree grates these days.

Alderman Thiel: It will also make it accessible.

Mayor Coody: Yes, better for the ADA as well.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Cook was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Cook was absent.

Ordinance 5057 as Recorded in the Office of the City Clerk.

R-PZD 07-2576 (Woodstock Community): An ordinance establishing a residential planned zoning district titled R-PZD 07-2576, Woodstock Community, located south of Wedington Drive from 46th to Broyles Avenue; containing approximately 28.90 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Alderman Lucas: Jeremy, the height on this is 62 feet, is that the tallest?

Jeremy Pate, Director of Current Planning: That is the tallest in the planning area that is primarily adjacent to Wedington.

Alderman Lucas: That is four stories?

Jeremy Pate: Correct.

Alderman Lucas: I know we discussed setting the height for four stories or three stories. I think we passed something in our Ward not very long ago that was 56 feet for four stories. Is that just the peak of the roof or what?

Jeremy Pate: Yes, that entirely depends on the peak of the roof and in most of the cases here you have a flat roof with a pear pit to hide all the mechanical equipment and things like that. Sometimes with a residential project it will have a much lower floor to floor height. In mixed use projects you will find that the bottom floor is going to be taller than the floors above.

Alderman Lucas: So I guess if we need to look at this closely when we are looking at these because you could say four stories and it could be 80 feet.

Jeremy Pate: Right, we try to have that in here. We usually use both stories and the height when we view that just like we did in the downtown area.

Alderman Lucas: Or set some standards. Would that be a good idea?

Jeremy Pate: When we look at height with a planned zoning district the applicant is welcome to propose whatever standards, just like the setbacks and the uses in the project. Sometimes we don't agree and amend them until we get to what we feel is appropriate. In this one, the single family planning area that is adjacent to the single family to the south, they are proposing a lower height than the adjacent RSF-4 allows. We allow 45 feet total in our RSF-4 and they are proposing 40 feet total because there was some concern about people looking into the back yards and things like that.

Jeremy gave a description of the project.

Alderman Lucas: Regarding 46th Street the improvement is to the property line and then they are going to fix the street, will that complete the sidewalk all the way? I know the development south has a sidewalk.

Jeremy Pate: There is a gap where Cross Keys and Persimmon Place developed to, they have the street improvements and sidewalk and then it stops north of that all the way to Wedington. What staff and the Planning Commission recommended for this project was to improve both sides of the street. Usually we just do one side of the street. We felt it was important to improve both sides of the street in this case adjacent to the property line including a turn lane. However in that gap we are only recommending 24 feet at this point in time and no sidewalks.

Alderman Lucas: What is the distance there, do you know.

Jeremy Pate: I don't know off the top of my head. The other problem with that is that the right of way has not been dedicated. Those property owners have never dedicated that right of way and the sidewalk actually couldn't be located at the master street plan line if it were built.

Alderman Lucas: I know with that school out there, we need the sidewalks and children from this development would probably walk to school if we had sidewalks. I know there is a section on Persimmon that does not have a sidewalk either.

Jeremy Pate: The proposal is for a planned zoning district with most of the project being approved for development approval. The south half would be for concept only so it's sort of a combination part of it for development is phased as you can see in the phasing diagrams in different planning areas.

Alderman Thiel: By the south part what do you mean? Where the detention ponds are?

Jeremy Pate: The detention pond would have to be constructed as part of this. Really it's the subdivision of single family lots that would happen with the second phase. They can't do a large scale development and a subdivision at the same time our ordinances will not allow that. They had to choose one or the other so they are doing the large scale development portion at this time and would follow up with that subdivision. They will still build most of the streets and the water and sewer lines and everything to serve that development. Should it be approved it will be tied to these standards, but that would just be in a later phase. They phased it out through seven phases over the course of the project.

Alderman Thiel: Does this show where the phases are?

Jeremy Pate: It does, it is on page 7 of 16 in your black and white sheets.

Alderman Thiel: I think the biggest problem with Aspen Ridge is grading was done in Phase II but not completed, so you've got grading right up to trees and trunks and pretty major gouges with little protection for run-off. When we do this in phases, with exception of the detention ponds, do we require that they go in and do all this grading? That worries me; I would rather not see the grading until they are to that point.

Ron Petrie, City Engineer: We do not require it, but we would allow it if they were choosing to proceed with more than one phase at a time.

Alderman Thiel: Is there some way that you can hold them to that?

Ron Petrie: If they continue to work on the project under that scenario, they have done work and done grading on two phases and they leave Phase II and they continue to work on Phase I, at that point we would ask that Phase II be reseeded and revegetated as the erosion control remains in place. That is what we would ask for. Now if it is like Aspen Ridge and they choose not to work any, then that is when it becomes a major problem.

Alderman Thiel: There were four foot deep gouges and it's really hard to retain that.

Alderman Allen: How far is this project from the "Links" project?

Jeremy Pate: It is west of the "Links" and it is approximately one half mile from that project. As I mentioned it is for both development and concept approval with a total of 382 attached and detached dwelling units as well as an approximate 100,000 square feet of non-residential commercial space. As you go through the sight from south to north it gets denser along the five lane highway. The total density for this project is proposed at 12.96 units per acre. The single family lots would require preliminary and final plat approvals. So those will go through our standard subdivision process. The Planning Commission voted 8-0 in favor of this request and staff recommended with conditions of approval.

Jeremy listed the conditions of approval.

Alderman Thiel: I like that they have included a lot of natural means of stormwater detention. If it is shown on the plan, does that mean they will have to do that?

Jeremy Pate: What you are looking at in terms of the development patterns and plans, certainly.

Alderman Thiel: So if there is a rain garden shown on here, it will have to be a rain garden and it will be a part of the stormwater detention?

Jeremy Pate: Probably the development team can speak more to specifics, but in terms of our conditions of approval, you are approving what the Planning Commission recommended the plan that you see in front of you. The conceptual level of improvement is still in concept and has to come back through the subdivision process. The development level, we have reviewed in terms of drainage, landscaping, site planning, parking lots, looking at the ratio, so it is a very detailed review at this point in time.

Alderman Ferrell: How many similar developments have you seen where underground parking was incorporated?

Jeremy Pate: In Fayetteville, not a lot. The Legacy building has underground parking.

Alderman Ferrell: With a footprint this big.

Jeremy Pate: The Bellafont project has at least some, but not to this degree.

Alderman Jordan: We have had two neighborhood meetings on it and there are a few concerns. I know that the neighborhood asked for it to just be held on the second reading tonight.

Alderman Lucas: I think it would be a good idea if we took a tour since Nancy was asking where it is.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Cook was absent.

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading.

R-PZD 07-2634 (The Coves at Walnut Crossing): An ordinance establishing a residential planned zoning district titled R-PZD 07-2634, The Coves at Walnut Crossing, located north of Highway 62 West and west of Walnut Crossing planned zoning district; containing approximately 50.40 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the item. He stated this is a continuation of a development, the Walnut Crossing area which was approved a couple years ago and now homes are under construction. He stated staff has reviewed this project and Planning Commission recommended unanimously in favor of it as a single family residential detached project with a density of four units per acre. The project is designed in a coving concept. He stated staff reviewed this through our planned zoning district process. This is a residential neighborhood area so it promotes primarily residential use in a variety of development patterns. It recognizes conventional subdivisions so if this were an RSF-4 request, staff would likely recommend approval however it also encourages different development patterns. Staff is recommending a number of conditions, the details of which will likely be worked out at the time of the development approval. Again, you are approving the concept and the master plan if you approve it tonight. The zoning is tied to that master plan so they would be tied to those commitments and development standards that they have proposed in this particular area.

He went on to discuss the parkland and greenspace on the project. There is a master street plan amendment that is associated with this project. Without discussion between the applicant and staff, we both recommended that one of the master plan streets that go across the north of this property which is shown as Sellers Road on your plats be removed. We are actually

recommending that it be moved north, it goes right down the middle of a creek and it is not a good place for an arterial street.

Alderman Thiel: I think it is a good project and I am glad that some developers are still out there trying to build residential, single family and trying to keep them affordable. I really commend your group. The plan itself is very nice.

Alderman Ferrell: What is the square foot range on these homes?

Kim Hesse with Rausch, Coleman Homes: They will be similar to what we have at Walnut Crossing. Those range from 1100 square feet to 1700 square feet.

Alderman Lucas: Is the density in this section denser than the other?

Kim Hesse: They are almost identical. It's just a completely different configuration.

Alderman Lucas: Maybe we should hold it on the second reading so you can take a tour.

Alderman Jordan: I think it is a really good looking project. I have had two or three calls about the density but once it was explained to them I think it will be okay.

Alderman Jordan moved to suspend the rules and go to the second reading. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Cook was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Coody asked shall the ordinance pass. Upon roll call the ordinance passed 7-0. Alderman Cook was absent.

Ordinance 5058 as Recorded in the Office of the City Clerk.

ADM 07-2079 (Cultural Arts District Boundary): A resolution to create a Cultural Arts District and specify its borders.

Leif Olson, Long Range Planner: This item is part of the Downtown Master Plan that we worked on with Dover Kohl in 2004. This item goes to one of the six key principals, the last key principal which is to create and foster an experienced based economy. Dover Kohl wrote in their report to be an affirmation of the City's commitment to keep downtown a center for creativity

innovation and fun. In 2004 the Fayetteville Downtown Partners Board of Directors formed a Cultural Arts District initiative to bring together the arts community and business leaders, in order to understand those needs. They pursued public input and then in 2006 the Planning Commission formed a Cultural Arts District committee to make a recommendation to the City Council. Planning staff has not been greatly involved in this process but when it was brought to us we created the boundary line that you see in your exhibits.

Alderman Allen: At our agenda meeting there was some discussion about adding some area to this map that wasn't originally there, it was kind of a pie shaped piece. Did I misunderstand that?

Leif Olson: If you look in your packet on page 8 of 28 this was the map that was created in the Cultural Arts District committee as a fuzzy boundary. It extends south of Sixth Street and all the way over to the railroad right of way so the southern area of this map is different from the Downtown Master Plan boundary that was adopted with the zoning districts.

Alderman Allen: Since we have a charrette upcoming for that part of town that it might be good to approve it without that piece in there until we hear from the people that live in that neighborhood. Then it would be very easy to include it later on.

Leif Olson: I spoke with Tim Conklin about that and I produced a map showing you the two different boundaries if you all would like to look at it.

Alderman Thiel: There is actually another section over here that has nothing to do with the Walker Neighborhood Association Master Plan.

Alderman Allen: This group expressed that they did not want to be in the Downtown Master Plan but did want to do this. I thought since we didn't know from this and we had this charrette upcoming that it would be simple to just add it after the people had a chance to voice their thoughts.

Alderman Thiel: I have heard from a couple and they definitely support this but we can look.

Alderman Allen: I bet they do but if we are having the charrette, why not find out from them, otherwise there seems no point in the charrette.

Mayor Coody: I think the charrette is a whole different point. Karen you might give a quick overview of the charrette for that part of the Walker Park neighborhood and an overview of what is going to be gained from that.

Karen Minkel: It is going to be held September 21-27 and the idea is to generate a Master Plan similar to the Downtown Master Plan in terms of detail and scope. The Cultural Arts District or how involved that area would be with the arts could possibly be a part of that but it encompasses a lot more than that. The idea is you would walk away with an illustrative master plan as well as a document that touches on many aspects related to planning.

Alderman Allen: Well I understand that the point of the charrette is not to decide if they want to be in the Cultural Arts District. It just seemed to me that since we are going to have the charrette that would be part of the conversation and it would be very simple to bring it back and include it within a month because the charrette will be over and let the people have an opportunity to express their thoughts.

Alderman Thiel: I am wondering why the Ward 1 section is being targeted and not these other areas. I agree with Karen that the Walker Park Master Plan is much larger than this. Are you suggesting holding off on everything?

Alderman Allen: No, just that one area because they are having the charrette.

Alderman Thiel: Now this is your Ward and they support it?

Alderman Allen: I have heard nothing else other than that they do.

Alderman Thiel: And you have heard from people in Ward 1 that do not support it?

Alderman Allen: No, it's just that if they are having these meetings anyhow, why not include it and find out?

Alderman Thiel: Those meetings are going to be very busy and very focused. That is up to Karen.

Mayor Coody: It is my understanding that the Cultural Arts Boundary doesn't change anything; it doesn't enforce or add any new level of bureaucracy. Even if this were left in here it wouldn't change anything. Is that right Leif?

Leif Olson: That is correct. From Planning's perspective how we see this going forward with this boundary is the things that would happen would probably be community driven initiatives through the Fayetteville Arts Council. In terms of being inside the boundary or outside, I don't think it is going to change a lot physically.

Mayor Coody: Let me offer this compromise, maybe we could just approve the map as it is drawn and if we get feedback from people saying they want out of the boundary, we can always come back and exclude it after that.

Alderman Allen: That is acceptable to me.

Paula Marinoni, a resident of Lafayette Street stated three years ago I read in the paper that a group had been meeting on this and they were going to form a Cultural Arts and it showed the boundary including our neighborhood. It was quoting Anita Scism and so I called her and stated I was the chair of the neighborhood up there and that we had heard nothing of this. It was kind of shocking that people all over Northwest Arkansas had been meeting for two years to decide what to do with our neighborhood. I told her, if this goes forward I want to be included in the discussion and I never heard another word and that was three years ago.

Paula stated this is coming forward in the paper as an overlay and you are saying this won't substantially change anything, yes it does. For someone who lives in an area where we have worked so hard on to bring it back and bring attention to that area and to not be included in the discussion. Paula expressed her opinion on the boundary. She asked the Council to leave her neighborhood and the Evergreen Cemetery out of this boundary.

Daniel Hintz, Fayetteville Downtown Partners: We had public meetings for a little over a year and a half monthly starting in late 2004. About a year and a half ago we were sending emails to Paula as head of the West Lafayette Neighborhood Association and she sent us an email back asking not to receive any more emails from us. Since then we have been trying to find a connection in the West Lafayette Neighborhood Association. There has not been a collective that we have known of for quite some time in the West Lafayette Neighborhood Association in representation. If we missed that, we are sorry, but it was certainly not for a lack of trying.

Mayor Dan Coody: Will there be any use for the Evergreen Cemetery and any kind of stage shows or anything like that?

Daniel Hintz: Absolutely not, the Evergreen Cemetery is certainly a very important part of Fayetteville's culture. The Cultural Arts District is not just about performances and festivals. It is about taking a focused look at Fayetteville's culture.

Mayor Coody: Does this downtown boundary limit or prescribe any kind of particular use?

Daniel Hintz: There is currently no prescription in this district whatsoever, the district is basically boundaries. Fayetteville Downtown Partners had recommended through the feedback sessions that we had received as well as the interviews that we had with cities across the country that have cultural districts and their best practices that we have recommendations of ways to activate things within that district. I to a certain degree completely agree with Paula and other folks here that a lot more conversation is going to need to happen about how to implement or activate that district. As we mentioned during the Agenda Session that a focused conversation around the arts and cultural aspects of Fayetteville is what's missing in this community and is an absolute necessary component to the next step of what we call our center piece or brand of Fayetteville. Our recommendation is to set the boundaries. That is the other reason why before the boundaries were set at the Fayetteville Arts Council was an integral component to the sustainability of this district.

Ed Clifford, CEO of the Bentonville, Bella Vista Chamber of Commerce and Vice Chairman of the Arkansas Arts Council discussed Northwest Arkansas and Fayetteville's Cultural District. He stated it is a big deal for your city to create a Cultural District that is identified and says that you stand for something. He described what the City of Bentonville and Bella Vista were currently doing.

Mayor Coody: Do you have your business improvement district approved already?

Ed Clifford: No, they are just finalizing it and finishing up what it is going to do. The TIF District has been established and the project is being identified and then we will go to work and put the rest together.

Mayor Coody: We have been trying to do a business improvement district here and we have not had enough support to make it happen. If you would work with us to see how we can make another run at it to where we can make ours work, I would appreciate it.

Ed Clifford: We will do that. We have also used Daniel and Doug so we are meshing a little bit of that. We will get there.

Mayor Coody: We are proud of what you are doing there. We need to see you down here more often Ed. You are doing a really good job for the whole region, thank you very much.

DeeDee Peters, speaking as a former member of the staff at the Walton Arts Center, an artist, a gallery owner and a Fayetteville Arts Council member: I am in support of this overlay district. She stated one of the things the Arts Council is discussing is that we feel that Fayetteville may be losing its ground as the cultural and entertainment district. Fayetteville needs to pay attention to what is happening and to make sure they are on board and approve this.

Bob Ford, a novelist: This is a very scary time and a relay exciting time. We embarked on a nonprofit business and chose Downtown Fayetteville as a place to start this business. Fayetteville is the most creative, progressive and exciting place artistically for hundreds of miles. The creation of this overlay indicates to all of us that are working hard creatively that you are conscious that we are out there doing that. This is not a win win decision, this is a win, win, win, and go on winning decision for Fayetteville and for Northwest Arkansas. I really urge you to unanimously vote in favor of this district.

Mayor Coody: With the advent of the Crystal Bridges Museum coming to Bentonville that is going to change the entire dynamic of what we consider the arts scene in Northwest Arkansas. For a long time, Fayetteville has rested on our laurels, we have enjoyed the arts scene and had fun but we need to be very serious and very directed about what we need to do not just to enhance what we have but really solidify our position in the artistic world. We stand a very good chance of losing everything that we have taken for granted and that scares the daylights out of a lot of us.

Bob Ford: There is no question that we are inventing a new way of building the cultural arts in Northwest Arkansas with this stretch that we have across the entire region, which is one of the reasons that at Theatre Squared we constantly hit this idea that we are a regional theatre company and not a Fayetteville theatre company. We really believe that if it is going to work it's got to be regional.

Mayor Coody: Thank you. Congratulations on all your awards and good work.

Cathy Thompson, an artist in Fayetteville and Fayetteville Arts Council member: There are many reasons for the boundaries. It is a huge confirmation for Fayetteville and the artists that

you are here to help us do what we have dreamed to do for a long time in Fayetteville. Now we can join in with the whole region in doing that. We are all going to benefit from it if we join in and help each other out. Having boundaries helps with getting grants. I hope you will unanimously vote for it tonight so that it shows everyone in Fayetteville how concerned you are about what is happening in the arts and that we want to make Fayetteville known for the arts.

Doug Walsh, Project Manager of the Fayetteville Downtown Partners: I am bringing forward a message that Alan Ostner asked me to bring to you because he was unable to attend. He is the Chair of the Jennings Plus Neighborhood Association.

He read the email that was sent to him from Alan Ostner. The email stated that their neighborhood association is tentatively in favor at this time. He stated on the issue of the boundary most of the neighbors I have spoken to are in favor of our neighborhood being included in the district. However without knowing the meaning of this district it is hard to completely be in favor of it. The email also stated what the neighborhood would like to see in the district.

Alderman Thiel: I sat on the Jefferson Arts and Education Board and I feel like it is important that Jefferson School is included. I am not quite sure that I understood Alan's email. I actually polled several people that live in this area today and they are very supportive. I think the specifics are questioned but that has to come later. I think we all support the idea of a Cultural Arts District. The question is whether we want the old map or the new map. Alan indicated that they supported the boundary, they just wanted to be more in tune with the specifics, is that correct?

Mayor Coody: Yes, I believe that's accurate.

Alderman Thiel: I am in favor of leaving those two areas in at this time and adopting this.

Alderman Allen: I am very much in favor of the Cultural Arts District. I just wondered if it would be too problematic to approve it as originally drawn and just give ourselves two weeks to hear from some of the people before we make a decision about those particular aspects of the district, but go ahead and approve the map so that work can begin.

Alderman Lucas: It seems reasonable to me that Jefferson School should be in the area.

Mayor Coody: It seems like there is more support for being in there. I haven't heard any opposition.

Alderman Thiel: We could table it for two weeks.

Alderman Ferrell thanked Ed Clifford for lending himself to building better roads and for sharing the success that they have and for offering to help us. For the creative people that we have here, this is nothing but a win, win. Does anyone see a problem with passing the resolution and then if somebody wants out we can do that.

Alderman Allen: So if there are areas that want in or that want out, that is still an option?

Mayor Coody: Yes.

Alderman Gray moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the resolution passed 7-0. Alderman Cook was absent.

Resolution 160-07 as Recorded in the office of the City Clerk.

ADM 07-2625 (Master Street Plan Update): A resolution to adopt a revised Master Street Plan for Fayetteville including revised street cross sections.

Karen Minkel stated I have a presentation prepared for this. I will be talking about why we are updating the Master Street Plan, what are the major changes and reviewing the street cross sections. It is up to the Council as to whether they would like to see that or not.

Alderman Jordan: I know this has already gone through the Street Committee. There was going to be more discussion on it. I understand there are some problems with some folks in the Howard Nickell Road area. I think that is in the County, is that correct?

Karen Minkel: That is correct.

Alderman Jordan: But there are some problems up there where that curve is, which could be something that we could discuss at a Street Committee level.

Mayor Coody: That is where it should be discussed actually.

Alderman Thiel: This doesn't show South College being closed.

Karen Minkel gave a brief report of the update. She stated Planning and Engineering staffs were charged with updating the Master Street Plan and making sure that it was consistent with our City Plan 2025 and the Future Land Use Map. Staff also wanted to minimize the number of requests for individual street cross sections in different developments and to really present an array of street cross sections that any developer could use. In doing so Planning and Engineering staff worked collaboratively on this, it has been reviewed by the Fire Department, the Solid Waste Division, as well as the Urban Forester. We have been using a lot of the professional expertise that we have within our staff as well as guidelines that are used across the nation. Major changes to the map that you will see are updates to the map based on policy decisions that have been made by the City Council over the past five or six years.

Karen pointed out on the map and discussed the changes that have been made.

We solicited feedback not only from all the divisions I mentioned previously but from some external groups as well and the Street Committee. We visited with the utility companies at a meeting sponsored at Ozarks Electric so they could review this and make sure that we were in

compliance with all the easements that they needed. They suggested some text that we have added to the Master Street Plan. It was also presented to local engineers and developers and architects who were invited to come to the meeting and no changes were requested at that point. We had two open houses and between 150-200 citizens had a chance to look at the street cross sections and the text and give their feedback. Ten written comments were provided at the open houses and those comments are included in the report. The Planning Commission forwarded this with a recommendation for approval with a vote of 6-1.

In a second review of the proposed Master Street Plan the Fire Department found that the collector boulevard street cross section was inconsistent with the Fayetteville Fire Code. We attempted to reconcile this requirement with a collector boulevard concept but we didn't produce a workable standard street cross section. The Fire Department is more than willing to work with individual developers if they want to use this particular street cross section and work out an individual fire access management plan but we didn't feel comfortable recommending a standard street cross section that was in contradiction to our Fire Code. We recommended to the Planning Commission that they remove that particular street cross section and the text but they didn't discuss it in their meeting so we are continuing forward with that recommendation that the City Council remove that street cross section and the accompanying text. We did receive public comment which is included in your report.

Mayor Coody: The one cross section that we are going to eliminate, do we need to do that by amendment to this resolution before we approve it this evening?

Karen Minkel: I would look to our City Attorney for the appropriate action to take. I didn't want to take it out because it had been presented to the Planning Commission and forwarded as it was. I didn't know if it needed to be officially removed.

City Attorney Kit Williams: It would just be amending the exhibit itself. You would do that before you passed the resolution.

Karen Minkel pointed out on the map a few places where the public commented. Karen listed the suggestions from the public.

Bob Costrell, resident of 3683 West Howard Nickel Road listed a number of concerns he and his neighbors have. He stated I sent a letter to Mayor Coody with a list of questions. He distributed the letter to the entire Council. He voiced his concern about the traffic flows that support the four lane road. The second question was whatever the projected traffic flow is in this part of town; could you provide us with the analysis of various alternatives? He also inquired about the principal arterial streets.

Alderman Jordan asked Bob to point out where his property was located on the map. He asked is that inside the City limits of Fayetteville.

Bob Costrell: No.

Alderman Jordan: So you are actually out in the county. Why would we have looked at that and approved a development out in the county?

Jeremy Pate: Under state law, the City has a municipal planning area and we administer subdivision regulations in our planning area so we still have authority for subdivision regulations. It does not include everything, but it includes the platting lots, understanding what water is available and insuring that there is adequate sewer available to each lot.

Alderman Jordan: Do you remember this development?

Jeremy Pate: I believe I was a Planner during that process.

Alderman Jordan: So this is a county area?

Jeremy Pate: The process that a subdivision in the county goes through is it comes through the City of Fayetteville through our review process. We insure that it meets our city regulations with regard to planning areas. Those are different than regulations inside the City because at the time this was passed there was no zoning in the county. The county planning board also approves the subdivision. We do not issue building permits so we really have no control over the actual development of each individual lot.

Katie Jackson, a resident of Salem Hills: We are a small neighborhood, we have 23 lots; there are several neighborhoods around us. We have 23 homes, please don't mow us over. We know that Ruppel Road is going to connect to Howard Nickell; we don't want to be mowed over with a four lane road coming through our neighborhood. She asked the Council to please consider leaving it as a two lane road.

Dwayne Calhoun, a resident of Salem Hills discussed the integrity of the neighborhood. He stated that once you put a four lane road through a neighborhood, it is no longer a neighborhood. He also stated that the property value goes down. He went on to voice his concerns about the safety of his four year old son. He asked that some alternatives routes be considered.

Amber Hahn, 3785 Cedar Ridge Lane stated the reason we bought in Salem Estates is because we liked the big lots and we liked to be able to run on Howard Nickell back into Dogwood Canyon, so that is why we are over there as opposed to some of the other busier areas of town. We would certainly like to do that for the foreseeable future. She discussed the affects the four lane highway would have on their neighborhood.

Roy Slaughter, a resident of Howard Nickell Road: I can almost guess that none of us would have built our homes there if we would have known there was going to be a four lane road. We love our neighborhood but we have learned valuable lessons that when you build in the country, you better look at more than what you see because none of us were told about this until after we built. He voiced his concern about the four lane road and the traffic. We plead with you for this.

Todd Jacobs, Director of Design for Atkins Center of Design: I want to thank the staff for working with us because we are one of the firms that have to submit the 10 different variances to

get different cross sections. We are very happy to see the cross sections, they are very good. Fayetteville has probably the best cross sections in the country and the best staff to work with. When we look at roads it is probably one of your largest public infrastructures for a developer and the public.

Mayor Coody: Thank you for your comments and your compliments to the staff. You are exactly right about the quality of our staff here.

Alderman Jordan: Let's see what we can work out. The Street Committee is pretty good at working out this kind of stuff and Ron is pretty good at it. What do you think Street Committee?

Alderman Ferrell: I think we should look at it.

Alderman Thiel: Go back and look at it again?

Alderman Jordan: If you wanted to we could pass everything else and then just leave this section out until we can discuss it at the Street Committee.

Mayor Coody: Why don't we do that and just pass everything else.

Alderman Jordan: Leave it alone from about West Salem Road up around that curve until it gets back into the City, since that seems to be the contentious area.

Alderman Thiel: I think at the Street Committee we can discuss how we ended up with Ruppel Road being widened out because it was going to link all the way up and down north and south.

Jeremy Pate: It originally was just a T intersection so it came together at 90° and so what happened was when Salem Hills came through they made the curve and connected that road.

Alderman Thiel: So Howard Nickell was always part of the North Ruppel Road. Nothing changed there? Whenever we passed the bond Ruppel Road was all planned the way that we are talking about right now. So there were lots of public meetings about that.

Alderman Jordan: Yes, there were lots of Street Committee meetings on that.

Alderman Thiel: There were a lot of meetings about that.

Mayor Coody described the street bond issue for citizens who were unaware. He stated let's do two things, let's amend the resolution to take out the one cross section that you guys want to take out.

City Attorney Kit Williams: That's amending the exhibit.

Karen Minkel: It is the collector boulevard and the accompanying text.

Alderman Ferrell moved to amend the resolution exhibit to remove the cross section that conflicted with the fire code. Alderman Rhoads seconded the motion. Upon roll call the motion passed 7-0. Alderman Cook was absent.

Alderman Jordan: What I would like to do is amend this right now to where we can take it to the Street Committee and do more discussion on that area that is in the County.

Jeremy Pate: A question we have from staff is that if you amend it and take it off this Master Street Plan, with the existing one it is already a principle arterial so we are not changing that particular designation. So what would you want to change it to in the interim?

Alderman Jordan: So we could just leave it like it is.

City Attorney Kit Williams: What you could do is you could still consider this at your Street Committee and consider about whether or not you want to amend it after you have further hearings on it.

Mayor Coody: So that doesn't take any change of anything.

City Attorney Kit Williams: No you just pass it as it is.

Mayor Coody: They are going to approve the Master Street Plan tonight because basically your curve there is already on the Master Street Plan as the arterial it is just a modification to approve this. They will bring this back to the Street Committee meeting and they are going to discuss any potential modifications they can do to make this work for you.

Alderman Ferrell: Mayor, I just wanted to say, there are some things that I don't like about this but overall there is a lot of work that went into this thing and I thank you guys for what you did and for listening.

Alderman Jordan moved to approve the resolution. Alderman Rhoads seconded the motion. Upon roll call the resolution passed 7-0. Alderman Cook was absent.

Resolution 161-07 as Recorded in the office of the City Clerk.

Amend Chapter 96 Noise Ordinance: An ordinance to Amend §96.05 Motor Vehicle and Motorcycle Sound limit by adding a new Subsection (E) to prohibit excessive engine revving.

City Attorney Kit Williams read the ordinance.

Greg Tabor, Police Chief: The Police Department brought this forward a few weeks ago for two reasons, based on the number of complaints that we have over loud vehicles and the way the ordinance is written right now it is very difficult to enforce. We came up with this wording believing that it would be easier for the officers to enforce it. It does put the discretion upon the officer that is nothing unusual that happens everyday.

Alderman Thiel: I just want to make a point. This is not just motorcycles; this is for all motor vehicles.

Mayor Coody: The reason I brought this forward again is because I did not think it would be a 4-4 tie, I thought this was going to be approved by Council. The number one complaint I get about noise is not dealing with music this is a major problem throughout town, more and more people are getting motorcycles. More of those motorcycles have straight pipes and are louder all the time. It's getting to the point where our quality of life in Fayetteville is being affected by this. I don't think it is appropriate for all the citizens in Fayetteville to have to put up with this.

Alderman Allen: I don't enjoy revving and judging from the email that I have received and the calls that I have gotten and the newspaper articles, the majority of folks agree with me. A popular law doesn't always make a good law. I have had conversations with a lot of folks that I know about this proposed law. The people I have talked to have said that this proposed ordinance is vague and unconstitutional. This is my strong concern about this ordinance. We have an excellent police force and Chief of Police but a law that says at police discretion no matter how good we believe their discretion to be will bog the police and City down in litigation. It could leave our police force vulnerable to accusations of profiling on a variety of factors because when people are faced with a subjective law, they will respond subjectively. There is a way to measure that you have violated the noise ordinance. I suggest we provide enough instruments to the police to measure sound so that it can be held up in court and not be arbitrary or capricious.

Alderman Gray: For me this is kind of a no brainer, I was totally wiped out that we didn't pass it the last time. I have had many letters, emails and phone calls regarding this from folks who were shocked that we didn't pass it. It's not like no one else in the nation does this. This is very typical of ordinances in other cities. I certainly hope that we can pass it tonight.

Alderman Thiel: I did support the ordinance. I do appreciate some of Nancy's concerns. Could you give me some examples of where there is not a very specific measurement of a violation?

Police Chief Greg Tabor: Public intoxication is one that comes to mind that is pretty much a judgment call, if the officer believes the person is intoxicated, just by what they think, that is sufficient grounds to arrest that subject and be convicted of that. Another one is careless driving, that statute does not spell out exactly what that means; it is just the opinion of the officer. Chief Tabor gave other examples.

City Attorney Kit Williams: These are not at the officers whims and the officer does not convict the person. The officer doesn't convict the person, he gathers facts, and then the facts lead the officer to believe whether or not someone has violated the law and if so he issues them a citation. If the person thinks that is incorrect then he has every right to go to court and say the officer is wrong. These are the facts, and the facts do not justify the charge. If this is unconstitutional, so is our noise ordinance. We define noise disturbance already within that ordinance and we say it is illegal to cause a noise disturbance. If all these people that you talked

to really knew about this law and were clear about it then they would be saying the law that we have had in Fayetteville for more than a decade has been unconstitutional the whole time and I disagree with them. I don't think that is correct.

Alderman Allen: There is a way to measure the noise ordinance. There is a way to measure revving. I am suggesting that we use that method, that we get the revving machines for the officers so that it isn't just arbitrary.

City Attorney Kit Williams: I don't think it is arbitrary. I think police officers are often called to use their regular senses, their hearing, and sight to make determinations and decide whether or not someone has broken the law. Making the disturbance illegal is already within our noise ordinance, this just applies it to motorcycles and motor vehicle revving, where before we only talked about decibels. You have heard the chief talk about how difficult that is to try to enforce because not only do you have to have these decibel meters, but you have to be 25 feet back from the person and you have to listen for a certain period of time, hopefully they are cooperating and revving their engine for you at the time that they are being checked. If they stop revving before the police officer can get a reading then no citation will ever be issued. That was some of the problem that the Chief had, it is just an enforcement problem. I think our noise ordinance is constitutional and it doesn't give arbitrary & capricious discretion to the police. They still have to be able to prove their case in court.

Mayor Coody: I think it is important to recognize that it would be just the most egregious offenders. This would not be for everybody who just happens to have a loud motorcycle going down the road. It is for those folks who floor it and make as much noise as they can, modifying the motorcycle to make as much noise as they can and doing that in such a way to where everyone within 100 yards has their ears split. I don't believe that is what Fayetteville wants or needs. We need some kind of enforcement mechanism to where those few folks aren't the problem that they are today. This isn't for Bikes, Blues and BBQ, this wouldn't go into effect until after that is over with anyway. It's just an inconsideration that sometimes really gets out of control and that's the problem.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Gray seconded the motion. Upon roll call the motion passed 7-0. Alderman Cook was absent.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Allen: I would like to move that this be tabled until Alderman Cook is available. He was one of the ones who had concerns with this ordinance and is in the ward where a lot of this activity occurs.

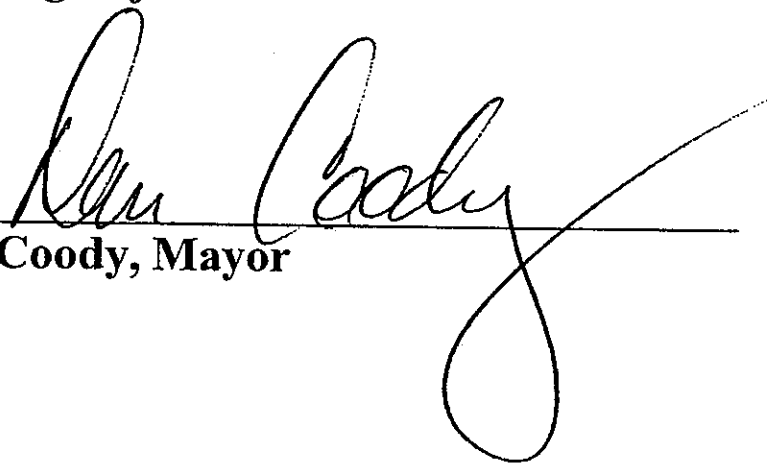
Mayor Cook: I know that Kyle voted against it last time, so I would imagine if it is again a 4-4 tie then it really won't change much of anything.

Alderman Allen: That is still my motion.

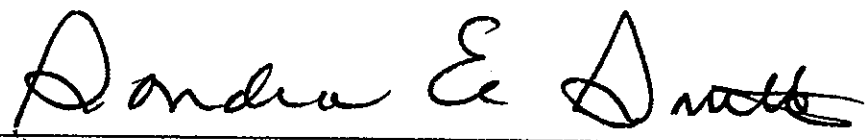
Alderman Allen moved to table the ordinance to the September 18, 2007. **Alderman Jordan** seconded the motion. Upon roll call the motion passed 7-0. **Alderman Cook** was absent.

This ordinance was Tabled to the September 18, 2007 City Council meeting.

Meeting adjourned at 8:35 PM



Dan Coody, Mayor



Sondra E. Smith, City Clerk/Treasurer

FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

PH: (479) 521-3850 FAX: (479) 442-6771

E-MAIL: fayettevilleha@moregti.net

RECEIVED

OCT 09 2007

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

October 4th, 2007

Mayor Dan Coody & Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Dan Coody & Fayetteville City Council Members:

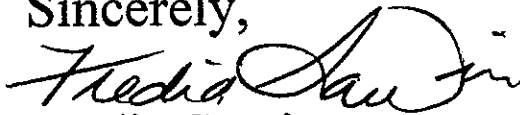
This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its October 1st, 2007, Special Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Hugh Earnest. His term will begin on October 1st, 2007 and end on December 28, 2010.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Hugh Earnest) be placed on the next City Council Meeting Agenda to be formally confirmed by the municipality's governing body in accordance with the Arkansas State Statute #14-169-208.

If you have any questions, please feel free to call or e-mail.

Sincerely,



Fredia Sawin

Executive Director

fs

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
October 16, 2007**

A meeting of the Fayetteville City Council will be held on October 16, 2007 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**

Commercial Recycling Information by the Solid Waste Division – Agenda Session Only

Report from the Ambulance Committee – Lioneld Jordan

Financial Update for the Fayetteville Public Schools, by Dr. Lisa Morstad – Agenda Session Only

A. CONSENT:

- 1. Approval of the September 4 and September 18, 2007 City Council meeting minutes.**
- 2. Bid #07-58 Joe Perme Construction:** A resolution awarding Bid #07-58 and approving a contract with Joe Perme Construction d/b/a Perme Excavating in the amount of \$105,692.17 for renovations at the City Animal Shelter; and approving a project contingency in the amount of \$10,569.83.
- 3. Bid #07-65 Graybar Electric:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) Dynamic Light Fixtures from Graybar Electric in the amount of \$59,014.95 for Phase III of the Scull Creek Trail.

4. **Bid #07-65 Composite Materials Technologies:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) light poles from Composite Materials Technologies, South Carolina, LLC in the amount of \$51,775.00 for Phase III of the Scull Creek Trail.
5. **NWA Democrat Gazette:** A resolution approving one-year agreements with the Arkansas Democrat-Gazette – Northwest Edition for display and legal advertising.
6. **Telecommunications System Upgrades:** A resolution approving the purchase of a CS1000e Telecommunications System from AT&T through the state purchasing contract in the amount of \$51,172.94 to upgrade the city's communications infrastructure; and approving a 9% contingency in the amount of \$4,605.56.
7. **Fayetteville Municipal Airport Revised Mission Statement:** A resolution approving a revised Mission Statement for the Fayetteville Municipal Airport, Drake Field.
8. **Sam's Club Grant for Veterinary Supplies:** A resolution authorizing the Fayetteville Animal Services Division to accept a grant from Sam's Club in the amount of \$3,000.00 for the purchase of veterinary supplies; and approving a budget adjustment to recognize the grant revenue.
9. **Romine Lawsuit Insurance Deductible:** A resolution to approve a budget adjustment in the amount of \$50,000.00.

B. UNFINISHED BUSINESS:

1. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 2, 2007 City council meeting.*

C. NEW BUSINESS:

1. **Riparian Zones Protection:** A resolution to protect and restore riparian zones.
2. **ADM 07-2748, R-PZD 06-2190 (Woodbury):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2190, Woodbury, located on the south side of Zion Road and east of Taliesin Lane, containing approximately 11.66 acres, to reflect revised building setbacks in Planning Area 2 as described and depicted herein.

3. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres.
4. **2008 Employee Benefits:** A resolution approving the placement of group major medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008 through December 31, 2009, with the right of renewal for four annual renewals; renewing COBRA and Section 125 Cafeteria Plan administration with Datapath; HSA account administration with Delta Trust & Banking Corp.; employee-paid dental insurance with Delta Dental; and accidental death and dismemberment coverage with ACE-USA for plan year 2008.

D. INFORMATIONAL:

City Council Tour: October 15, 2007

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

10/16/2007
City Council Meeting Date

Greg Tabor
Submitted By

Animal Services
Division

Police
Department

Action Required:

City Council to approve a resolution awarding bid number 07-58 to Joe Perme Construction for the Animal Shelter ceiling and lighting project.

\$ 116,262.00
Cost of this request

\$ 326,386.00
Category / Project Budget

Animal Shelter Lighting Project

4470.9470.5400.00
Account Number

\$ 191,316.00
Funds Used to Date

Program Category / Project Name
Building Improvements Animal
Shelter ceiling Replacement

02046.0609
Project Number

\$ 135,070.00
Remaining Balance

Program / Project Category Name

Sales Tax Capital Improvement
Fund Name

Budgeted Item ☒

Budget Adjustment Attached ☐

Tracey Riley
Department Director 9/28/07
Date

Previous Ordinance or Resolution # _____

Original Contract Date: _____

D. P. Whit
City Attorney 10/1/07
Date

Original Contract Number: _____

Paul A. Bach
Finance and Internal Service Director 10-1-07
Date

Received in City Clerk's Office


Alan Cady
Mayor 10/1/07
Date

Received in Mayor's Office


Comments:



FAYETTEVILLE

A. 2
Bid #07-58 Joe Perme Construction
Page 2 of 6

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

TO: Mayor Dan Coody and Members of the City Council
FROM: Greg Tabor, Chief of Police *G.T. by TR*
DATE: September 28, 2007
SUBJECT: Animal Shelter Ceiling/Lighting Project

Recommendation: Council approve a resolution awarding bid number 07-58 to Joe Perme Construction for the removal and replacement of ceiling, insulation, lighting, ventilation and intercom systems at the Animal Services Shelter.

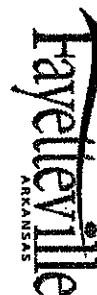
Background: The current ceiling, lighting and ventilation systems have accumulated mold and pathogens that have lead to a potentially hazardous environment for both employees and animals sheltered in the building.

Discussion: This project will consist of demolition and removal of all existing ceiling grid tiles, track, and insulation from the Animal Services Shelter site. This includes complete clean up performed per any OSHA and/or CDC guidelines or specifications for this type of work as well as installation of upgrades to the lighting, ventilation, and intercom systems. The removal of the materials will keep the interior open and free of materials that attracts mold and pathogens.

Budget Impact: \$116,262 from the Sales Tax Capital Improvement fund.

BID: 07-58
 9/25/2007
 3:00 PM
 CITY OF FAYETTEVILLE

Bid 07-58, Animal Shelter Lighting Project Re-Bid



BIDDER	Deductive Alternate #1	Deductive Alternate #2	Turnkey Bid Less Deductive Alternates #1 & #2	Turnkey/Bid Less Deductive Alternate #1 & #2	Total Turnkey Bid Amount
--------	------------------------	------------------------	---	--	--------------------------

1 Alpha Building Corporation	\$12,368.54	\$2,322.24	\$99,827.29	\$97,505.05	\$112,195.83
2 Benchmark Construction NWA	\$12,400.00	\$5,500.00	\$120,600.00	\$115,100.00	\$133,000.00
3 Joe Perme Construction d/b/a Perme Excavating	\$12,541.28	\$6,258.00	\$93,150.89	\$86,892.89	\$105,692.17
4 Mastercraft Mechanical					No Bid
5 Midland Construction	\$13,500.00	\$4,700.00	\$114,305.00	\$109,605.00	\$127,805.00

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice
 P. VICE PURCH MGR
 WITNESS: [Signature]
 DATE: 9/26/07

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-58 AND APPROVING A CONTRACT WITH JOE PERME CONSTRUCTION d/b/a PERME EXCAVATING IN THE AMOUNT OF \$105,692.17 FOR RENOVATIONS AT THE CITY ANIMAL SHELTER; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF \$10,569.83.

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 awards Bid #07-58 and approves a contract with Joe Perme Construction d/b/a Perme Excavating in the amount of \$105,692.17 for renovations at the City Animal Shelter. A copy of the contract, marked Exhibit "A," is attached hereto and made a part hereof.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Project Contingency in the amount of \$10,569.83.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

City of Fayetteville
Bid 07-58, Animal Shelter Renovation
Contract

This contract executed this ____ day of _____, 2007, between the City of Fayetteville, Arkansas, and Perme Excavating, Inc. In consideration of the mutual covenants contained herein, the parties agree as follows:

1. Perme Excavating, Inc. at its own cost and expense shall furnish all labor, materials, supplies, machinery, equipment, tools, supervision, bonds, insurance, tax permits, and all other accessories and services necessary to complete items bid per bid 07-58 as stated in Perme Excavating, Inc. bid proposal, and in accordance with specifications attached hereto and made a part hereof under Bid #07-58, all included herein as if spelled out word for word.
2. The City of Fayetteville shall pay Perme Excavating, Inc., based on their bid proposal in an amount not to exceed \$105,692.17. Payments will be made after approval and acceptance of work and submission of invoice. Payments will be made approximately 30 days after receipt of invoice.
3. The Contract documents which comprise the contract between the City of Fayetteville and Perme Excavating, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Bid form identified as Invitation to Bid 07-58 with the specifications and conditions typed thereon.
 - B. Perme Excavating, Inc. bid proposal.
 - C. The Notice to Prospective Bidders and the Bid Tabulation.
4. These Contract documents constitute the entire agreement between the City of Fayetteville and Perme Excavating, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and Perme Excavating, Inc.
5. Perme Excavating, Inc. shall not assign its duties under the terms of this agreement.
6. Perme Excavating, Inc. agrees to hold the City of Fayetteville harmless and indemnify the City of Fayetteville, against any and all claims for property damage, personal injury or death, arising from Perme Excavating, Inc. performance of this contract. This clause shall not in any form or manner be construed to waive that tort immunity set forth under Arkansas Law.
7. Perme Excavating, Inc. shall furnish a certificate of insurance addressed to the City of Fayetteville, showing that he carries the following insurance which shall be maintained throughout the term of the Contract. Any work sublet, the contractor shall require the subcontractor similarly to provide worker's compensation insurance. In case any employee engaged in work on the project under this contract is not protected under Worker's Compensation Insurance, Perme Excavating, Inc. shall provide and shall cause each Subcontractor to provide adequate employer's liability insurance for the protection of such of his employees as are not otherwise protected.

Workmen's Compensation

Statutory Amount

Comprehensive General &
Automobile Insurance

Bodily Injury Liability

\$500,000 for each person injured.
\$1,000,000 for each accident.

Property Damage Liability

\$1,000,000 aggregate.

The premiums for all insurance and the bond required herein shall be paid by Perme Excavating, Inc.

8. Perme Excavating, Inc. to furnish proof of licensure as required by all local and state agencies.
9. This contract may be terminated by the City of Fayetteville or Perme Excavating, Inc. with 10 days written notice.
10. Freedom of Information Act: City of Fayetteville contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Freedom of Information Act request is presented to the City of Fayetteville, the contractor will do everything possible to provide the documents in a prompt and timely manner as prescribed in the Arkansas Freedom of Information Act (A.C.A. 25-19-101 et. Seq.). Only legally authorized photo copying costs pursuant to the FOIA may be assessed for this compliance.
11. Changes in Scope or Price: Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council in **advance** of the change in scope, cost or fees.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2007.

CITY OF FAYETTEVILLE,
FAYETTEVILLE, ARKANSAS

DAN COODY, Mayor

Attest:

Sondra Smith, City Clerk

X 

CONTRACTOR
BY Joe Perme Vice-President
NAME AND TITLE

ATTEST: COMPANY SECRETARY

London J. Perme
1874 S. Doral Dr.
Fayetteville, Ar 72701
BUSINESS ADDRESS

City of Fayetteville Staff Review Form

A. 3
Bid #07-65 Graybar Electric
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

10/19/2007 16th

City Council Meeting Date
Agenda Items OnlyMatt Mihalevich
Submitted ByEngineering
DivisionOperations
Department

Action Required:

A resolution awarding Bid #07-65 with Graybar Electric for the purchase of 95 Dynamic light fixtures for Scull Creek Trail in the amount of \$59,014.95.

\$ 59,014.95

Cost of this request

\$ 2,201,264.00

Category / Project Budget

Trail Development

Program Category / Project Name

4470.9470.5814.05

Account Number

\$ 1,162,969.87

Funds Used to Date

Transportation Improvements

Program / Project Category Name

02016.9

Project Number

\$ 1,038,294.13

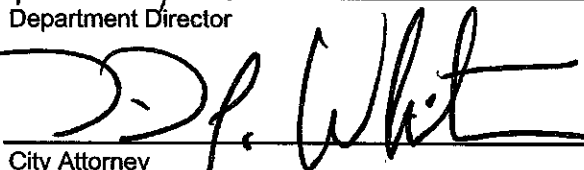
Remaining Balance

Sales Tax Cap Imp Fund

Fund Name

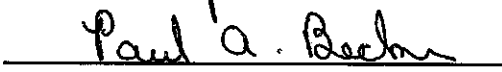
Budgeted Item ☒Budget Adjustment Attached ☐
Department Director 9.27.07
Date

Previous Ordinance or Resolution #


City Attorney 9/28/07
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Service Director 9-28-07
DateReceived in City
Clerk's OfficeENTERED
9/27/07
Mayor 10/1/07
DateReceived in
Mayor's OfficeENTERED
9/27/07

Comments:



City Council Meeting of October 15, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer *RP*

From: Matt Mihalevich, Trails Coordinator

Date: September 26th, 2007

Subject: Scull Creek Trail Lighting Phase III, Bid #07-65

RECOMMENDATION

Approval of the purchase of 95 light fixtures and poles under Bid # 07-65 from Graybar Electric and Composite Materials Technologies South Carolina, LLC in the amount of \$110,789.95 for Phase III of the Scull Creek Trail.

BACKGROUND

As construction of Scull Creek Trail continues to progress, additional lights are needed for the completed sections of trail. This order of 95 lights and poles will include the section of Scull Creek Trail through Gordon Long Park, Poplar Street to Sycamore and the connection to Mud Creek Trail through the CMN business park phase III. In an effort to reduce cost, the light poles and fixtures were bid directly as Bid #07-59 and will be supplied directly to the City and installed by a contractor.

DISCUSSION

The style of light and pole will be consistent with the lighting along the completed 1.7 miles of Scull Creek Trail and complies with the City of Fayetteville lighting ordinance and the International Dark-Sky Association standards (See picture below).

The light fixtures and poles were advertised on August 29th, 2006 as bid number 07-65; official bids were received and opened on September 25th, 2007. The official bid tab is attached. Five bids were submitted and the results are as follows:

LIGHT FIXTURE

1.) Graybar Electric	\$621.21 ea	3.) CED - Razorback Electric Supply	\$812.64 ea
2.) Ridgeland Enterprises	\$689.73 ea	4.) Noland Company	\$630.80 ea

POLE

1.) Composite Materials Technology	\$545.00 ea	3.) Noland Company	\$615.80 ea
2.) CED - Razorback Electric Supply	\$1,118.15 ea	4.) Graybar Electric	\$546.36 ea
5.) Ridgeland Enterprises	\$1880.05 ea		

RESOLUTION NO. _____

A RESOLUTION AWARDING BID #07-65 AND APPROVING THE PURCHASE OF NINETY-FIVE (95) DYNAMIC LIGHT FIXTURES FROM GRAYBAR ELECTRIC IN THE AMOUNT OF \$59,014.95 FOR PHASE III OF THE SCULL CREEK TRAIL.

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 awards Bid #07-65 and approves the purchase of Ninety-Five (95) Dynamic light fixtures from Graybar Electric in the amount of \$59,014.95 for Phase III of the Scull Creek Trail.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

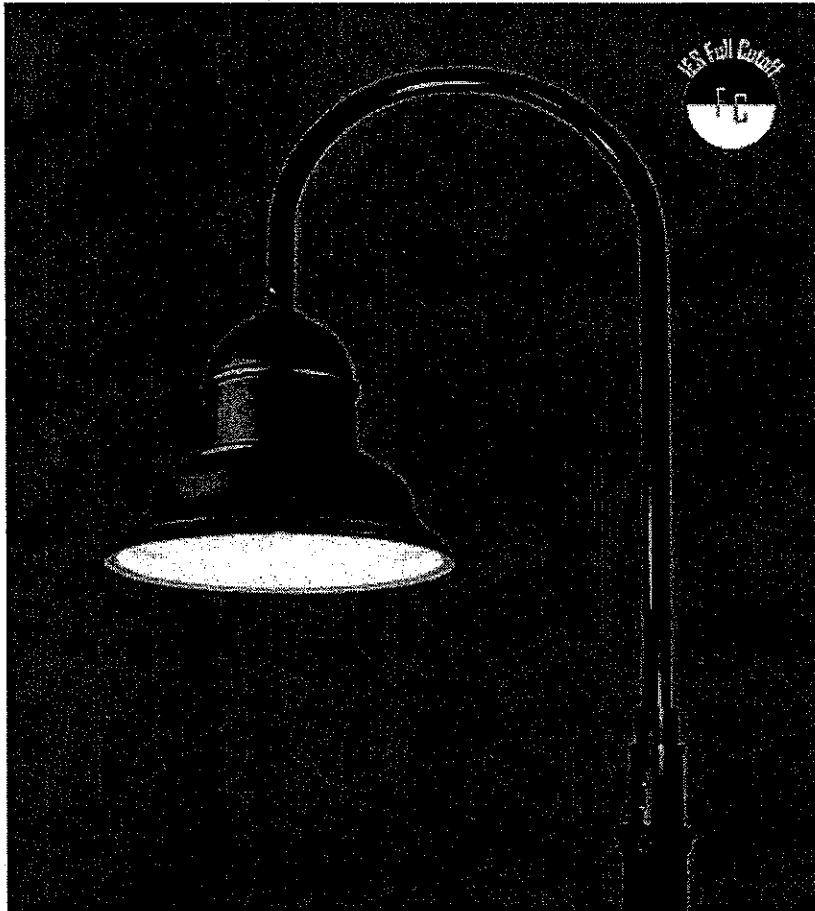
BUDGET IMPACT

Funds for the acquisition of the materials and supplies outlined above have been budgeted in the Trail Development capital project. Sufficient funding is available for these purchases.

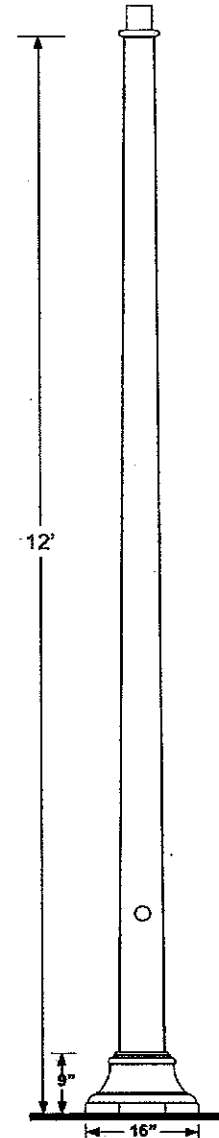
TRAIL LIGHTING STYLE

D142 Series Dynamic Lighting, Inc.

Model #PT40 / D142-RFS22 / 175MH – 240v / BLK / HR3-GL



**Direct Bury 12' Composite Materials Technology (CMT) Legacy
fiberglass pole with decorative base
Model #LFY12-T-3-T400X4.5-S**



BID: 07-65
9/25/2007
2:00 PM
CITY OF FAYETTEVILLE



Bid 07-65, Scull Creek Trail Lights Re-Bid

BIDDER	Price Each	Total Price	Total Bid Price
1 CED/Razorback Electric Supply			\$138,319.05
Item 1 Dynamic	\$812.64	\$77,200.80	
Item 2 CMT Legacy	\$631.58	\$60,000.10	
Item 3 Sylvania	\$11.77	\$1,118.15	
2 Composite Materials Tech			\$51,775.00
Item 1 No Bid	\$0.00	\$0.00	
Item 2 CMT	\$545.00	\$51,775.00	
Item 3 No Bid	\$0.00	\$0.00	
3 Graybar			\$112,005.00
Item 1 Dynamic Lighting	\$621.21	\$59,014.95	
Item 2 Whatley	\$546.36	\$51,904.20	
Item 3 GE	\$11.43	\$1,085.85	
4 Noland Company			\$120,098.05
Item 1 Dyna-Luminaire	\$630.80	\$59,926.00	
Item 2 CMT	\$615.80	\$58,501.00	
Item 3	\$17.59	\$1,671.05	
5 Ridgeland Enterprises			\$130,529.05
Item 1 Luminaire	\$689.73	\$65,524.35	
Item 2 CMT	\$664.47	\$63,124.65	
Item 3	\$19.79	\$1,880.05	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
J. Fourn WITNESS
9/26/07 DATE

City Of Fayetteville									
Vendor #: 248		Vendor Name: Graybar Electric		Requestion No.:		Date: 9/26/2007		Expected Delivery Date:	
Address:		Fob Point:		P.O Number:		Mail Yes: ☒ No: ☐		Quotes Attached Yes: ☒ No: ☐	
City:		State:		Ship to code: 104		Division Head Approval: <i>[Signature]</i>		No: 10/1/07	
Requester: Ginny Apperson		Requester's Employee #: 2283		Account Numbers: 4470.9470.5814.05		Extension:		Fixed Asset #	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Project/Subproject #	Inventory #		
1	Light fixtures for Scull Creek Trail - Phase III	95	EA	621.21	\$59,014.95	02016.9			
2	Per Bid #07-65 and Res #				\$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:						\$59,014.95			
Tax:						\$3,622.15			
Total:						\$62,637.10			

Approvals:	Purchasing Manager: _____
Mayor: _____	IT Manager: _____
Finance & Internal Services Director: _____	Other: _____
Dispatch Manager: _____	

City of Fayetteville Staff Review Form

A. 4
Bid #07-65 Composite
Materials Technologies
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

10/18/2007 16

City Council Meeting Date
Agenda Items OnlyMatt Mihalevich
Submitted ByEngineering
DivisionOperations
Department

Action Required:

A resolution awarding Bid #07-65 with Composite Materials Technology for the purchase of 95 light poles for Scull Creek Trail in the amount of \$51,775.00.

\$ 51,775.00

Cost of this request

\$ 2,201,264.00

Category / Project Budget

Trail Development

Program Category / Project Name

4470.9470.5814.05

Account Number

\$ 1,162,969.87

Funds Used to Date

Transportation Improvements

Program / Project Category Name

02016.9

Project Number

\$ 1,038,294.13

Remaining Balance

Sales Tax Cap Imp Fund

Fund Name

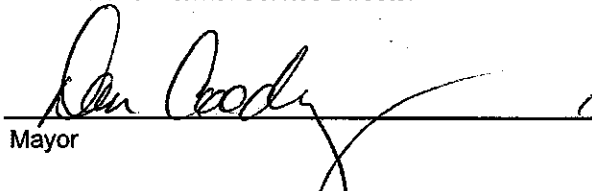
Budgeted Item ☒Budget Adjustment Attached ☐
Department Director9-27-07
Date

Previous Ordinance or Resolution #


City Attorney9/28/07
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Service Director9-28-07
DateReceived in City
Clerk's OfficeENTERED
9/27/07
Mayor10/1/07
DateReceived in
Mayor's OfficeENTERED
9/27/07

Comments:



City Council Meeting of October 15, 2007
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations
Ron Petrie, City Engineer *RP*

From: Matt Mihalevich, Trails Coordinator

Date: September 26th, 2007

Subject: Scull Creek Trail Lighting Phase III, Bid #07-65

RECOMMENDATION

Approval of the purchase of 95 light fixtures and poles under Bid # 07-65 from Graybar Electric and Composite Materials Technologies South Carolina, LLC in the amount of \$110,789.95 for Phase III of the Scull Creek Trail.

BACKGROUND

As construction of Scull Creek Trail continues to progress, additional lights are needed for the completed sections of trail. This order of 95 lights and poles will include the section of Scull Creek Trail through Gordon Long Park, Poplar Street to Sycamore and the connection to Mud Creek Trail through the CMN business park phase III. In an effort to reduce cost, the light poles and fixtures were bid directly as Bid #07-59 and will be supplied directly to the City and installed by a contractor.

DISCUSSION

The style of light and pole will be consistent with the lighting along the completed 1.7 miles of Scull Creek Trail and complies with the City of Fayetteville lighting ordinance and the International Dark-Sky Association standards (See picture below).

The light fixtures and poles were advertised on August 29th, 2006 as bid number 07-65; official bids were received and opened on September 25th, 2007. The official bid tab is attached. Five bids were submitted and the results are as follows:

LIGHT FIXTURE

1.) Graybar Electric	\$621.21 ea	3.) CED - Razorback Electric Supply	\$812.64 ea
2.) Ridgeland Enterprises	\$689.73 ea	4.) Noland Company	\$630.80 ea

POLE

1.) Composite Materials Technology	\$545.00 ea	3.) Noland Company	\$615.80 ea
2.) CED - Razorback Electric Supply	\$1,118.15 ea	4.) Graybar Electric	\$546.36 ea
5.) Ridgeland Enterprises	\$1880.05 ea		

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #07-65 AND APPROVING THE PURCHASE OF NINETY-FIVE (95) LIGHT POLES FROM COMPOSITE MATERIALS TECHNOLOGIES, SOUTH CAROLINA, LLC IN THE AMOUNT OF \$51,775.00 FOR PHASE III OF THE SCULL CREEK TRAIL.

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 awards Bid #07-65 and approves the purchase of Ninety-Five (95) light poles from Composite Materials Technologies, South Carolina, LLC in the amount of \$51,775.00 for Phase III of the Scull Creek Trail.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

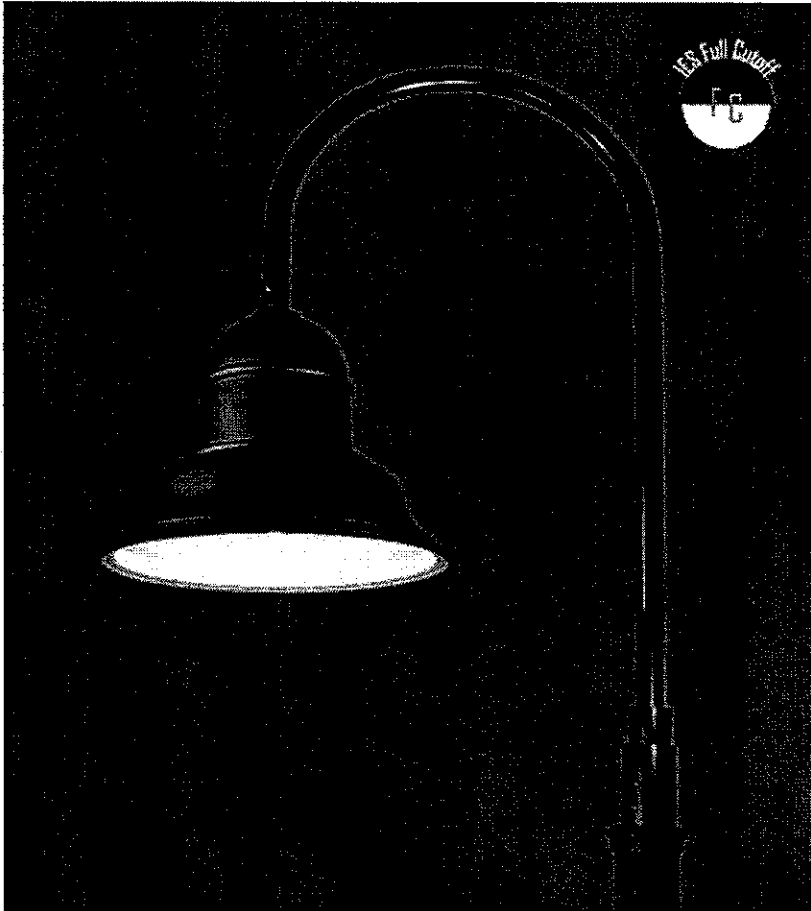
BUDGET IMPACT

Funds for the acquisition of the materials and supplies outlined above have been budgeted in the Trail Development capital project. Sufficient funding is available for these purchases.

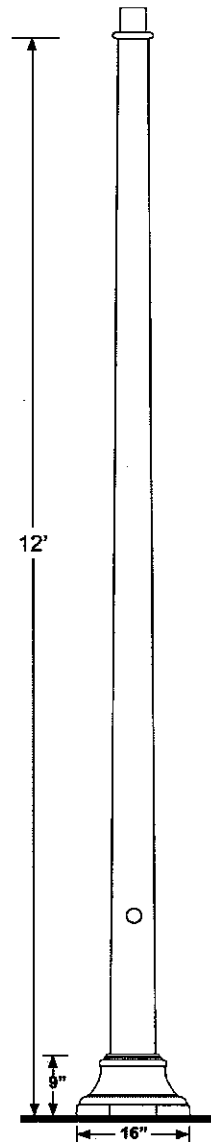
TRAIL LIGHTING STYLE

D142 Series Dynamic Lighting, Inc.

Model #PT40 / D142-RFS22 / 175MH – 240v / BLK / HR3-GL



**Direct Bury 12' Composite Materials Technology (CMT) Legacy
fiberglass pole with decorative base
Model #LFY12-T-3-T400X4.5-S**



BID: 07-65
9/25/2007
2:00 PM
CITY OF FAYETTEVILLE



Bid 07-65, Scull Creek Trail Lights Re-Bid

BIDDER		Price Each	Total Price	Total Bid Price
1	CED/Razorback Electric Supply			\$138,319.05
Item 1	Dynamic	\$812.64	\$77,200.80	
Item 2	CMT Legacy	\$631.58	\$60,000.10	
Item 3	Sylvania	\$11.77	\$1,118.15	
2	Composite Materials Tech			\$51,775.00
Item 1	No Bid	\$0.00	\$0.00	
Item 2	CMT	\$545.00	\$51,775.00	
Item 3	No Bid	\$0.00	\$0.00	
3	Graybar			\$112,005.00
Item 1	Dynamic Lighting	\$621.21	\$59,014.95	
Item 2	Whatley	\$546.36	\$51,904.20	
Item 3	GE	\$11.43	\$1,085.85	
4	Noland Company			\$120,098.05
Item 1	Dyna-Luminaire	\$630.80	\$59,926.00	
Item 2	CMT	\$615.80	\$58,501.00	
Item 3		\$17.59	\$1,671.05	
5	Ridgeland Enterprises			\$130,529.05
Item 1	Luminaire	\$689.73	\$65,524.35	
Item 2	CMT	\$664.47	\$63,124.65	
Item 3		\$19.79	\$1,880.05	

*NOTICE: Bid award is contingent upon vendor meeting minimum specifications and formal authorization by City officials.

CERTIFIED: P. Vice P. VICE PURCH MGR
J. Fourn WITNESS
9/26/07 DATE

City Of Fayetteville									
Vendor #: 16599		Vendor Name: CMT South Carolina, LLC		Requisition No.:		Date: 9/26/2007			
Address:		Fob Point:		P.O Number:		Expected Delivery Date: ASAP			
City:		State:		Ship to code: 104		Mall Yes: X No:		Quotes Attached Yes: X No: 10/1/07	
Requester: Ginny Apperson		Requester's Employee #: 2283		Account Numbers: 4470.9470.5814.05		Extension:		Fixed Asset #	
Item Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Project/Subproject #	Inventory #			
1 Light poles for Scull Creek Trail - Phase III	95	Ea	\$445.00	\$51,775.00	02016.9				
2 Per Bid #07-65 and Res #				\$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:					\$51,775.00				
Tax:					\$3,187.75				
Total:					\$54,962.75				

Approvals:

Mayor: _____
 Finance & Internal Services Director: _____
 Dispatch Manager: _____

Department Director: _____
 Budget Manager: _____
 Utilities Manager: _____

Purchasing Manager: _____
 IT Manager: _____
 Other: _____

City of Fayetteville Staff Review Form

A. 5
NWA Democrat Gazette
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

10/16/2007

City Council Meeting Date
Agenda Items Only

Peggy Vice

Submitted By

Purchasing

Division

Finance & Internal Services

Department

Action Required:

Council approval of contracts with NWA Democrat Gazette for retail and classified advertising to decrease cost of legal advertising.

N/A

Cost of this request

\$

139,446.00

Category / Project Budget

Public Notification

Program Category / Project Name

Various Departments - 5301.00

Account Number

\$

67,592.00

Funds Used to Date

Various Programs

Program / Project Category Name

N/A

Project Number

\$

71,854.00

Remaining Balance

Various Funds

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

181-06

City Attorney

Date

Original Contract Date:

Original Contract Number:

Finance and Internal Service Director

Date

Received in City
Clerk's OfficeENTERED
9/28/07

Mayor

Date

Received in
Mayor's OfficeENTERED
10/1/07

Comments:



To: Mayor and City Council
Thru: Paul Becker, Finance & Internal Services Director
From: Peggy Vice, Purchasing Manager *PVice*
Date: Sept. 28th, 2007
Subj: Newspaper Legal & Display Advertisements

Recommendation: Staff recommends City Council approve contracts for legal and display ads with Arkansas Democrat Gazette for the following public notifications:

Legal Notices in Classified Section – Monday-Sunday

- Public Meetings
- Bid Ads
- Agendas
- Ordinances
- Bond Issues

Display Advertising – Monday-Sunday

- Planning Commission Agenda Items
- Holiday Schedules for Solid Waste
- Human Resource Ads

Discussion:

The City's website has given the City the ability to provide quality public notification to citizens, but ordinances, bond issues, bid advertisements, job openings, etc. are required by code to be published in the newspaper.

The City currently budgets over \$100,000 for public notification. The contract price for display advertising is \$10.55/column inch. Without the contract it is \$15.79/column inch. It results in a savings of \$5.24/column inch. The contract price for classified or legal ads has a tiered rate. The Monday through Thursday tier is \$9.76/column inch with the contract and \$14.57/column without a contract.

We began contracting for this service last year. It has saved approximately 32 percent over the non-contracted price.

Successful implementation of these contracts offers the city the best opportunity to insure cost containment of advertising expenditures while reaching the majority of citizens and potential bidders in a cost effective manner.

RESOLUTION NO. _____

**A RESOLUTION APPROVING ONE-YEAR AGREEMENTS WITH
THE ARKANSAS DEMOCRAT-GAZETTE - NORTHWEST
EDITION FOR DISPLAY AND LEGAL ADVERTISING.**

**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 one-year Agreements with the Arkansas Democrat-Gazette - Northwest Edition for display and legal advertising. Copies of the Agreements, marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

Published Monday Through Sunday • P.O. Box 1607, Fayetteville, AR 72701 • 479-442-1700

Retail Display Advertising Agreement

Arkansas Democrat-Gazette, Inc./Northwest Arkansas Edition, Fayetteville, Arkansas September 5 20 07

In consideration of your agreeing to furnish us local display advertising space in the Northwest Arkansas Democrat-Gazette at the rate of:

\$ 10.55 per column inch Monday-Thursday \$ 10.55 per column inch Friday-Saturday \$ 10.55 per column inch Sunday.

Net per inch for each insertion, we hereby agree to use minimum space in that paper during the period of

one year from the 1st day of November, 20 07.

As follows.

Northwest Arkansas Times Contract

4,500 - inches annually

We, in addition to the terms and conditions as hereinafter set forth, agree to pay monthly, as used, for such advertising on or before the 10th of the month following advertising, without discount. In the event scheduled payments are not received, advertisements may be withheld until past due balances are brought current.

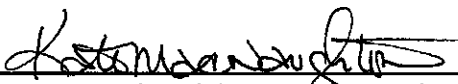
If for any reason the minimum space contracted for should not be used by us within the contract period, we agree to pay the difference between the rate stated herein and the rate actually earned as per rates printed in the published rate cards.

We agree that the Arkansas Democrat-Gazette, Inc./Northwest Arkansas Edition, shall have the right to revise the rates mentioned herein upon thirty days notice of us, but if such revision of the rate is not agreed to by us, either party shall have the right to terminate the contract without penalty at the end of thirty days notice.

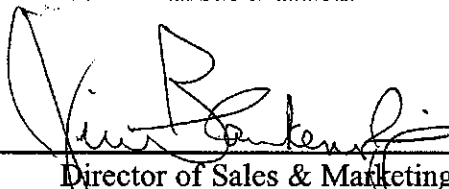
This contract covers only advertising classified as local display advertising, and its privileges cannot be transferred, in whole or in part, to another party. It is further agreed that there are no terms or agreements not set forth herein and that the rates and regulations or conditions contained in the published rate card are a part of this contract as fully as if they appeared on its face.

This contract shall become effective on its acceptance by the publisher, general manager, or director of marketing of the Arkansas Democrat-Gazette/Northwest Arkansas Edition and shall run for a period of 12 months as set out above and shall automatically renew itself for like periods of 12 months, unless one of the parties hereto shall furnish the other written notice 30 days in advance of the expiration of any such 12 month period of intention to cancel the agreement.

Arkansas Democrat-Gazette, Inc./ Northwest Arkansas Edition

By 
Advertising Representative

Accepted for the Arkansas Democrat-Gazette,
Inc./Northwest Arkansas Edition

By 
Director of Sales & Marketing

City of Fayetteville

Name of Company/Advertiser

By _____

Address _____

Billing Address 113 W. Mountain

Fayetteville, AR 72701

Acct.# _____

Published Monday Through Sunday • P.O. Box 1607, Fayetteville, AR 72701 • 479-442-1700

Classified Display Advertising Agreement

Arkansas Democrat-Gazette, Inc./Northwest Arkansas Edition, Fayetteville, Arkansas September 5 20 07

In consideration of your agreeing to furnish us local display advertising space in the Northwest Arkansas Democrat-Gazette at the rate of:

\$ 9.76 per column inch Monday-Thursday \$ 10.13 per column inch Friday-Saturday \$ 13.34 per column inch Sunday.

Net per inch for each insertion, we hereby agree to use minimum space in that paper during the period of

one year from the 1st day of November, 20 07.

As follows.

76-375 inches monthly

We, in addition to the terms and conditions as hereinafter set forth, agree to pay monthly, as used, for such advertising on or before the 10th of the month following advertising, without discount. In the event scheduled payments are not received, advertisements may be withheld until past due balances are brought current.

If for any reason the minimum space contracted for should not be used by us within the contract period, we agree to pay the difference between the rate stated herein and the rate actually earned as per rates printed in the published rate cards.

We agree that the Arkansas Democrat-Gazette, Inc./Northwest Arkansas Edition, shall have the right to revise the rates mentioned herein upon thirty days notice of us, but if such revision of the rate is not agreed to by us, either party shall have the right to terminate the contract without penalty at the end of thirty days notice.

This contract covers only advertising classified as local display advertising, and its privileges cannot be transferred, in whole or in part, to another party. It is further agreed that there are no terms or agreements not set forth herein and that the rates and regulations or conditions contained in the published rate card are a part of this contract as fully as if they appeared on its face.

This contract shall become effective on its acceptance by the publisher, general manager, or director of marketing of the Arkansas Democrat-Gazette/Northwest Arkansas Edition and shall run for a period of 12 months as set out above and shall automatically renew itself for like periods of 12 months, unless one of the parties hereto shall furnish the other written notice 30 days in advance of the expiration of any such 12 month period of intention to cancel the agreement.

Arkansas Democrat-Gazette, Inc./ Northwest Arkansas Edition

By Kate MacLaughlin
Advertising Representative

Accepted for the Arkansas Democrat-Gazette,
Inc./Northwest Arkansas Edition

By Jim B. [Signature]
Director of Sales & Marketing

City of Fayetteville
Name of Company/Advertiser

By _____

Address _____

Billing Address 113 W. Mountain

Fayetteville, AR 72701

Acct.# _____

City Council Agenda Items
and
Contracts, Leases or Agreements

10/16/2007

City Council Meeting Date
Agenda Items Only

Sharon Crosson

Submitted By

Telecommunications

Division

Operations

Department

Action Required:

Approval to purchase CS1000e telecommunications system from AT&T for upgrades to the city's telecommunications system at a cost of \$51,172.94 with a 9% contingency of \$4,605.56 for a total not to exceed amount of \$55,778.50. This equipment did not require formal bids as it is being purchased from the State Contract No. 4600008637.

\$ 55,778.50

Cost of this request

\$ 105,998.74

Category / Project Budget

Telecommunication System Upgrades

Program Category / Project Name

4470-9470-5210-00

Account Number

\$ 49,745.74

Funds Used to Date

Capital Improvements Fund

Program / Project Category Name

04001

Project Number

\$ 56,253.00

Remaining Balance

Sales Tax Capital Improv Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐


Department Director

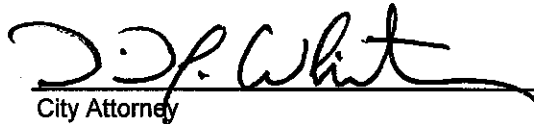
9.26.07

Date

Previous Ordinance or Resolution #

Original Contract Date:

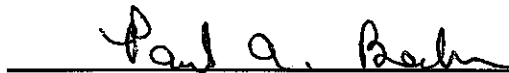
Original Contract Number:



City Attorney

9/27/07

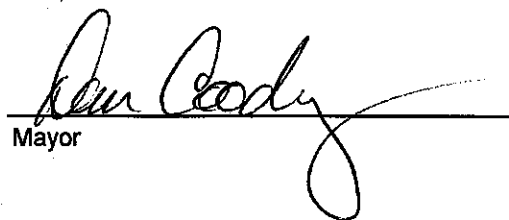
Date



Finance and Internal Service Director

9-27-07

Date

Received in City
Clerk's OfficeENTERED
9.26.07
abp


Mayor

10/1/07

Date

Received in
Mayor's OfficeENTERED
9/27/07
PH

Comments:

AGENDA REQUEST MEMO

TO: Mayor Dan Coody

THRU: Gary Dumas, Director of Operations

FROM: Sharon Crosson, Parking Manager

DATE: September 26, 2007

SUBJECT: Approval to Purchase Telecommunications System Upgrade from AT&T

RECOMMENDATION

Staff recommends approving the purchase of the CS1000e Telecommunications System from AT&T for upgrades to the city's telecommunications system at a cost of \$51,172.94 with a 9% contingency of \$4,605.56 for a total not to exceed amount of \$55,778.50. This equipment did not require formal bids as it is being purchased from the State Contract No. 4600008637.

BACKGROUND

Routine upgrades are made to the city telecommunications systems annually. The City currently has 16 telecommunication systems located throughout various facilities. These systems provide voice communications and voice mail services to all City employees at all City facility locations. Upgrades to these systems are essential to ensure no "down time" due to failing or obsolete software and/or hardware, and to ensure that all software versions are kept current to provide the most up-to-date technology.

In past years, we have replaced/upgraded one to two systems per year in an ongoing maintenance schedule. With the proposed purchase of the CS1000e System, annual upgrades would no longer be needed for each individual facility. The CS1000e is the beginning of integration for all City facilities, thus only having one main system to process the City's entire voice communications. The initial purchase of the CS1000e will provide the backbone to all facilities.

DISCUSSION

The existing telecommunications system at the Police Department has some very serious problems. The system "crashes" about once every 4 to 6 months causing complete blackout of all voice communications. Obviously this is a very situation when dealing with public safety. In order to ensure that we have uninterrupted voice communications, it is critical that this system be replaced as soon as possible. The Police Department system is scheduled for this replacement in 2008. With the immediate purchase of the

CS1000e this year, this will reduce the total cost to upgrade the Police Department system in early 2008.

BUDGET IMPACT

Funding for this purchase is budgeted in the adopted 2006-2010 Capital Improvements Program in Sales Tax Capital Improvement Fund under the Telecommunications Systems Upgrade Project. The cost of the equipment is \$48,199.71 plus \$2,973.23 in sales tax, for a total purchase of \$51,172.94.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF A CS1000e TELECOMMUNICATIONS SYSTEM FROM AT&T THROUGH THE STATE PURCHASING CONTRACT IN THE AMOUNT OF \$51,172.94 TO UPGRADE THE CITY'S COMMUNICATIONS INFRASTRUCTURE; AND APPROVING A 9% CONTINGENCY IN THE AMOUNT OF \$4,605.56.

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 a CS1000e Telecommunications System from AT&T through the state purchasing contract in the amount of \$51,172.94 to upgrade the City's communications infrastructure.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a 9% contingency in the amount of \$4,605.56.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

8/29/2007

City of Fayetteville

City of Fayetteville: CS 1000E

Equipment Code	Description	QTY	Unit List Price	Total List Price
Main Equipment Section				
NTHU61AA	CS1000E CPPM 0L/0T SA Chassi	1	7,224.00	7,224.00
NT8D14CB	Card 8 Port UXT	2	2,913.68	5,827.36
NTBK80BA	Ground Bar Assy Opt11	1	73.96	73.96
NTDU23AC	MG 1000 Chassis Expander	1	1,479.20	1,479.20
NTHU62AA	CPPM SS (Chassis/Cabinet) -R5	1	4,128.00	4,128.00
NTTK14AB	PWR Cord 9.9ft 11CM 125VA	2	25.80	51.60
Software Section				
NTE900MD	CS1000E CPPM SA SYS SW -R5	1	1,754.40	1,754.40
NTE95006	SW Pkg 57-BARS-BASIC Alternati	1	0.00	0.00
NTE906EA	1 Enh IP Set License -R5	16	196.08	3,137.28
NTE980MA	All Sys 1-MUS Con License	5	37.84	189.20
Microsoft (LCS Starter Bundle) Does not include MCS Server Software				
NTE900VA	MCM Software CD	2	25.80	51.60
NTE980BA	SIP CTI TR87	25	44.72	1,118.00
NTE980JA	SIP Access Port License	10	139.32	1,393.20
NTE980PA	All Sys 1-PERS Call Asst Lic	25	20.64	516.00
NTE980XA	All Sys 1-Succession AST Lic	25	32.68	817.00
IP Phones				
NTDU96AC7C	IP Phone 2007 No PS	2	789.48	1,578.96
NTYS03BCE6	IP 1120E Eng Text KCaps w/o PS	1	381.84	381.84
NTYS05BCE6	IP 1140E Eng Text KCaps w/o PS	7	588.24	4,117.68
Telephony Manager				
NTTL19AA	TM/OTM Additional Client 1 PC	1	493.64	493.64
NTTL51DB	TM 3.1 Svr Lic-50Set-USB Dong	1	533.20	533.20
CallPilot				
NTRB18CA	MGATE Card	1	493.64	493.64
NTRH9234E5	Combo Key/Mouse	1	99.76	99.76
NTRH9235E6	17in LCD Monit.	1	622.64	622.64
NTRH9236E6	SLR75 Tape Drive	1	3,180.28	3,180.28
NTRH9242E6	1005r/600r Modem	1	295.84	295.84
NTTK14AB	PWR Cord 9.9ft 11CM 125VA	1	19.20	19.20
NTZE07BA	CP(F) 2 Add Fax Channels	1	985.56	985.56
NTZE07EA	CP(F) Voice Channels 2 Add	3	689.72	2,069.16
NTZE10HB	CP FAX Capability - 20 Users	1	197.80	197.80
NTZE11HA	CP Desktop Messaging 20 Users	1	1,971.12	1,971.12
NTZE19AA	Multimedia Mailbox /Voice-20	1	1,971.12	1,971.12
NTZE39AB	CP_M1 CS1000M E S/W Intgratn	1	0.00	0.00

NTZE4001	Callpilot New Sys (NO Charge)	1	0.00	0.00
NTZE67AAE5	600r Base System	1	10,629.60	10,629.60
MPR10017	Universal Discount Code - Calcula	1	0.00	0.00
AA1419001-E	1 PORT 1000BASESX GBIC	1	335.83	335.83
AL2012E53-E	470-24T-PWR (NA PC)	1	3,369.10	3,369.10
MPR06550	1000E PreEng Specifier SA R5.0	1	0.00	0.00

Ancillary Equipment Section

AA0132895	SEB Netpath 4 port, 10 SNMP seg	1	2,800.00	2,800.00
AA0133502	Cable Required for SEB Netpath	1	150.00	150.00
AA0093865	Gray 7' relay rack 1 for every 2 Ga	1	220.00	220.00
AA0072073	Horizontal Cable Guide (PR)	1	54.00	54.00
AA0137848	6 outlet non surge suppressing out	1	56.92	56.92
	NTRH9101 A0802245 NORTEL			
AA0121715	ETHERNET 802.3 10BASE T		94.60	94.60
	TRANSCIEVER MAU MIL-10P			
	KIT	1		
AL2012E46-E	Nortel Eth. Switch 325-24G (24 10,	1	729.28	729.28
241SB-007	Great Lakes Wire & Cab. Blue CA	7	3.50	24.50

Total Main Equipment Section	61,106.77
Total Ancillary Equipment Section	4,129.30
Total Equipment Before Discount	65,236.07
Equipment Price	29,600.21
Installation	7,509.12
Programming/Project Management	4,853.23
Training	2,157.51
OTM Installation/Support	3,164.00
DE Engineering Services	176.84
Estimated Shipping & Handling	738.80
Total Discount	35,635.86
Total System Price	48,199.71

Taxes, if applicable, to be invoiced on final bill.



Phone System Proposal for City of Fayetteville

City officials,

Thank you for the opportunity to provide you with assistance in choosing your new phone system. Your telecommunications staff has been working with us for some time to address the needs of the city and the communications needs with the citizens of Fayetteville. Numerous discussions and information sessions have taken place jointly with AT&T and the City of Fayetteville. These sessions produced some great discussion with regard to functionality and features that the City would like to have included in the new phone system. The proposal that AT&T is offering is a reflection of the requirements expressed in those meetings.

Throughout these meetings, our discussions revolved around the features and functionality that the offices of the City of Fayetteville desire, while not adding additional expense for "custom" features. The system that AT&T is proposing would meet each of these requirements that were regarded as "must haves". While leaving the additional costs associated with any functionalities that were regarded as "wants" in individual departments for future consideration.

Functionality

Key features that have been included as "must haves" were simple features like Caller ID, Intercom dialing, 4-digit dialing to off site locations, Ports for Music-on-hold from Fayetteville Artists and speaker phones. AT&T identified over forty required features that the City users could utilize and make an immediate impact on City business, all which have been included in this quotation.

We believe that this system will not only provide increased user satisfaction, but will also provide a more robust work environment increasing the productivity of the City employees and services to our citizens. We're all faced with doing more with less, and we believe that this system will facilitate the workload that the city employees are faced with.

Scope of Work

Our pricing includes not only the equipment, but it also includes installation and training, both to be performed by AT&T employees. The training will provide users

--Proprietary and Confidential--

Not for disclosure outside of ATT and its intended recipient



with an overview of the new system as well as a desk level view of the features available to them. This training will be administered to each of your users so that they may utilize not only the common features of the phone system, but also the advanced features of the system.

AT&T's installation will include the "end to end" full cut coverage, training and post cut coverage to assist with any issues that arise during installation services or additional configurations that might be needed. This service is best in class supported by more than 35,000 of the world's best communications professionals unsurpassed by anyone in the telecommunications industry.

Pricing

The attached quote is for a CS1000E derived from the State of Arkansas Contract pricing for Nortel Data equipment and the same discount for all peripheral items to support the Voice Over Internet Protocol project. Additional discounts from AT&T have been applied for installation, project management, training and engineering.

--Proprietary and Confidential--
Not for disclosure outside of ATT and its intended recipient

City Of Fayetteville

(Not a Purchase Order)

Page 9 of 10

Vendor #: 13107 Vendor Name: AT&T

Address: 138 N. East St., Room 100

City: Fayetteville State: AR

Requester: Sharon Crosson

Zip Code: 72701 Ship to code: 62

Requester's Employee #: 174

Account Numbers: 4470-9470-5210-00

Item Description: CS1000e Telecommunications System Quantity: 1 Unit of Iss: Job Unit Cost: \$48,199.71 Extended Cost: \$48,199.71

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

Special Instructions:

Subtotal: \$48,199.71

Tax: \$2,973.23

Total: \$51,172.94

Approvals:

Mayor: Department Director: Finance & Internal Services Director: Budget Manager: Dispatch Manager: Utilities Manager:

Requisition No.: 14 Date: 9/26/2007 Expected Delivery Date:

Mail Yes: No: Quotes Attached Yes: No:

Taxable Yes: No: Division Head Approval: *Sharon Crosson*

Extension: 277

Project/Subproject #: 04001-1 Inventory # Fixed Asset #

Purchasing Manager: IT Manager: Other:

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

10/16/2007
City Council Meeting Date

Ray M. Boudreaux
Submitted By

Aviation & Economic Development
Division

General Government
Department

Action Required:

Action Required: A Resolution approving the newly revised Airport Mission Statement

\$ -
Cost of this request

NA

Program Category / Project Name

NA
Account Number

\$ -
Funds Used to Date

Program / Project Category Name

NA
Project Number

\$ -
Remaining Balance

Airport
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature] 9/28/07
Department Director Date

Previous Ordinance or Resolution # 35-02

Original Date: 03/05/02

[Signature] 10/2/07
City Attorney Date

Original Contract Number:

Paul A. Beck 10-3-07
Finance and Internal Service Director Date

Received in City Clerk's Office
ENTERED
10/11/07

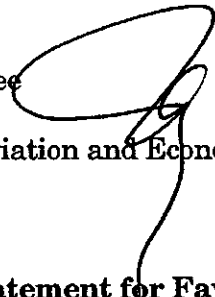
[Signature] 10/2/07
Mayor Date

Received in Mayor's Office
ENTERED
10/2/07
PH

Comments:

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor and City Council

THRU: Staff/Contract Review Committee 

FROM: Ray M. Boudreaux, Director, Aviation and Economic Development

DATE: September 28, 2007

SUBJECT: Approval of New Mission Statement for Fayetteville Municipal Airport, Drake Field.

RECOMMENDATION: Approve the newly revised Mission Statement for Fayetteville Municipal Airport, Drake Field.

BACKGROUND: The Fayetteville Municipal Airport, Drake Field Board met in Strategic Planning Session and drafted a new mission statement which they approved at their August Board Meeting. The goals have remained the same but the Mission Statement has been updated to reflect the continuing improvements made and the continuing efforts of the Airport Board and Staff to make Fayetteville Municipal Airport, Drake Field the best it can be.

BUDGET IMPACT: None

Attachments: Airport Mission Statement
Staff Review Form

RESOLUTION NO. _____

**A RESOLUTION APPROVING A REVISED MISSION
STATEMENT FOR THE FAYETTEVILLE MUNICIPAL AIRPORT,
DRAKE FIELD .**

**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 revised Mission Statement for the Fayetteville Municipal
Airport, Drake Field, a copy of which, marked Exhibit "A," is attached hereto
and made a part hereof.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

MISSION STATEMENT

Fayetteville Municipal Airport-Drake Field

2007-2011

MISSION

**To lead Fayetteville and Northwest Arkansas with
strategic and innovative aviation services and solutions
designed to foster economic growth and commerce
in an ever changing environment**

GOALS

- **Foster partnerships with:**
 - ▶ **The business community**
 - ▶ **Educational institutions**
- **Capitalize on the assets of the airport**
- **Ensure fiscal stability of the airport**
- **Contribute to the economic well-being
of the community**

City of Fayetteville Staff Review Form

C. 8
Sam's Club Grant for
Veterinary Supplies
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

10/16/2007

City Council Meeting Date
Agenda Items Only

Jill Hatfield
Submitted By

Animal Services
Division

Police
Department

Action Required:

Approve the receipt of grant funds for veterinary supplies in the amount of \$3,000 from Sam's Club

\$ 3,000.00

Cost of this request

\$ 65,480.00

Category / Project Budget

Veterinary Supplies

Program Category / Project Name

1010.2730.5200.03

Account Number

\$ 41,221.30

Funds Used to Date

Veterinarian/Clinic

Program / Project Category Name

03048.1

Project Number

\$ 24,258.70

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

XXX

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 Office

ENTERED

Received in
Mayor's Office

ENTERED

Mayor

Date

Comments:



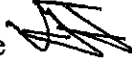
FAYETTEVILLE

C. 8
Sam's Club Grant for
Veterinary Supplies
Page 2 of 6

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

TO: Mayor Dan Coody and Members of the City Council

FROM: Greg Tabor, Chief of Police 

DATE: September 27, 2007

SUBJECT: Sam's Club Grant for veterinary supplies

Recommendation: Council approves the receipt of grant funds in the amount of \$3,000 from Sam's Club for the purchase of veterinary supplies.

Background: Wal-Mart and Sam's Club have provided Fayetteville Animal Services with grants for the purchase of veterinary supplies.

Discussion: These funds will offset budget shortfall for veterinary supplies, including vaccinations and medications.

Budget Impact: Addition for the purchase of veterinary supplies. There will not be any on-going expenses associated with these purchases.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE ANIMAL SERVICES DIVISION TO ACCEPT A GRANT FROM SAM'S CLUB IN THE AMOUNT OF \$3,000.00 FOR THE PURCHASE OF VETERINARY SUPPLIES; AND APPROVING A BUDGET ADJUSTMENT TO RECOGNIZE THE GRANT REVENUE.

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 authorizes the Fayetteville Animal Services Division to accept a grant from Sam's Club in the amount of \$3,000.00 for the purchase of veterinary supplies.

Section 2. That the City Council of the City of Fayetteville, Arkansas, hereby approves a Budget Adjustment to recognize the grant revenue.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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



WE ARE IN BUSINESS
FOR SMALL BUSINESS.



1-800-530-9925

Return completed form to the Wal-Mart Store or SAM'S CLUB where you obtained this application.

Application for Grant Funding

Ver: 2/1/06

Phone: 479-756-5472
FAX: 479-756-3930

Club 8209
2008 SO. THOMPSON
SPRINGDALE, AR 72764

Please Select Grant Program:
☐ Community Grant ☐ Safe Neighborhood Heroes Grant ☐ Holiday Grant (Wal-Mart Div 01 only)

City: _____

ST: _____

Type: WM / SAM'S / DC / TO / Other _____

Today's Date: ____/____/____

Date of Event: ____/____/____

Fundraiser Location: ☐ On Site ☐ Off Site

Amount Requested: \$ _____

How many associates will / did participate in the event? _____ (not required if held on site) Has the event been placed on the calendar? Y/N _____

Specifically, what is the fundraiser? (matching grants only) _____

Managers Name (signed and printed): _____

Community Involvement Associate: _____

This application and a receipt letter (matching grants only) must be completed and ON FILE at your location for ALL grants

To be Completed by the Organization:

Select one: IRS designated ☐ 501c3 organization OR: ☐ 501c4 ☐ 501c6 ☐ 501c19 organization* (eligible for Civic and Veterans Grant ONLY)

*Must provide a valid Federal Tax ID / EIN #. Number will be validated using the IRS publicly available database

OR: ☐ Faith Based Organization ** ☐ Public School ☒ Federal, State or Local Government Agency

**Faith Based Organizations must be conducting projects that benefit the community as a whole. Grants cannot solely or primarily benefit, directly or indirectly, their adherents or member.

Organization Name: Foxe-Hillville Animal Services

Federal 501c3, c4, c6 or c19 Tax ID (EIN) #: (9 digits) 71-6018462

Address: 1640 Armstrong Rd.

City: Foxe-Hillville

ST: AR Zip: 72701

Contact Name: Dill Hofffield

Contact Phone: 479-444-3456

What service does your organization provide to the community? Rescue of animals, sheltering strays, adopting animals to new homes. Low cost spay/neuter service to low income individuals

Specifically, how will funds from this grant be utilized in your local community? Assist in providing medications and vaccinations to stray and adoptable animals. Surgical supplies for spay/neuter surgeries.

Which of the following groups will this funding primarily benefit? This information is used solely to track our funding to specific diverse community group and is NOT considered during the grant review or approval process. Please select only the most appropriate:

☐ Hispanic ☐ African American ☐ Asian American ☐ Native American ☒ General Population (benefits the entire community)

Will these grant funds directly benefit your LOCAL community? ☒ Yes ☐ No

Organization Representative: By signing below I acknowledge that this form represents a request for funding, and is not a guarantee of funding. Final approval is subject to the guidelines of the Wal-Mart Foundation. All organizations holding fundraisers at any Wal-Mart Stores, Inc. location, or requesting grant funding, must abide by the rules and guidelines set forth by the location, Wal-Mart Stores, Inc., and the Wal-Mart Foundation. This request will not be processed unless signed by all parties.

Signed: _____

Printed: Dill Hofffield

Date: 8/14/07

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

C. 8
Sam's Club Grant for
Veterinary Supplies
Page 5 of 6

Budget Year 2007	Department: Police Division: Animal Services Program: Veterinarian/Clinic	Date Requested 10/12/2007	Adjustment Number
-------------------------	---	----------------------------------	-------------------

Project or Item Added/Increased: Purchase of veterinary supplies	Project or Item Deleted/Reduced: None
---	--

Justification of this Increase: These funds will be utilized to off set budget reductions	Justification of this Decrease:
--	---------------------------------

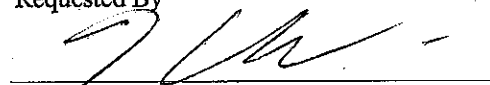
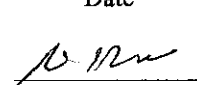
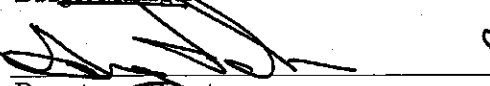
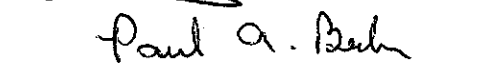
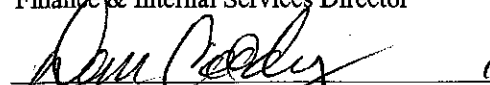
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number
Veterinary supplies	1010	2730	5200	03	3,000	03048 1

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number
Donations-Animal Shelter	1010	0001	4808	00	3,000	03048 1

Approval Signatures

Requested By	Date
	
Budget Manager	Date
	9-27-07
Department Director	Date
	10-3-07
Finance & Internal Services Director	Date
	10/2/07
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger

Initial Date

Posted to Project Accounting

Initial Date

Entered in Category Log

Initial Date

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

16-Oct-07
City Council Meeting Date

David Jurgens
Submitted By

Water and Wastewater Director
Division

Water/Wastewater
Department

Action Required:

City Council approval of a resolution to pay expenses associated with the defense of David Jurgens, Water and Wastewater Director, in all actions pertaining to the Romine lawsuit regarding the sewer issues at 11 Trenton, and approval of a related budget adjustment.

\$ 50,000
Cost of this request

\$ -
Category / Project Budget

Water and Sewer Administration
Program Category / Project Name

4520.9520.5315.00
Account Number

\$ -
Funds Used to Date

Water and Wastewater
Program / Project Category Name

Project Number

\$ -
Remaining Balance

Water/Sewer
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

[Signature]
Department Director

28 Sept 07
Date

Previous Ordinance or Resolution #

Original Contract Date:

[Signature]
City Attorney

9-28-07
Date

Original Contract Number:

Paul A. Burk
Finance and Internal Service Director

9-29-07
Date

Received in City Clerk's Office

ENTERED
9/28/07
[Signature]

[Signature]
Mayor

10/1/07
Date

Received in Mayor's Office

ENTERED
10/1/07
[Signature]

Comments:

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council
Fayetteville Sewer Committee

Thru: Mayor Dan Coody
David Jurgens, Water and Wastewater Director

From: Peggy Vice, Purchasing Manager *P Vice*

Date: 28 September 2007

Subject: Romine Lawsuit Insurance Deductible

RECOMMENDATION

Council approval of a resolution to pay expenses associated with the defense of David Jurgens, Water and Wastewater Director, in all actions pertaining to the Romine lawsuit regarding the sewer issues at 11 Trenton.

BACKGROUND

Ms. Romine sued the City of Fayetteville in June, 2005, primarily for inverse condemnation. Shortly before the trial was scheduled in 2006, Ms. Romine amended her complaint by alleging more claims against the City and sued her neighbors also. In October, 2006, she amended her complaint again and, after several legal actions, added David Jurgens as a "separate defendant."

David was forced at this point to retain Mr. Don Taylor as personal defense, as it seemed clear he was being sued as a separate party, rather than in his official capacity, even though all actions relating to this case were clearly related to his official capacity as a City employee. In arguments in a Motion For Summary Judgment on September 12, 2007, the Plaintiff, after questioning by the Judge, informed the Judge in open Court that David was only being sued in his representative capacity. This finding was memorized in the Court's Order denying David's Motion for Summary Judgment.

This case, including the defense of both the City and David Jurgens, was referred to Scottsdale Insurance, our carrier at the time of the incident. After much discussion and time delay, Scottsdale finally agreed, in June, 2007, to handle the case. This decision came well after David had to hire an attorney, so Scottsdale did not have any influence on the attorney selection.

DISCUSSION

As the Plaintiff has now unequivocally stated and the Court has recorded that David is being sued solely in his capacity as a City of Fayetteville employee, it is fully appropriate for the City's insurance to cover the case, leaving the City responsible for the \$50,000 deductible. It appears, with the current status and the complexity of this case, that the full \$50,000 will likely be spent.

BUDGET IMPACT

This action was neither anticipated nor budgeted. The \$50,000 insurance deductible is properly a water/sewer expense. A budget adjustment is attached transferring funds unspent for Farmington sewer rate refunds.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
IN THE AMOUNT OF \$50,000.00**

**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
the attached Budget Adjustment for legal expenses incurred in the Romine case.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

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

C. 9
Romine Lawsuit Insurance Deductible
Page 4 of 6

Budget Year 2007	Department: Water and Wastewater Division: Water & Wastewater Director Program: Water & Wastewater Director	Date Requested 9/28/2007	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased:

Legal expenses line item to cover the insurance deductible for the case in which the City is being sued by Ms. Romine, 11 Trenton, regarding sewer issues.

Project or Item Deleted/Reduced:

Farmington Sewer Rate Refund.

Justification of this Increase:

These funds are required to cover the insurance deductible for the case in which the City is being sued by Ms. Romine, 11 Trenton, regarding sewer issues.

Justification of this Decrease:

Over \$200,000 remains in this budget line; all refund requests had to be submitted by 30 September 2007 to receive this refund.

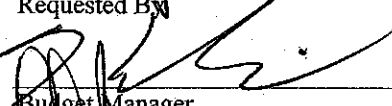
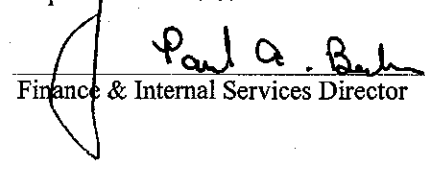
Increase Expense Budget (Decrease Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Legal services	5400	1800	5314	01	50,000		

Decrease Expense Budget (Increase Revenue Budget)

Account Name	Account Number				Amount	Project Number	
Sewer Rate Refunding	5400	1840	5311	10	50,000	07022	1

Approval Signatures

	9/28/07
Requested By	Date
	9-28-07
Budget Manager	Date
	28 Sep 07
Department Director	Date
	9-28-07
Finance & Internal Services Director	Date
Mayor	Date

Budget Office Use Only

Type: A B C D E

Posted to General Ledger

Initial Date

Posted to Project Accounting

Initial Date

Entered in Category Log

Initial Date

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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

DEPARTMENTAL CORRESPONDENCE

C. 9
Romine Lawsuit Insurance Deductible
Page 5 of 6



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 flourish extending to the right.

DATE: October 1, 2007

RE: Defense costs in the Romine case

A year and a half into the Romine v. City of Fayetteville case, the plaintiff filed a Third Amended Complaint that added David Jurgens as a "separate defendant" and added a new civil rights claim against both David and the City. The previous claims of inverse condemnation and negligence were not covered by any insurance so I had provided full defense and litigation efforts for the City (as I have in all of the other successfully defended inverse condemnation or negligence cases).

When civil right cases (excessive force, wrongful arrest, etc.) are filed against our police, our insurance company supplies defense counsel with whom I cooperate and assist. We have been 100% successful in all these (mostly frivolous) civil rights cases. Thus, I notified our insurance company when the civil rights claim was first lodged. At first the company appeared ready to take over the claim, but later declined coverage. I disagreed with this decision, but went ahead and defended the City and David on these civil rights claims (as well as everything else).

Initially I was able to get the complaint and summons against David quashed on procedural grounds. Plaintiff then worked through the proper procedure and brought David in as a separate defendant. I agreed to represent David through the filing of a Motion To Dismiss which I hoped would result in dismissing the case against him. When

this was not successful, I recommended David retain private counsel (which should be paid for by the insurance company or City because he was sued for doing his job). Since David could argue certain defenses (such as he was following directions from City supervisors) that I could not make for the City, he needed separate counsel. Our insurance company was still denying coverage.

Our insurance broker continued to press the matter with our insurance company which finally partially agreed it had coverage for this claim. By then it was too close to trial, so I suggested to the insurance company that we continue with David's lawyer, Don Taylor. Don Taylor of the Davis firm has proven to be a hard-working, conscientious and effective litigator. When his Motion For Summary Judgment was denied shortly before trial, David Jurgens decided to appeal the denial of his statutory immunity. I needed to join the appeal for the City for procedural reasons.

The budget adjustment requested is needed to pay for Mr. Taylor's expenses and fees to date and to fund the appellate costs, plus additional pre-trial costs including the judge's recommended mediation scheduled for December. Any expenses in excess of our \$50,000.00 deductible should be paid by Scottsdale (although we still might have to fight Scottsdale over this). I recommend passing the budget adjustment as proposed.

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

B. 1
2007 Millage Levy
Page 1 of 8

10/2/2007

City Council Meeting Date

Paul A. Becker
Submitted By

Finance
Division

Finance
Department

Action Required:

City Council is requested to adopt real and personal property tax rates for 2007 for the Policemen's Pension & Relief, the Firemen's Pension & Relief Funds, and the Fayetteville Public Library. The rate to be adopted for the Policemen's Pension & Relief Fund and the Firemen's Pension & Relief Fund is 0.4 mils for real property and 0.4 mils for personal property, the millage for the Fayetteville Public Library is 1.0 mil for real property and 1.0 mil for personal property. City Council is requested to adopt real and personal property tax rates for 2007 for the City's General Fund. The rate requested for the City's General Fund is 2.2 mils for real property and 2.2 mils for personal property.

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

Paul A. Becker

9-14-07

Date

Previous Ordinance or Resolution #

4935

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Service Director

Paul A. Becker

9-14-07

Date

Received in City Clerk's Office

9/14/07
ENTERED
AD

Received in Mayor's Office

ENTERED
9/17/07
JH

Mayor

Date

9/18/07

Comments:

Left on the first reading 10/2/07

DEPARTMENTAL CORRESPONDENCE

TO: Mayor Dan Coody and Fayetteville City Council

FROM: Paul A. Becker, Director of Finance

DATE: September 14, 2007

SUBJECT: 2007 Millage Levy

Recommendation:

City staff recommends that City Council approve the millage levy ordinance approving the 0.4 mils for the Policemen's Pension and Relief Fund, 0.4 mils for the Firemen's Pension and Relief Fund, 1.0 mils for the Fayetteville Public Library, and 2.2 mils for 2008 General Fund operations.

Background:

Each year the City must approve an ordinance to renew the levy of ad valorem taxes on real and personal property within the City. This request will provide for such levy on property assessed during 2007.

The total assessed value of real and personal property located within the city limits of Fayetteville, as of August 1, 2007, is approximately \$1.163 billion. The assessed valuation is before the Washington County Board of Equalization has made all the changes to the County Assessors Abstract. Based on the preliminary assessments, the growth in real estate assessments is approximately 12.85%. The change in assessed real estate value is due to newly discovered, newly constructed property 10.55%

Discussion:

A millage levy ordinance must be approved by City Council in order for the City to continue to collect property taxes for the Policemen's Pension and Relief Fund and the Firemen's Pension and Relief Fund. The millage levy for the Policemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property. The millage levy for the Firemen's Pension and Relief Fund is 0.4 mils for real property and 0.4 mils on personal property as was approved by referendum.

A millage levy ordinance must be approved for the operation of the Fayetteville Public Library and that was approved by the voters on October 1, 2002. The millage levy for the Fayetteville Public Library is 1.0 mils for real property and 1.0 mils on personal property.

Finally, City staff is requesting that City Council approve a millage levy ordinance for General Fund operations in the amount of 2.2 mils for both real and personal property. This represents an increase of 0.9 mils over the 1.3 mils approved by City Council on October 10, 2006 and is still 2.8 mils less than the discretionary amount of 5.0 mils allowed by State statute.

The 2008 proposed property tax revenue amount based on the 2.2 mil levy is estimated to bring in \$2,432,000 in General Fund revenue. The 2008 Proposed Summary Budget for General Fund Budget will be distributed to City Council on Saturday, September 29 at a Budget work session at which time the need for a levy increase will be discussed in depth. Additional meetings during the month of October to discuss the millage levy will be held as needed. A proposed calendar is shown below:

Tuesday, September 25	Agenda Session Property Tax Item
Saturday, September 29	City Council Working Session 2008 General Fund Draft Budget distributed
Tuesday, October 2	City Council Meeting Property Tax Discussion
Tuesday, October 10	Agenda Session Property Tax Discussion
Tuesday, October 16	City Council Meeting Property Tax Discussion & Decision
Tuesday, October 30	Agenda Session / Special City Council Meeting (If Needed)

Budget Impact:

The 0.4 mils Police and 0.4 Fire is needed to fund the Pension plans for both areas. The 1.0 mils is used to fund the operation of the Fayetteville Public Library. The 2.2 mils will be used to fund General Fund operations.

Conclusion:

The millage levy must be at Washington County, November 1 to be included in their consolidated levy ordinance which will be approved at the November 8, Quorum Court meeting. The City levy will be added to the levies by Washington County, the various school districts, improvement districts and other cities within the County when the Washington County Quorum Court adopts its millage levy for 2007.

If you have any questions concerning this agenda request please contact either myself at 575-8330.

**City of Fayetteville
Property Tax Revenue per Mil
August 1, 2007**

<u>Millage</u>	<u>Approximate Revenue</u>
0.10	\$ 111,000
0.20	\$ 221,000
0.30	\$ 332,000
0.40	\$ 442,000
0.50	\$ 553,000
0.60	\$ 663,000
0.70	\$ 774,000
0.80	\$ 884,000
0.90	\$ 995,000
1.00	\$ 1,106,000
1.30	\$ 1,437,000
2.00	\$ 2,211,000
2.20	\$ 2,432,000
2.50	\$ 2,764,000
3.00	\$ 3,317,000
3.50	\$ 3,869,000
4.00	\$ 4,422,000
4.50	\$ 4,975,000
5.00	\$ 5,528,000

The millage revenue reflected above is based on the Washington County Preliminary Summary Report of County Assessments for the Year 2007 dated August 1, 2007 and excludes real and personal property for Utilities. The City Council can approve up to 5.0 mils for operations. The table assumes a 95% collection rate. Total real and personal property assessments for 2007 amount to approximately \$1,165 million excluding real estate and personal property for utilities.

Property Tax Impact Illustration

	<u>Appraised Value</u>	<u>Assessed Value</u>	<u>1 Mil Tax / Year</u>
Single Family Home	\$ 75,000.00	\$ 15,000.00	\$ 15.00
Single Family Home	\$ 100,000.00	\$ 20,000.00	\$ 20.00
Single Family Home	\$ 150,000.00	\$ 30,000.00	\$ 30.00

ORDINANCE NO. _____

AN ORDINANCE LEVYING A TAX ON THE REAL AND PERSONAL PROPERTY WITHIN THE CITY OF FAYETTEVILLE, ARKANSAS, FOR THE YEAR 2007 FIXING THE RATE THEREOF AT 2.2 MILLS FOR GENERAL FUND OPERATIONS, 0.4 MILLS FOR THE FIREMEN'S PENSION AND RELIEF FUND, 0.4 MILLS FOR THE POLICEMEN'S PENSION AND RELIEF FUND AND 1.0 MILL FOR THE FAYETTEVILLE PUBLIC LIBRARY; AND CERTIFYING THE SAME TO THE COUNTY CLERK OF WASHINGTON COUNTY, ARKANSAS

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

Section 1: That a tax is hereby levied on the real and personal property within the City of Fayetteville, Arkansas, for the year 2007 to be collected in 2008 for the following purposes at the following rates:

REAL AND PERSONAL PROPERTY

<u>Purpose</u>	<u>Levy</u>
General Fund – Operations	2.2 mills
Fayetteville Public Library	1.0 mills
Policemen's Pension Fund	0.4 mills
Firemen's Pension Fund	<u>0.4 mills</u>
TOTAL	4.0 mills

Section 2: That the real and personal property tax so levied and the rates provided therefore are hereby certified to the Clerk of Washington County, Arkansas, to be placed in the tax book by the County Clerk and collected in the same manner that the county and school district taxes are collected.

Section 3: The City Clerk is hereby authorized and directed to file certified copies of this ordinance in the office of the County Recorder, County Clerk, County Assessor, and the County Tax Collector for Washington County, Arkansas.

PASSED and **APPROVED** this 2nd day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

Property Tax Rates (Comparable Arkansas Cities)

City	City Millage Levy *					Annual Tax Paid by Homeowner (\$150,000)
	General	Police/Fire Pension	Library	Bonds/ Other	Total	
Little Rock	5.0	2.0	3.8	3.3	14.1	\$ 423.00
Fort Smith	5.0	2.0	1.0	-	8.0	240.00
Springdale	4.7	1.0	-	-	5.7	171.00
Bentonville	4.9	0.5	-	-	5.4	162.00
Rogers	1.4	1.0	0.9	1.5	4.8	144.00
Fayetteville (Proposed)	2.2	0.8	1.0	-	4.0	120.00
Fayetteville (Current)	1.3	0.8	1.0	-	3.1	93.00

* Source: State of Arkansas - Assessment Coordination Department: 2006 Millage Report (2007 Collections) / Published February 2007

ALDERMAN AGENDA REQUEST FORM

FOR: COUNCIL MEETING OF OCTOBER 16, 2007

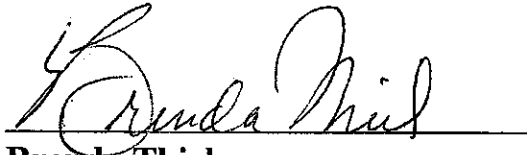
FROM:

ALDERMAN BRENDA THIEL

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

A Resolution To Protect And Restore Riparian Zones

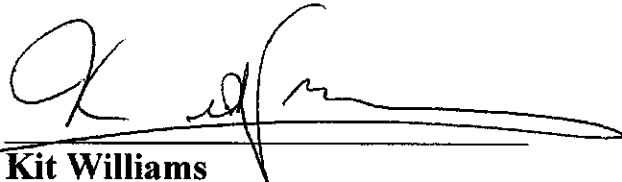
APPROVED FOR AGENDA:



Brenda Thiel

Alderman

9/26/07
Date



Kit Williams

City Attorney (as to form)

9-26-07
Date

RESOLUTION NO. _____

A RESOLUTION TO PROTECT AND RESTORE RIPARIAN ZONES

WHEREAS, the Environmental Concerns Committee was created by the City Council to address environmental concerns, to promote a safe and healthy environment and to maintain the natural beauty of the environment within the City; and

WHEREAS, the Environmental Concerns Committee is charged to make recommendations to the City Council on matters concerning the environment; and

WHEREAS, the Environmental Concerns Committee passed a Resolution to protect and restore riparian zones which recommended vigorous enforcement of ordinances and regulations to preserve riparian zones and our water quality (attached).

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 recommends and encourages the City Staff to rigorously enforce ordinances and regulations designed to preserve and restore riparian zones along the creeks and rivers within the City and our planning area.

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby recommends that City Staff review existing ordinances to determine whether amendments or new ordinances are necessary to adequately protect our water quality and environment.

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby recommends that riparian zones along creeks and rivers should be characterized by deep-rooted perennial plants, a dense tree and shrub canopy and abundant wildlife.

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby recommends that City Staff monitor development within and near riparian zones to ensure all city ordinances designed to protect our streams and rivers and any necessary restoration measures are timely, properly and completely followed.

Section 5: That the City Council of the City of Fayetteville, Arkansas hereby recommends that the City continue and enhance its educational efforts to ensure our citizens, builders and developers understand the need for and benefits of riparian preservation and protection.

PASSED and APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

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

RESOLUTION NO. _____

A RESOLUTION OF THE ENVIRONMENTAL CONCERNS
COMMITTEE TO PROTECT AND RESTORE RIPARIAN
ZONES

WHEREAS, the Environmental Concerns Committee was created by the City Council to address environmental concerns, to promote a safe and healthy environment and to maintain the natural beauty of the environment within the City; and

WHEREAS, the Environmental Concerns Committee is charged to make recommendations to the City Council on matters concerning the environment.

NOW, THEREFORE, BE IT RESOLVED BY THE ENVIRONMENTAL CONCERNS COMMITTEE OF THE CITY OF FAYETTEVILLE, ARKANSAS:

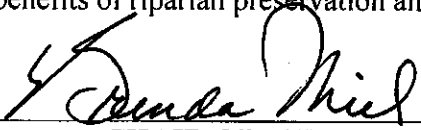
Section 1: That the Environmental Concerns Committee of the City of Fayetteville, Arkansas hereby recommends and encourages the City Council and City Staff to rigorously enforce ordinances and regulations designed to preserve and restore riparian zones along the creeks and rivers within the City and our planning area.

Section 2: That the Environmental Concerns Committee of the City of Fayetteville, Arkansas hereby recommends that City Staff review existing ordinances to determine whether amendments or new ordinances are necessary to adequately protect our water quality and environment.

Section 3: That the Environmental Concerns Committee of the City of Fayetteville, Arkansas hereby recommends that riparian zones along creeks and rivers should be characterized by deep-rooted perennial plants, a dense tree and shrub canopy and abundant wildlife.

Section 4: That the Environmental Concerns Committee of the City of Fayetteville, Arkansas hereby recommends that City Staff monitor development within and near riparian zones to ensure all city ordinances designed to protect our streams and rivers and any necessary restoration measures are timely, properly and completely followed.

Section 5: That the Environmental Concerns Committee of the City of Fayetteville, Arkansas hereby recommends that the City continue and enhance its educational efforts to ensure our citizens, builders and developers understand the need for and benefits of riparian preservation and protection.



CHAIR OF THE
ENVIRONMENTAL CONCERNS COMMITTEE

9/13/07
Date

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

20-Oct-07

City Council Meeting Date

Jeremy Pate *JP*
Submitted By

Planning
Division

Operations
Department

Action Required:

ADM 07-2748: Administrative Item R-PZD 06-2190 (WOODBURY, 137): Submitted by H2 Engineering, Inc. for property located on the south side of Zion Road and east of Taliesin Lane. The property is zoned R-PZD 06-2190, Woodbury and contains approximately 11.66 acres. The request is to change the zoning criteria in Planning Area 2 to modify the setback off of the private drive from 15' to 5'.

\$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] 9-28-07
Department Director Date

[Signature] 9-28-07
City Attorney Date

Paul A. Becker 9-28-07
Finance and Internal Service Director Date

[Signature] 10/1/07
Mayor Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a

Original Contract Number: n/a

Received in City Clerk's Office
ENTERED
9/28/07

Received in Mayor's Office
ENTERED
9/29/07

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Gary Dumas, Director of Operations

From: Jeremy Pate, Director of Current Planning X

Date: September 27, 2007

Subject: Administrative item modifying the Master Development Plan of the Woodbury Residential Planned Zoning District (ADM 07-2748)

RECOMMENDATION

Planning Staff and Planning Commission recommend approval of an ordinance amending the Woodbury Planned Zoning District to modify the building setback for Planning Area 2 off of the private drive from 15' to 5'.

BACKGROUND

The subject property consists of approximately 11.66 acres located on the south side of Zion Road, approximately 0.3 miles west of Crossover Road. The Fayetteville City Council approved R-PZD 06-2190 (Woodbury) on October 3, 2006 for zoning and development approval of a residential development with 67 single family dwellings and 45 multi-family dwellings in two Planning Areas. The multi-family portion of the development is situated along Zion Road, with parking located in the rear, accessed from a private drive.

The applicant requests a modification to the approved zoning criteria for Planning Area 2 (the multi-family portion of the development) to change the building setback off of the private drive from 15' to 5'. A copy of the revised zoning criteria and plat are included with this report. Setbacks along both Zion Road and Woodbury Drive are 10' from the right-of-way.

DISCUSSION

On September 24, 2007 the Planning Commission voted 7-0-1 (Lack recused) on the consent agenda to forward this request to City Council with a recommendation for approval.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING A RESIDENTIAL PLANNED ZONING DISTRICT ENTITLED R-PZD 06-2190, WOODBURY, LOCATED ON THE SOUTH SIDE OF ZION ROAD AND EAST OF TALIESIN LANE, CONTAINING APPROXIMATELY 11.66 ACRES, TO REFLECT REVISED BUILDING SETBACKS IN PLANNING AREA 2 AS DESCRIBED AND DEPICTED HEREIN.

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

Section 1. That the change in building setbacks off of the private drive in Planning Area 2 from 15' to 5' is hereby approved and reflected in the Planned Zoning District zoning criteria for R-PZD 06-2190.

Section 2. That the approvals and conditions for R-PZD 06-2190 (Woodbury) as passed and approved by the City Council on October 3, 2006 with Ordinance No. 4931 shall be modified with the revisions to the Master Development Plan and project booklet as described and depicted herein (Exhibit "A").

Section 3. That this ordinance shall take effect and be in full force at such time as all of the requirements of the Planned Zoning District have been met.

Section 4. That the Planned Zoning District ordinance and 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 _____, 2007.

APPROVED:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk

(IN FEET)
1 inch = 50 ft.



PC Meeting of September 24, 2007

THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

TO: Planning Commission Members
FROM: Andrew Garner, Senior Planner
THRU: Jeremy Pate, Director of Current Planning
DATE: September 18, 2007 *Updated September 27, 2007*

ADM 07-2748: Administrative Item R-PZD 06-2190 (WOODBURY, 137): Submitted by H2 Engineering, Inc. for property located on the south side of Zion Road and east of Taliesin Lane. The property is zoned R-PZD 06-2190, Woodbury and contains approximately 11.66 acres. The request is to change the zoning criteria in Planning Area 2 to modify the setback off of the private drive from 15' to 5'.

Property Owner: Philip/Martin Development Partner, LLC
Planner: Andrew Garner

BACKGROUND

Property Description and Background: The subject property consists of approximately 11.66 acres located on the south side of Zion Road, approximately 0.3 miles west of Crossover Road. The Fayetteville City Council approved R-PZD 06-2190 (Woodbury) on October 3, 2006 for zoning and development approval of a residential development with 67 single family dwellings and 45 multi-family dwellings in two Planning Areas. The multi-family portion of the development is situated along Zion Road, with parking located in the rear, accessed from a private drive.

Proposal: The applicant requests a modification to the approved zoning criteria for Planning Area 2 (the multi-family portion of the development) to change the building setback off of the private drive from 15' to 5'. A copy of the revised zoning criteria and plat are included with this report. Setbacks along both Zion Road and woodbury Drive are 10' from the right-of-way.

RECOMMENDATION

The original PZD booklet and zoning criteria for this development listed a 15' building setback off of the private drives for Planning Area 2. However, the site plan and plats depicted a portion of the buildings being located 5' off of the private drive. The applicant's request would clarify the setback for Planning Area 2 to be consistent with the 5' setback off of the private drive as depicted on the original site plans. This request would not alter the character or nature of the development in any way. Staff recommends in favor of the request.

Planning Commission Action: ☒ Forwarded Tabled Denied
Motion: Graves
Second: Trumbo
Vote: 7-0-1
Meeting Date: September 24, 2007



September 13, 2007

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

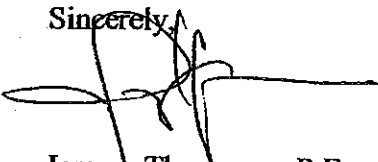
RE: WOODBURY – REVISION TO APPROVED RPZD 06-2190

Dear Council Members,

We are requesting a revision to approved RPZD 06-2190 Woodbury. The purpose of this revision is to clarify the building setback for the attached units in Planning Area 2 off of private drives. In our initial submittal, the plan sheets showed a 5 foot setback off of private drives for the structures in Planning Area 2. Unfortunately, the PZD Narrative reflected a 15 foot setback for Planning Area 2 off of private drives. All of the plans that were submitted and approved with the initial RPZD depicted a 5 foot setback and buildings were placed according to the 5 foot setback. This revision / clarification will allow buildings in Planning Area 2 to be built as was originally depicted on the approved plans, not according to what is currently listed in the narrative.

In order to clarify this building setback issue, we are requesting the allowance of a revision to RPZD 06-2190 Woodbury. Thank you for your consideration in this matter.

Sincerely,



Jeremy Thompson, P.E.
Project Engineer
H2 Engineering

PLANNING AREA 2

PERMITTED USES	
UNIT	DESCRIPTION
UNIT 1	CITY-WIDE USES BY RIGHT
UNIT 26	MULTI-FAMILY DWELLINGS

CONDITIONAL USES	
UNIT	DESCRIPTION
UNIT 2	CITY-WIDE USES BY CONDITIONAL USE PERMIT
UNIT 12	OFFICES, STUDIOS, AND RELATED SERVICES
UNIT 13	EATING PLACES
UNIT 15	NEIGHBORHOOD SHOPPING GOODS
UNIT 16	SHOPPING GOODS
UNIT 24	HOME OCCUPATIONS

LAND USE DENSITY / INTENSITY

TOTAL PLANNING AREA SIZE: 2.62 ACRES

TOTAL NUMBER OF RESIDENTIAL UNITS: 45

NON-RESIDENTIAL SQUARE FEET: NOT APPLICABLE

RESIDENTIAL DENSITY: 17.2 UNITS PER ACRE

BULK AND AREA REGULATIONS

AREA REGULATIONS

LOT WIDTH MINIMUM: 18 FT

LOT AREA MINIMUM: 1,100 SF

LAND AREA PER BUILDING UNIT: 2,536 SF

USE MAXIMUMS

A MAXIMUM OF 20,000 SF OF THIS PLANNING AREA MAY BE UTILIZED FOR CONDITIONAL USE UNITS 12, 13, 15, AND 16.

SETBACK REQUIREMENTS

FRONT-ZION:	10 FT
FRONT-WOODBURY DRIVE:	10 FT from R/W (Back of Curb)
FRONT-PRIVATE DRIVES:	5 FT from Access Easement
SIDE-PROPERTY LINE:	10 FT
MIN. BETWEEN BUILDINGS:	6 FT

HEIGHT

Structures in this Planning Area are limited to a building height of 45 feet as measured from the lowest point of the structure at the historic grade. The height of a proposed structure may only be increased above 45 feet by obtaining a variance after hearing by the Planning Commission.

**BUILDING AREA
MAXIMUM: 65%**

SITE PLANNING

LANDSCAPING

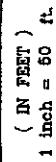
A Landscape Tree shall be planted every 30 feet of public and private street frontage, and along the pedestrian walkways as indicated on the landscape plan.

PARKING

Parking in this Planning Area will occur in garages in the individual units. The Woodbury covenants are very specific that garages are to be used for parking vehicles, not for storage. All units in this Planning Area are 2 bedroom units and will have a 2-car garage to match the number of bedrooms in the unit. This satisfies the parking requirements for those units.

ARCHITECTURAL DESIGN STANDARDS

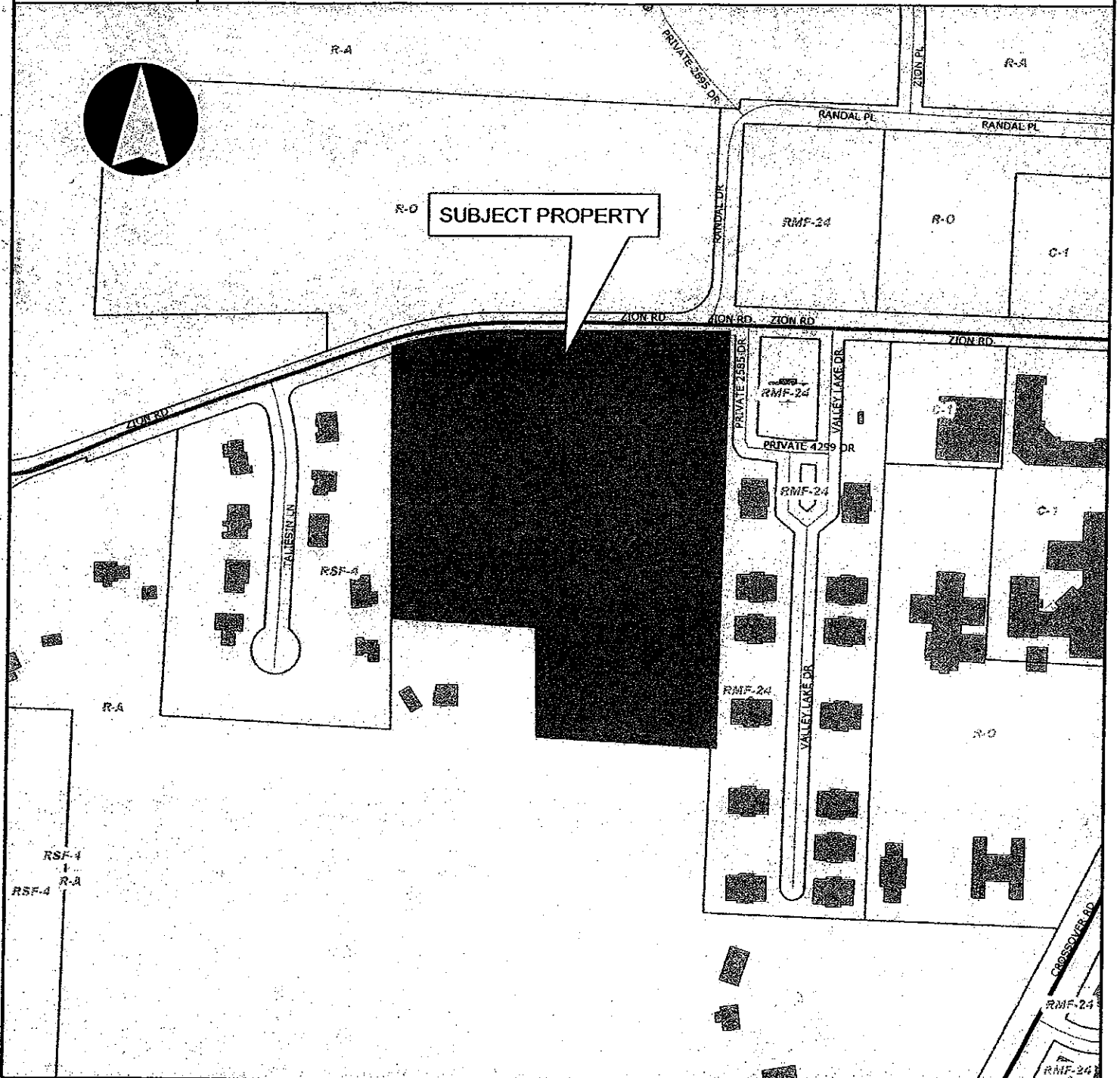
Structures shall be built using brick, stone, and stucco with lap and shingle siding, consistent with the building elevations included in the project booklet.



RPZD06-2190

Close Up View

WOODBURY



Overview

Legend

- ○ ○ ○ ○ Overlay District
- FLOODWAY
- 100 YEAR
- 500 YEAR
- LIMIT OF STUDY
- - - BaseLine Profile
- Fayetteville
- Outside City
- RPZD06-2190
- vector.GDB.Footprint_2004
- Hillside+Hilltop Overlay District

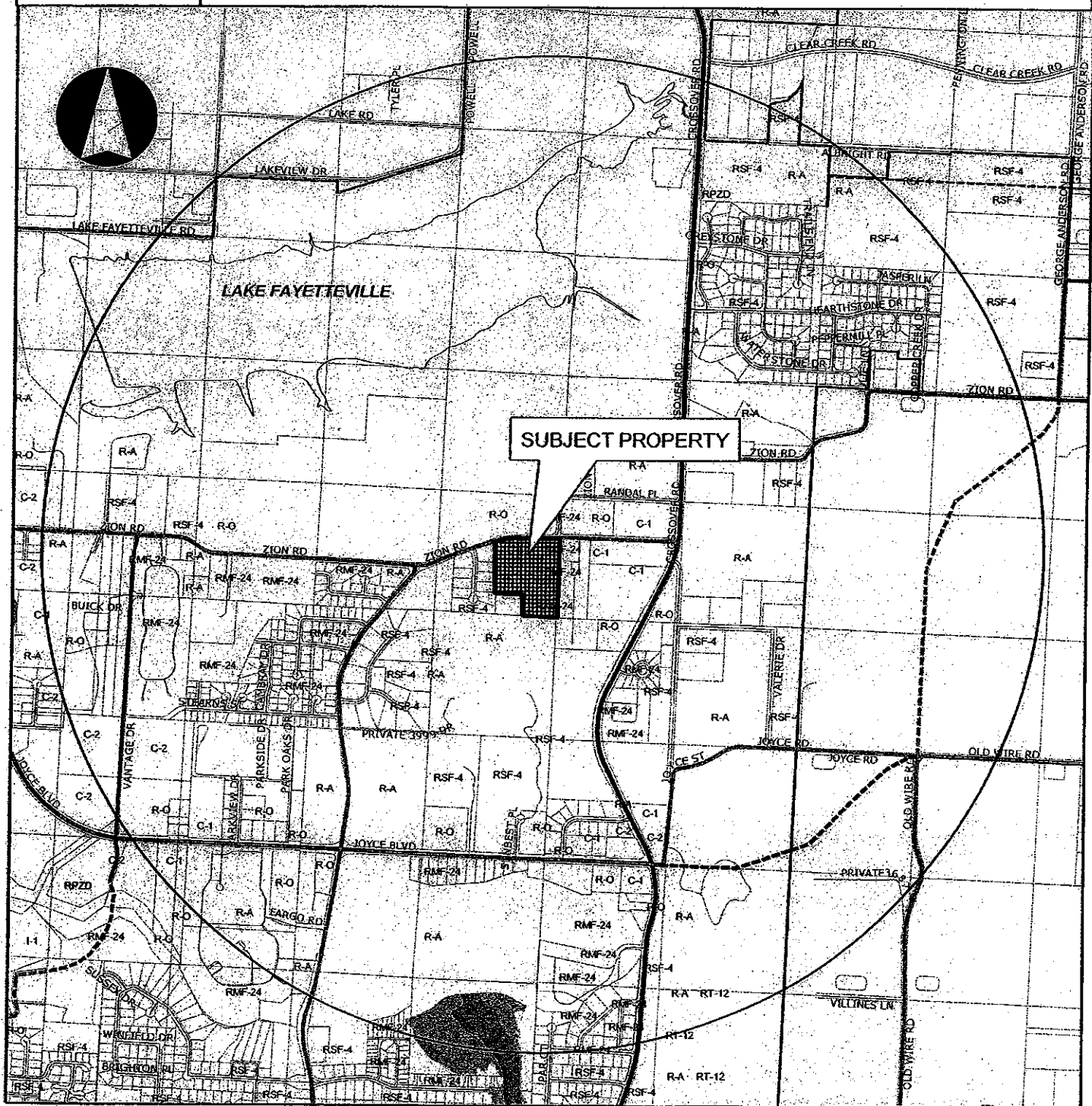
0 125 250 500 750 1,000

Feet

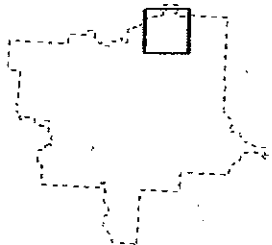
RPZD06-2190

One Mile View

WOODBURY



Overview



Legend

Subject Property

RPZD06-2190

Boundary

- Planning Area
- Overlay District
- Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

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

16-Oct-07
City Council Meeting Date

Jeremy Pate
Submitted By

Planning
Division

Operations
Department

Action Required:

VAC 07-2722: (Menninger, 523): Submitted by Alan Reid for property located at 301 South West Avenue. The request is to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the un-constructed extension of South Street on the north side of the subject property.

\$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

9-28-07
Date

Previous Ordinance or Resolution # n/a

Original Contract Date: n/a


City Attorney

9-28-07

Original Contract Number: n/a

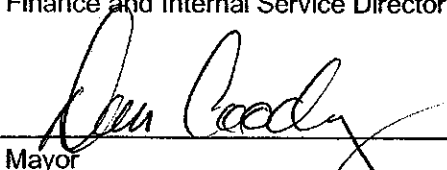
City Attorney

Paul A. Bach
Finance and Internal Service Director

10-1-07
Date

Received in City Clerk's Office




Mayor

10/1/07
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

Date: September 27, 2007

Subject: Right-of-way Vacation for Menniger (VAC 07-2722)

RECOMMENDATION

The Planning Commission voted to amend and forward the subject Vacation request, VAC 07-2722 Menniger. A motion to forward passed with a vote of 7-2-0 (Commissioners Myers and Ostner voted 'No').

Planning Staff recommended forwarding the requested vacation; however, with a different recommendation than that requested by the applicant and that forwarded by the Planning Commission.

BACKGROUND

This property is located on the west side of West Avenue at the intersection of South Street, Block 22 of Ferguson's Addition, and is adjacent to the City's Frisco Trail. There is an existing single-family structure located on the property. There is excess right-of-way along the property's West Avenue frontage, an un-built alley right-of-way along the west side of the property and the un-constructed extension of South Street adjacent to the north property line. These areas of right-of-way are proposed by the applicant to be vacated:

- (1) The **West Avenue** right-of-way is located on the west side of West Avenue in front of 301 West Avenue. This right-of-way is an approximately 20' wide and 50' long strip of un-constructed right-of-way adjacent to the existing West Avenue (*see attached exhibit*).
- (2) The **South Street** right-of-way is located on the north side of the property. This right-of-way is an approximately 65' wide and 140.78' long strip of un-constructed right-of-way.
- (3) The **un-constructed right-of-way** along the west property line was originally platted to be a 30' wide street. This street was never built and now adjoins a block of residences and the subject property. The right-of-way traverses from the southwest property line to the northwest property line (*see attached exhibit*).

City Council Meeting of October 16, 2007
Agenda Item Number

DISCUSSION

The Planning Commission forwarded this item to the City Council after making amendments to the requested vacation request at the Planning Commission meeting of September 24, 2007. The Planning Commission agreed with staff's recommendation to vacate the West Avenue right-of-way in front of the subject property (described in (1) above). The Planning Commission did not agree with vacating only half of the South Street right-of-way as requested by the applicant (described in (2) above). Their recommendation was to either fully vacate the South Street right-of-way, or to retain the entire right-of-way. Additionally, they recommended that the alley between Frisco Trail and the subject property be vacated as requested by the applicant (described in (3) above).

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 07-2722 SUBMITTED BY ALAN REID FOR PROPERTY LOCATED AT 301 SOUTH WEST AVENUE TO VACATE THREE RIGHTS-OF-WAY: THE ALLEY ALONG THE WEST SIDE OF THE PROPERTY, A PORTION OF WEST AVENUE ALONG THE EAST SIDE OF THE PROPERTY AND THE FULL WIDTH OF THE UN-CONSTRUCTED EXTENSION OF SOUTH STREET ON THE NORTH SIDE OF THE SUBJECT PROPERTY, A TOTAL OF 0.30 ACRES.

WHEREAS, the City Council has the authority under A.C.A. § 14-54-104 to vacate public grounds or portions thereof which are not required for corporate purposes; and

WHEREAS, the City Council has determined that the following described portions of platted right-of-way are not required for corporate purposes;

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the following described rights-of-way:

See Exhibit "B" attached hereto and made a part hereof.

Section 2: That a copy of this Ordinance duly certified by the City Clerk along with the map attached hereto and labeled Exhibit "A" shall be filed in the office of the Recorder of the County and recorded in the Deed Records of the County.

Section 3: That this vacation approval is subject to the Conditions of Approval as follows, and shall not be in effect until all conditions are met herein.

1. A 10' utility easement shall be provided along the west side of West Avenue for the length of the property.

Page 2
Ord.

2. Relocation of existing utilities shall be at the owner/developer's expense including the possible need for utility easements.

PASSED and **APPROVED** this day of , 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer



EXHIBIT "B"
VAC 07-2722

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY RIGHT-OF-WAY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

ALL THAT PART OF SOUTH STREET (NOT CONSTRUCTED) LYING WEST OF WEST AVENUE AND EAST OF THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED) IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE N00°05'12"E PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 65.00 FEET TO THE SOUTHEAST

CORNER OF BLOCK THIRTY-SIX (36) OF SAID FERGUSON'S ADDITION; THENCE N89°59'19"W 178.51 FEET ALONG THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36) TO A POINT ON THE EAST RIGHT-OF-WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE SOUTH LINE OF SAID BLOCK THIRTY-SIX (36), S15°08'58"E 67.36 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTH STREET; THENCE S89°59'19"E 140.78 FEET TO THE POINT OF BEGINNING, CONTAINING 0.25 ACRES, MORE OR LESS.



PC Meeting of September 24, 2007

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: ~~September 18, 2007~~ Updated September 27, 2007

VAC 07-2722: (MENNIGER, 523): Submitted by ALAN REID for property located at 301 S. WEST AVENUE. The property is zoned DG, DOWNTOWN GENERAL and contains approximately 0.12 acres. The request is to vacate 3 rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the un-constructed extension of South Street on the north side of the subject property.

Planner: Jesse Fulcher

Findings:

Property Description and Background: This property is located on the west side of West Avenue at the intersection of South Street, Block 22 of Ferguson's Addition, and is adjacent to the City's Frisco Trail. There is an existing single-family structure located on the property. There is excess right-of-way along the property's West Avenue frontage, an un-built street right-of-way along the west side of the property and the un-constructed extension of South Street adjacent to the north property line. These areas of right-of-way are proposed to be vacated.

- (1) The **West Avenue** right-of-way is located on the west side of West Avenue in front of 301 West Avenue. This right-of-way is an approximately 20' wide and 50' long strip of un-constructed right-of-way adjacent to the existing West Avenue (*see attached exhibit*).
- (2) The South Street right-of-way is located on the north side of the property. This right-of-way is an approximately 65' wide and 140.78' long strip of un-constructed right-of-way.
- (3) The **un-constructed right-of-way** along the west property line was originally platted to be a 30' wide street. This street was never built and now adjoins a block of residences and the subject property. The right-of-way traverses from the southwest property line to the northwest property line (*see attached exhibit*).

The total acreage of the three areas of right-of-way is 0.18 acres (7,923.30 sq. ft.). These areas are not anticipated to be needed by the City for transportation purposes because:

- (1) 40' of required right-of-way for **West Avenue** would remain in accordance with the

- Master Street Plan's designation of the street as an ST-40 street; and
- (2) the extension of South Street would be very steep due to the substantial slope on the west side of the property. Additionally, any extension of the street to the west would require construction over/across a City trail.
 - (3) the **un-constructed right-of-way** bisecting the property is not a feasible for reasonable street connection along any point of this block because of existing development. Additionally, the southern 178' of right-of-way, which provides the connection to Prairie Street, was vacated by Ordinance No. 5017.

Request: The applicant is requesting to vacate 0.18 acres of right-of-way within Block 22 of Ferguson's Addition.

The applicant has submitted the required notification forms to the utility companies and to the City with the result summarized below.

UTILITIES

RESPONSE

Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	Provide a 10' utility easement on the west side of West Avenue.
Southwestern Bell Telephone	Relocation of existing utilities shall be at the owner/developer's expense including the possible need for utility easements.

CITY OF FAYETTEVILLE:

RESPONSE

Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering-Trails Coordinator	Do not vacate alley right-of-way, approximately 31.09', from the south property line through the right-of-way for South Street, approximately 85.49'.

Public Comment: No objections to the project have been received.

Recommendation: Staff recommends forwarding (VAC 07-2722) to the City Council with a recommendation for approval subject to the following conditions of approval.

Conditions of Approval:

1. Staff recommends retaining the approximately 31.09' alley right-of-way along the west side of the property for its entire length through the right-of-way of South Street, approximately 85.49'. Should the Planning Commission forward the requested vacation to the City Council, finding in favor of staff's recommendation, a new legal description and survey shall be provided prior to the request being placed on the City Council agenda.

9/24/07 PC: THE PLANNING COMMISSION FORWARDED THE REQUEST TO THE CITY COUNCIL WITH THE FOLLOWING RECOMMENDATION:

- a. RECOMMENDED IN FAVOR OF VACATING 20' OF THE WEST AVE. RIGHT-OF-WAY.
 - b. RECOMMENDED IN FAVOR OF VACATING THE 31.09' ALLEY ALONG THE WEST PROPERTY LINE.
 - c. THE PLANNING COMMISSION WAS NOT IN FAVOR OF VACATING HALF OF THE RIGHT-OF-WAY FOR SOUTH STREET. THE RECOMMENDATION WAS TO VACATE ALL OF THE RIGHT-OF-WAY FOR SOUTH STREET, OR NONE OF THE RIGHT-OF-WAY FOR SOUTH STREET. SHOULD THE SOUTH STREET RIGHT-OF-WAY NOT BE VACATED, THEN THE 20' OF WEST AVE. RIGHT-OF-WAY AND THE 31.09' OF ALLEY RIGHT-OF-WAY SHALL ONLY BE VACATED SOUTH OF SOUTH STREET.
2. A 10' utility easement shall be provided along the west side of West Avenue for the length of the property.
 3. Relocation of existing utilities shall be at the owner/developer's expense including the possible need for utility easements.

CITY COUNCIL ACTION: Required **PLANNING COMMISSION ACTION:** Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: September 24, 2007

Motion: Graves

Second: Trumbo

Vote: 7-2-0 (Ostner and Meyers voted no)

Comments: _____

The "CONDITIONS OF APPROVAL", as stated in this report, are accepted in total without exception by the entity requesting approval of this development item.

By _____

Date _____

PETITION TO VACATE A PORTION OF WEST AVENUE RIGHT-OF-WAY, A PORTION OF SOUTH STREET (NOT CONSTRUCTED) RIGHT-OF-WAY AND A PORTION OF AN ALLEY (NOT CONSTRUCTED) RIGHT-OF-WAY, ALL IN FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS.

To: The Fayetteville City Planning Commission and
The Fayetteville City Council

We, the undersigned, being all the owners of the real estate abutting the streets and alley herein sought to be abandoned and vacated, lying in Block 22, Ferguson Addition, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a portion of said streets and alley which is described as follows:

SEE ATTACHED SHEET FOR LEGAL DESCRIPTIONS OF AREAS TO BE VACATED

That the abutting real estate affected by said abandonment of the alley and street right-of-way is (1) an abandoned railroad right-of-way lying to the West of petitioners property, owned by the City of Fayetteville, Arkansas, (2) a wooded tract of land lying to the North of South Street owned by the City of Fayetteville, Arkansas, and (3) the petitioners property being Lot 1, Block 22, Ferguson Addition, City of Fayetteville, Arkansas, and that the public interest and welfare would not be adversely affected by the abandonment of the above described portion of the utility easement.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described portion of the street and alley right-of-way.

Dated this 6 day of July, 20 07.

SARA HAUSHMAN

Printed Name

S-j-H-

Signature

ANTON MENNINGER

Printed Name

Menninger

Signature

VACATION DESCRIPTION - STREET VACATION "B" (WEST AVENUE)

A PART OF WEST AVENUE LYING EAST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE S00°05'12"W PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 50.00 FEET TO A SET 1/2" IRON REBAR; THENCE N89°59'19"W 20.00 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHEAST CORNER OF SAID LOT ONE (1); THENCE N00°05'12"E 50.00 FEET TO THE POINT OF BEGINNING, CONTAINING 1000.0 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - ALLEY RIGHT-OF-WAY

A PART OF A NON-CONSTRUCTED ALLEY LYING WEST OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), OF FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHWEST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S15°11'02"E 51.81 FEET TO A SET 1/2" IRON REBAR AT THE ORIGINAL SOUTHWEST CORNER OF SAID LOT ONE (1); THENCE N89°59'19"W 31.09 FEET TO A SET 1/2" IRON REBAR ON THE WEST BOUNDARY OF A 30.00 FOOT WIDE ALLEY RIGHT-OF-WAY; THENCE N15°11'02"W 51.81 FEET ALONG THE WEST LINE OF SAID ALLEY RIGHT-OF-WAY TO A SET 1/2" IRON REBAR ON THE SOUTH RIGHT-OF-WAY LINE OF SOUTH STREET; THENCE S89°59'19"E 31.09 FEET TO THE POINT OF BEGINNING, CONTAINING 1554.3 SQUARE FEET, MORE OR LESS.

VACATION DESCRIPTION - STREET VACATION "A" (SOUTH STREET)

A PART OF SOUTH STREET (NOT CONSTRUCTED) LYING NORTH OF AND BEING ADJACENT TO LOT NUMBERED ONE (1) IN BLOCK NUMBERED TWENTY-TWO (22), FERGUSON'S ADDITION TO THE CITY OF FAYETTEVILLE, ARKANSAS, AS SHOWN ON THE PLAT OF SAID ADDITION FILED IN THE LAND RECORDS OF WASHINGTON COUNTY, ARKANSAS, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE ORIGINAL NORTHEAST CORNER OF LOT ONE (1), BLOCK TWENTY-TWO (22), OF SAID FERGUSON'S ADDITION, SAID POINT BEING A SET 1/2" IRON REBAR; THENCE S89°59'19"E 20.00 FEET TO A SET 1/2" IRON REBAR WHICH IS 40.00 WEST OF THE EAST RIGHT-OF-WAY OF WEST AVENUE; THENCE N00°05'12"E PARALLEL WITH THE EAST RIGHT-OF-WAY LINE OF SAID WEST AVENUE 32.50 FEET TO A SET 1/2" IRON REBAR IN THE CENTER OF SAID SOUTH STREET; THENCE N89°59'19"W 169.64 FEET ALONG THE CENTERLINE OF SAID SOUTH STREET TO A SET 1/2" IRON REBAR AT THE EAST RIGHT-OF-WAY OF THE ST. LOUIS & SAN FRANCISCO RAILROAD (VACATED); THENCE LEAVING THE CENTERLINE OF SAID SOUTH STREET, S15°08'58"E 33.68 FEET ALONG THE EAST RIGHT-OF-WAY LINE OF SAID RAILROAD TO A SET 1/2" IRON REBAR AT THE SOUTH RIGHT-OF-WAY LINE OF SAID SOUTH STREET; THENCE S89°59'19"E 140.78 FEET TO THE POINT OF BEGINNING, CONTAINING 5369.3 SQUARE FEET, MORE OR LESS.

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: OZARKS ELECTRIC

APPLICANT NAME: SONJA HAUSHANN / ANTON MENNINGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Mike Phipps 8-13-07
Signature of Utility Company Representative

System STAKING TECH
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: Lox Communication

APPLICANT NAME: SANTA HAUSMANIS/AUSTIN KEDNILLER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ Utility Easement
☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
☒ Alley
☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR. 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Michael Smater
Signature of Utility Company Representative

Surveyor
Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: AEP / SWEPCO

APPLICANT NAME: SONJA HANSMAINS / ADON MENNINGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- No objections provided the following conditions are met:

Jim Dargatz
Signature of Utility Company Representative

ENGINEER I
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: AWG

APPLICANT NAME: SONJA HANSMANN/AUTON MENNINGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR. 72701

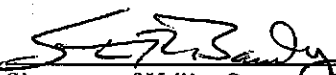
(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.
- No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

☒ No objections provided the following conditions are met:

ARKANSAS WESTERN GAS IS REQUESTING A 10 FOOT EASEMENT ALONG THE WEST
SIDE OF WEST AVENUE.


Signature of Utility Company Representative

FAYETTEVILLE ASSISTANT OPERATING MANAGER
Title

UTILITY APPROVAL FORM

FOR RIGHT-OF-WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 8/15/07UTILITY COMPANY: AT&TAPPLICANT NAME: Anton Menninger & Sonja Hausmann APPLICANT PHONE: 444-7784
REQUESTED VACATION (applicant must check all that apply):

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☐ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 West Ave Fayetteville(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☐ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained.
(State the location, dimensions, and purpose below.)

No objections provided the following conditions are met: IF ANY EXISTING FACILITIES
REQUIRE RELOCATION - THIS WILL BE DONE @ THE PROPERTY
OWNER'S EXPENSE AND UTILITY EASEMENTS MAY NEED TO BE
GRANTED IF FACILITIES REQUIRE RELOCATION

Susan K Clouser
 Signature of Utility Company Representative

MANAGER ENGINEERING DESIGN
 Title

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: FAYETTEVILLE WATER & SEWER

APPLICANT NAME: SONJA HAUSHAND/ANTON MENNINGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above. TH
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

Water & Sewer Operations Mgr
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, ALLEY, AND
UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: FAYETTEVILLE STREET DEPT.

APPLICANT NAME: SONJA HANSHARD / ALTON HEDNIGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

☐ Utility Easement

☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.

☒ Alley

☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- No objections to the vacation(s) described above.

- ☒ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

★ PER MATT MAHALEVICH - KEEP 31.09' (ALLEY WIDTH) ALL THE WAY ACROSS THE PROPERTY & THE WEST END OF SOUTH STREET ROW FOR TRAIL BUFFER.

No objections provided the following conditions are met:

[Signature]
Signature of Utility Company Representative

8/2/07

Transportation Supt
Operations Department
Transportation Division
CITY OF FAYETTEVILLE

575-8227 OFFICE

UTILITY APPROVAL FORM

FOR RIGHT- OF- WAY, ALLEY, AND UTILITY EASEMENT VACATIONS

DATE: 7/10/07

UTILITY COMPANY: FAYETTEVILLE SOLID WASTE

APPLICANT NAME: SORJA HAUSSMAN / ANTON MENNINGER APPLICANT PHONE: 444-7748
REQUESTED VACATION (applicant must check all that apply): 444-8784

- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right- of- way.
- ☒ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

General location / Address (referring to attached document- must be completed**)

** 301 S. WEST AVENUE, FAYETTEVILLE, AR 72701

(ATTACH legal description and graphic representation of what is being vacated-SURVEY)

UTILITY COMPANY COMMENTS:

- ☒ No objections to the vacation(s) described above.
- ☐ No objections to the vacation(s) described above, provided following described easements are retained. (State the location, dimensions, and purpose below.)

- ☐ No objections provided the following conditions are met:

Brian Papp
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

City as enforcer
to VAC
Meminger

ADJACENT PROPERTY OWNER NOTIFICATION FORM

FOR RIGHT-OF-WAY, ALLEY, AND
EASEMENT VACATION REQUESTS

Date: August 16, 2007

Address / location of vacation: 301 S. West Avenue, Fayetteville
765-655 25-000

Adjacent property address: Parcel #s 765-02035-000, 765-02033-000, 765-02035-000

Lot: _____ Block: _____ Subdivision: _____

REQUESTED VACATION:

I have been notified of the petition to vacate the following (alley, easement, right-of-way), described as follows:

(Include legal description and graphic representation of what is being vacated)

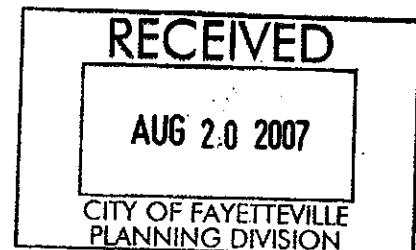
ADJACENT PROPERTY OWNERS COMMENTS:

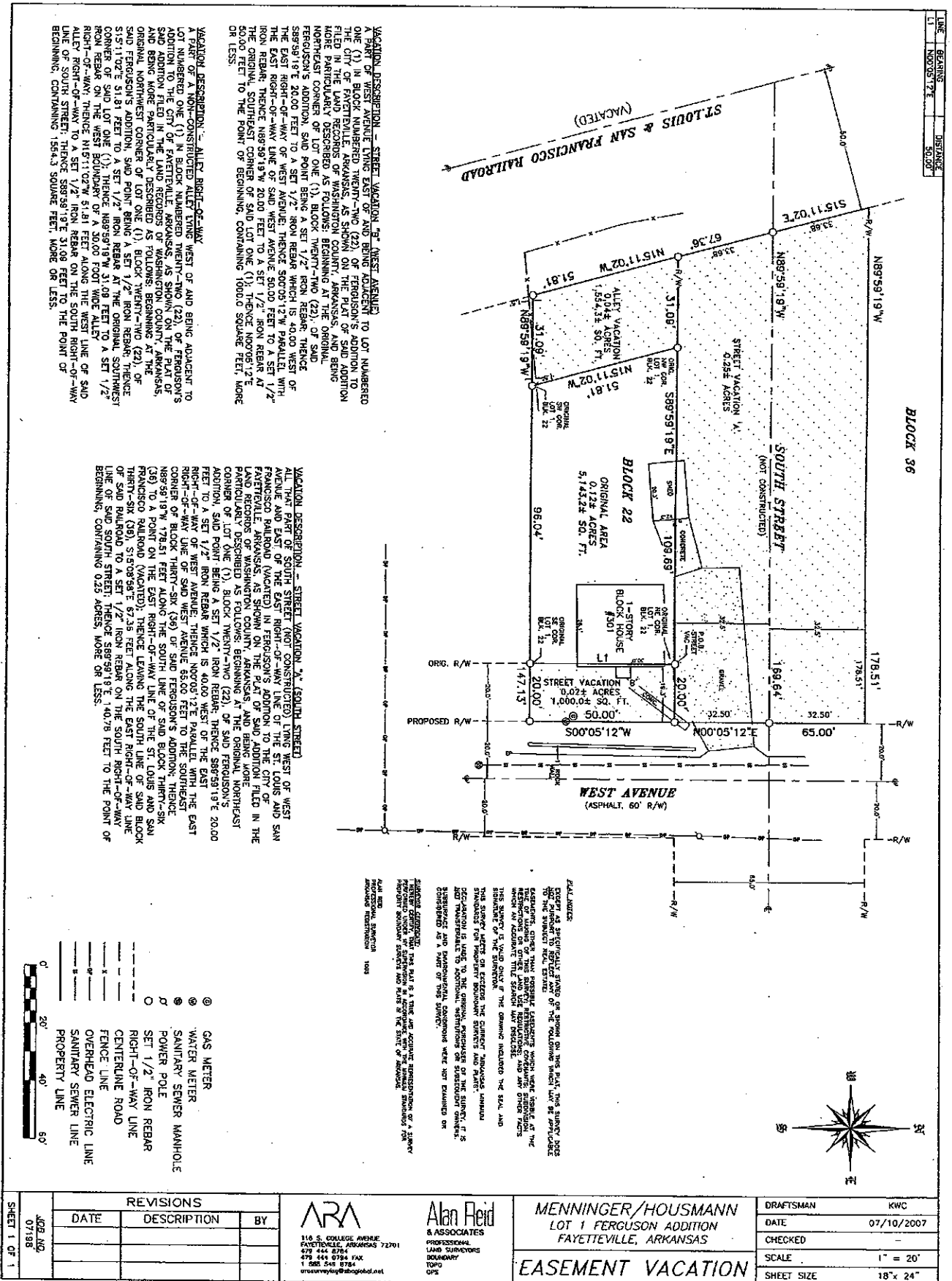
- ☐ I have been notified of the requested vacation and decline to comment.
- ☐ I do not object to the vacation described above.
- ☐ I do object to the requested vacation because:

City of Fayetteville
Name of Adjacent Property Owner (printed)

Signature of Adjacent Property Owner

Anton Meminger & Sonja Hausmann
Applicant Name

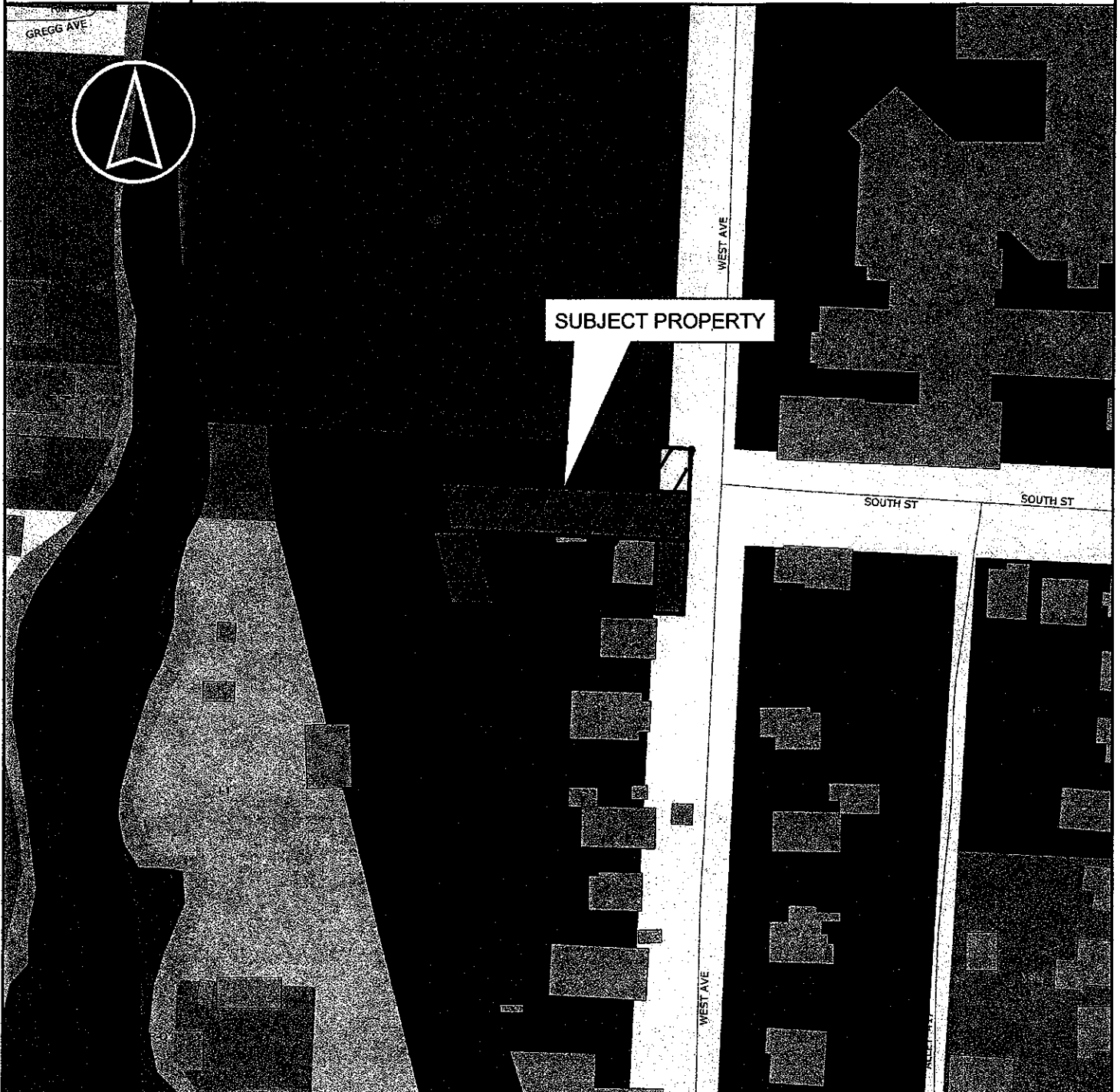




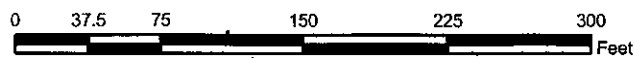
VAC07-2722

Close Up View

MENNINGER



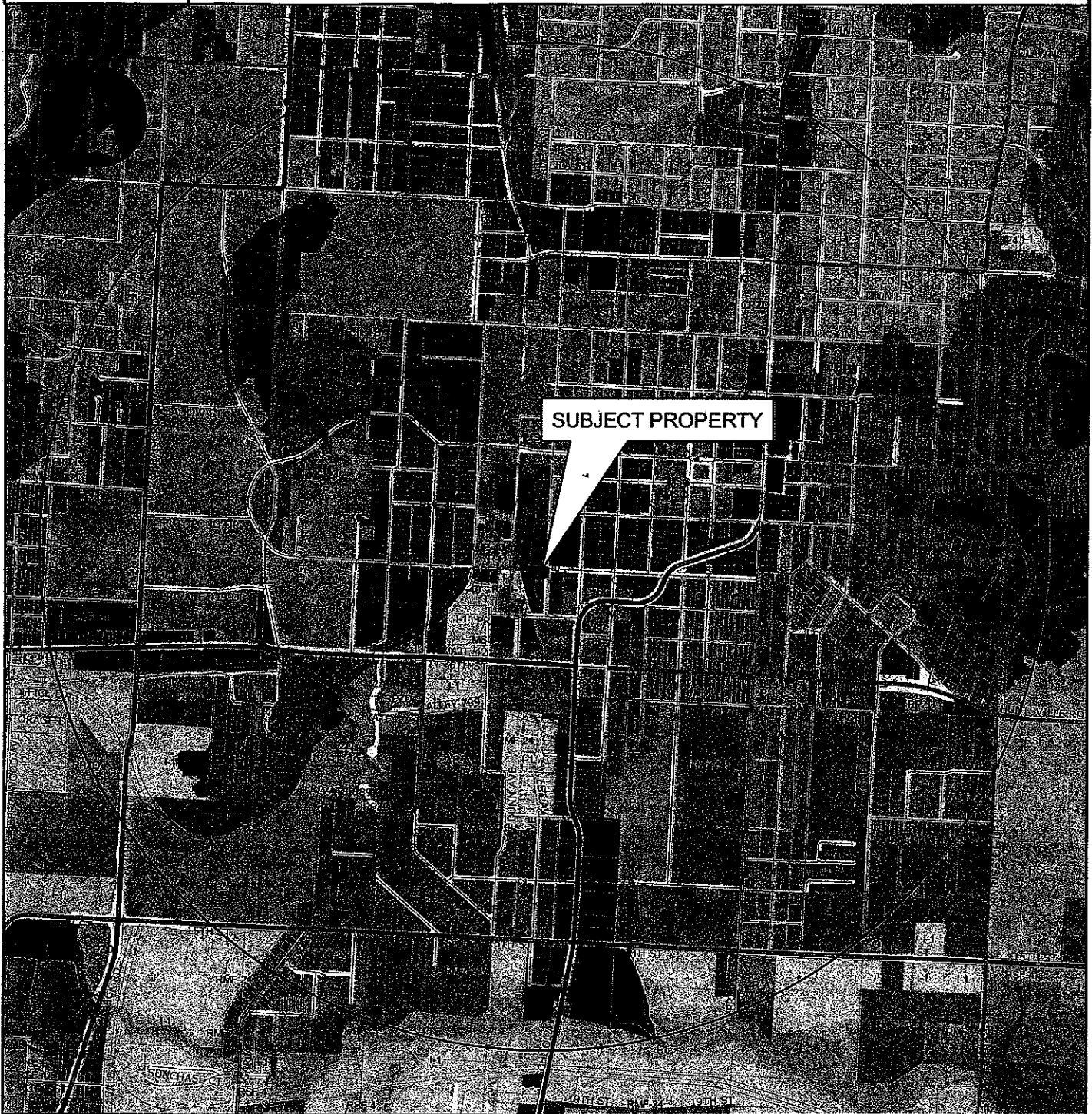
Overview



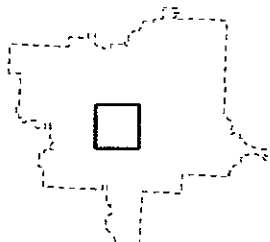
VAC07-2722

One Mile View

MENNINGER



Overview



Legend

Subject Property

VAC07-2722

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City Council Meeting Date

Submitted By

Human Resources

Division

Operations

Department

Staff requests approval of the following proposed employee benefits for 2008: health, health savings accounts, accidental death & dismemberment, and Summary Plan Description/COBRA Administration services. Of these, the proposed health carrier is the only provider that would change. Please refer to the attached memo.

Cost of this request

Category / Project Budget

Program Category / Project Name

Account Number

Funds Used to Date

Citywide

Program / Project Category Name

Project Number

Remaining Balance

Citywide

Fund Name

X

Budget Adjustment Attached

Department Director

Date _____

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

Date _____

Original Contract Number:

Received in City Clerk's Office

Finance and Internal Service Director

Date _____

Received in Mayor's Office

Mayor

Date _____

Comments:



City Council Meeting, October 16, 2007

CITY COUNCIL AGENDA MEMO

TO: Mayor Dan Coody and the City Council
THRU: Gary Dumas, Operations Director
FROM: Missy Leflar, Human Resource Division Manager
DATE: September 27, 2007
SUBJECT: Employee Benefits for 2008

Recommendation

Staff recommends approval of the proposed City paid employee benefits for 2008.

Specifically, Council approval is requested for health, health savings accounts, accidental death & dismemberment, and Summary Plan Description/COBRA Administration services. Of these, the proposed health carrier is the only provider that would change.

As more fully explained below, the specific differences between the benefits offerings in 2007 and those proposed for 2008 are:

- The City will return to Blue Cross, the previous carrier. Rates would increase (but would have regardless of carrier). No one should lose coverage, which should be the same. Please refer to the attached table.
- Delta Dental will be the same coverage but 15% less expensive, due to the efforts of the new brokers.
- GAP plan, a voluntary option, will be dropped.
- Short term disability insurance will be added as a new, voluntary option for employees wishing it.

Please note: The benefits that are paid by employees and completely voluntary on their part are discussed below for informational purposes, as these do not require Council approval. The life and long term disability (Reliance Standard) also do not require Council approval at this time, due to having been previously approved for 2008 by this Council.

Background

The entire 2008 employee benefits package would consist of:

- Blue Cross Blue Shield health insurance (both traditional and high deductible).
- Delta Dental dental insurance.
- Starmount/Always Care vision insurance.
- Colonial supplemental medical insurance for cancer, critical illness, and accidents.
- Reliance insurance for life and long term disability.
- Short Term Disability (brokers are still accepting bids from carriers).
- ACE Accidental Death and Dismemberment.
- Flexible Spending Accounts for dependent care reimbursement and health care reimbursement.
- Health Savings Accounts (for those electing the high deductible health insurance option).
- Retirement Plan.

Of the above, the City would financially contribute to: Health insurance, life insurance, long term disability insurance, accidental death & dismemberment, health savings accounts and retirement plan. In addition, the

City would continue to utilize the services of Datapath to provide its expertise at administering the legally required Section 125 Summary Plan Description and COBRA Administration services.

The 2008 benefits offering is the same as the employee benefits offered in 2007, except for the specific changes itemized below.

Discussion

Health insurance: The City's new Benefits Broker, Stephens, Inc., took competitive bids for health insurance. A Health Benefits Committee consisting of Alderman Ferrell and employee representatives from Building Services, HR, Fire, Payroll, and Parks & Recreation was formed. Employees were notified several weeks in advance of the decision making meeting to notify any committee member of their concerns regarding their health insurance. Stephens, Inc. presented the health insurance bid information to the Committee. After lengthy deliberations, which included the procurement of additionally requested information, a solid majority vote selected Blue Cross Blue Shield as the City's health insurance carrier for 2008. As in 2007, both a traditional and high deductible plan would be offered as options to employees.

The differences between the 2007 rates and 2008 rates are itemized in the attached table. The individual coverage rates on both the traditional and high deductible plans went down \$.90 and \$5.33 per month, respectively. Family coverage on both plans went up (and would have gone up regardless of which carrier was selected). Staff recommends that the City follow its past practice of evenly splitting the percentage of increase with employees with regard to the family coverage on the traditional health insurance, the total increase of which would be approximately \$47.44 per month. With regard to the increase in family coverage on the high deductible plan (\$35.71), staff recommends that the City pay the increase to keep the high deductible coverage affordable for those most in need of it, i.e., those who might otherwise not be able to afford health insurance. Staff recommends that the City's monthly contributions to employee Health Savings Accounts (HSAs) remain the same as in 2007: \$70.80 for individuals and \$156.66 for family coverage.

GAP insurance: In addition, the Health Benefits Committee determined that the GAP insurance should be dropped in 2008 due to it frequently causing confusion while rarely being actually purchased by employees (2%, 2/3 of which were not those whom the City had identified as most potentially needing the benefit).

Dental insurance: The Committee also decided to keep the purchase of dental insurance tied to the purchase of health insurance for the time being, due to a probable increase in costs if it is unbundled, but with the understanding that employee focus groups will be conducted by the brokers in 2008. These focus groups will not cost the City extra to conduct, but should provide useful information as to informational and other needs employees may have with regard to their insurance benefits. Included will be employee feedback on willingness for higher rates associated with unbundling the dental insurance from the health insurance.

Open Enrollment: Pending Council approval, the proposed enrollment schedule is for employees to be sent their benefits packets with the October 26th paychecks, followed by voluntary attendance educational meetings within two weeks, followed by on site Open Enrollment to begin the week of November 12th.

Budget Impact

This planned item has been budgeted for in the City's 2008 budget.

Staff is available to answer any questions you may have.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PLACEMENT OF GROUP MAJOR MEDICAL COVERAGE WITH BLUE CROSS/BLUE SHIELD OF ARKANSAS to run from January 1, 2008 through December 31, 2009, with the right of renewal for four annual renewals; RENEWING COBRA AND SECTION 125 CAFETERIA PLAN ADMINISTRATION WITH DATAPATH; HSA ACCOUNT ADMINISTRATION WITH DELTA TRUST & BANKING CORP.; EMPLOYEE-PAID DENTAL INSURANCE WITH DELTA DENTAL; AND ACCIDENTAL DEATH AND DISMEMBERMENT COVERAGE WITH ACE-USA FOR PLAN YEAR 2008.

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 placement of Group Major Medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008, through December 31, 2009, with the right of renewal for four annual renewals.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves renewing with Datapath for COBRA administration and the administration of the Section 125 Cafeteria Plan; HSA account administration with Delta Trust & Banking Corp.; Delta Dental for employee-paid Dental Insurance; and Accidental Death and Dismemberment coverage with ACE-USA for Plan Year 2008.

PASSED AND APPROVED this 16th day of October, 2007.

APPROVED:

ATTEST:

By: _____
DAN COODY, Mayor

By: _____
SONDRA SMITH, City Clerk/Treasurer

2007 Monthly

	Total	Employer Portion*	Employee Portion
Traditional			
Family	\$553.01	\$487.93	\$65.08
Individual	\$228.43	\$218.53	\$9.90
High Deductible			
Family	\$479.71	\$475.21	\$4.50
Individual	\$214.87	\$210.37	\$4.50

Proposed
2008 Monthly

	Total	Employer Portion*	Employee Portion
Traditional			
Family	\$600.45	\$529.79	\$70.66
Individual	\$227.53	\$217.63	\$9.90
High Deductible			
Family	\$515.42	\$510.92	\$4.50
Individual	\$209.54	\$205.04	\$4.50

* Employer Portion is A) (for the traditional plan) the insurance company's charges or B) (for the high deductible plan) the insurance company's charges plus what the employer deposits into the employee's Health Savings Account (HSA).

Note: The Delta Dental insurance is presently bundled to the health insurance, meaning that in addition to the above, the employee (regardless of health plan selected) would also pay \$62.00 for family coverage and \$18.34 for individual coverage each month in 2008. This is 15% less than in 2007, due to the efforts of the new brokers.

Comparison of
annual costs to City*

	2007 (per employee)	2007 (all employees)	2008 (per employee)	2008 (all employees)
Traditional				
Family	\$5,855.16	\$2,002,464.72	\$6,357.48	\$2,174,258.16
Individual	\$2,622.36	\$435,311.76	\$2,611.56	\$433,518.96
High Deductible				
Family	\$5,702.52	\$490,416.72	\$6,131.04	\$527,269.44
Individual	\$2,624.44	\$170,588.60	\$2,460.48	\$159,931.20
Total	N/A	\$3,098,781.80	N/A	\$3,294,977.76

*Based on September, 2007 City employee health insurance enrollments and the above tables.

2007 RENEWAL OPTIONS FOR CITY OF FAYETTEVILLE

Company:	CIGNA			BlueCross BlueShield	
	Traditional Plan	Renewal	HDHP Plan	PPO Plan	HSA 613 Plan
				Renewal Option	
Deductible:	\$500 In Network \$500 Out of Network ²	\$3,000 In Network \$6,000 Out of Network ²		\$500 In Network \$500 Out of Network ²	\$3,000 In Network \$6,000 Out of Network ²
Deductible/Family:					
Coinsurance:	80/20 In Network 60/40 Out of Network	100/0 In Network 80/20 Out of Network		80/20 In Network 60/40 Out of Network	100/0 In Network 80/20 Out of Network
Out of Pocket: (Includes Deductibles)	\$1,500 In Network \$30,500 Out of Network	\$3,000 In Network Unlimited Out of Network		\$1,500 In Network \$8,500 Out of Network	\$3,000 In Network Unlimited Out of Network
Inpatient Copay:	Deductible/Coinsurance	Deductible Applies		Deductible/Coinsurance	Deductible/Coinsurance
Outpatient Copay:	Deductible/Coinsurance	Deductible Applies		Deductible/Coinsurance	Deductible/Coinsurance
Emergency Services:	Coinsurance Only	Deductible Applies		Deductible/Coinsurance	Deductible/Coinsurance
Primary Care Office Visit:	Deductible/Coinsurance	Deductible Applies		Deductible/Coinsurance	Deductible/Coinsurance
Referral Required:	No	No		No	No
Specialist Office Visit:	Deductible/Coinsurance	Deductible Applies		Deductible/Coinsurance	Deductible/Coinsurance
Preventive Care:	Covered	Covered		Covered	Covered
Drug Card Copay:	\$10 Generic \$30 Brand \$50 Non-Preferred	Ded. Applies to Generic Ded. Applies to Brand Ded. Applies to Non Preferred		\$10 Generic \$30 Brand \$50 Non-Preferred	Ded. Coins Generic Ded. Coins Brand Ded. Coins Non-Preferred
Lifetime Maximum:	\$2,000,000	\$2,000,000		\$5,000,000	\$5,000,000
Rate Guarantee:	12 Months	12 Months		12 Months	12 Months
Rates:					
Employee Only:	\$311.24	\$192.85		\$227.53	\$134.24
Family:	\$760.06	\$450.32		\$600.45	\$354.26
Total Per Month:	\$317,238.02	\$56,021.42		\$247,554.56	\$42,708.38
Combined Premium Total		\$373,259.44		\$290,262.94	
Percentage Under Renewal					-22.24%

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
October 16, 2007**

A meeting of the Fayetteville City Council will be held on October 16, 2007 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

Housing Authority Board Appointment
~~Commercial Recycling Information by the Solid Waste Division – Agenda Session Only~~

~~Report from the Ambulance Committee – Lioneld Jordan~~ *Remove from Final Agenda per Lioneld Jordan*
was given @ Agenda Session
~~Financial Update for the Fayetteville Public Schools, by Dr. Lisa Morstad – Agenda Session Only~~

A. CONSENT:

1. **Approval of the September 4 and September 18, 2007 City Council meeting minutes.**
2. **Bid #07-58 Joe Perme Construction:** A resolution awarding Bid #07-58 and approving a contract with Joe Perme Construction d/b/a Perme Excavating in the amount of \$105,692.17 for renovations at the City Animal Shelter; and approving a project contingency in the amount of \$10,569.83.
3. **Bid #07-65 Graybar Electric:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) Dynamic Light Fixtures from Graybar Electric in the amount of \$59,014.95 for Phase III of the Scull Creek Trail.

4. **Bid #07-65 Composite Materials Technologies:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) light poles from Composite Materials Technologies, South Carolina, LLC in the amount of \$51,775.00 for Phase III of the Scull Creek Trail.
5. **NWA Democrat Gazette:** A resolution approving one-year agreements with the Arkansas Democrat-Gazette – Northwest Edition for display and legal advertising.
6. **Telecommunications System Upgrades:** A resolution approving the purchase of a CS1000e Telecommunications System from AT&T through the state purchasing contract in the amount of \$51,172.94 to upgrade the city's communications infrastructure; and approving a 9% contingency in the amount of \$4,605.56.
7. **Fayetteville Municipal Airport Revised Mission Statement:** A resolution approving a revised Mission Statement for the Fayetteville Municipal Airport, Drake Field.
8. **Sam's Club Grant for Veterinary Supplies:** A resolution authorizing the Fayetteville Animal Services Division to accept a grant from Sam's Club in the amount of \$3,000.00 for the purchase of veterinary supplies; and approving a budget adjustment to recognize the grant revenue.
9. **Romine Lawsuit Insurance Deductible:** A resolution to approve a budget adjustment in the amount of \$50,000.00.

B. UNFINISHED BUSINESS:

1. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 2, 2007 City council meeting.*

C. NEW BUSINESS:

1. **Riparian Zones Protection:** A resolution to protect and restore riparian zones.
2. **ADM 07-2748, R-PZD 06-2190 (Woodbury):** An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-2190, Woodbury, located on the south side of Zion Road and east of Taliesin Lane, containing approximately 11.66 acres, to reflect revised building setbacks in Planning Area 2 as described and depicted herein.

3. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres.
4. **2008 Employee Benefits:** A resolution approving the placement of group major medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008 through December 31, 2009, with the right of renewal for four annual renewals; renewing COBRA and Section 125 Cafeteria Plan administration with Datapath; HSA account administration with Delta Trust & Banking Corp.; employee-paid dental insurance with Delta Dental; and accidental death and dismemberment coverage with ACE-USA for plan year 2008.

D. INFORMATIONAL:

City Council Tour: October 15, 2007

1. The first part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

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10. The tenth part of the paper discusses the importance of the study of the history of the United States. It is argued that a knowledge of the past is essential for a full understanding of the present and for the development of a sound policy for the future.

Pre Agenda Session Meeting
10/3/07

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
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**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
October 16, 2007**

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**Call to Order
Roll Call
Pledge of Allegiance**

Commercial Recycling Information by the Solid Waste Division – Agenda Session Only

(X) Report from the Ambulance Committee – Lioneld Jordan

Financial Update for the Fayetteville Public Schools, by Dr. Lisa Morstad – Agenda Session Only

A. CONSENT:

- 1. Approval of the September 4, September 18, 2007 and October 2, 2007 City Council meeting minutes.**
- 2. Bid #07-58 Joe Perme Construction:** A resolution awarding Bid #07-58 and approving a contract with Joe Perme Construction d/b/a Perme Excavating in the amount of \$105,692.17 for renovations at the City Animal Shelter; and approving a project contingency in the amount of \$10,569.83.
- 3. Bid #07-65 Graybar Electric:** A resolution awarding Bid #07-65 and approving the purchase of ninety-five (95) Dynamic Light Fixtures from Graybar Electric in the amount of \$59,014.95 for Phase III of the Scull Creek Trail.

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- ✓ 8. **Sam's Club Grant for Veterinary Supplies:** A resolution authorizing the Fayetteville Animal Services Division to accept a grant from Sam's Club in the amount of \$3,000.00 for the purchase of veterinary supplies; and approving a budget adjustment to recognize the grant revenue.
- NB#1
9. **Riparian Zones Protection:** A resolution to protect and restore riparian zones.
10. **Romine Lawsuit Insurance Deductible:** A resolution to approve a budget adjustment in the amount of \$50,000.00.

B. UNFINISHED BUSINESS:

- ✓ 1. **2007 Millage Levy:** An ordinance levying a tax on the real and personal property within the City of Fayetteville, Arkansas for the year 2007 fixing the rate thereof at 2.2 mills for General Fund Operations, 0.4 mills for the Firemen's Pension and Relief Fund, 0.4 mills for the Policemen's Pension and Relief Fund and 1.0 mill for the Fayetteville Public Library; and certifying the same to the County Clerk of Washington County, Arkansas. *This ordinance was left on the First Reading at the October 2, 2007 City council meeting.*

C. NEW BUSINESS:

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- ✓ 2. **VAC 07-2722 (Menninger):** An ordinance approving VAC 07-2722 submitted by Alan Reid for property located at 301 South West Avenue to vacate three rights-of-way: the alley along the west side of the property, a portion of West Avenue along the east side of

the property and the full width of the un-constructed extension of South Street on the north side of the subject property, a total of 0.30 acres.

- ✓ 4. **2008 Employee Benefits:** A resolution approving the placement of group major medical coverage with Blue Cross/Blue Shield of Arkansas to run from January 1, 2008 through December 31, 2009, with the right of renewal for four annual renewals; renewing COBRA and Section 125 Cafeteria Plan administration with Datapath; HSA account administration with Delta Trust & Banking Corp.; employee-paid dental insurance with Delta Dental; and accidental death and dismemberment coverage with ACE-USA for plan year 2008.

D. INFORMATIONAL:

City Council Tour: October 15, 2007

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 read 'Kit Williams', with a long horizontal flourish extending to the right.

DATE: **October 17, 2007**

RE: **Ordinances and Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of October 16, 2007**

1. **Bid #07-58 – Joe Perme Construction:** Resolution awarding Bid #07-58 and approving contract with Joe Perme Construction d/b/a/ Perme Excavating in amount of \$105,692.17 for renovations at City Animal Shelter and approving contingency in amount of \$10,569.83;
2. **Bid #07-65 – Graybar Electric:** Resolution awarding Bid #07-65 and approving purchase of 95 Dynamic Light Fixtures from Graybar Electric in amount of \$59,014.95 for Phase III of Scull Creek Trail;
3. **Bid #07-65 – Composite Materials Technologies:** Resolution awarding Bid #07-65 and approving purchase of 95 light poles from Composite Materials Technologies, South Carolina, LLC in amount of \$51,775.00 for Phase III of Scull Creek Trail;
4. **NWA Democrat/Gazette:** Resolution approving one-year agreement with AR Democrat/Gazette – Northwest Edition for display and legal advertising;
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6. Revised Mission Statement for Fayetteville Municipal Airport: Resolution approving revised Mission Statement for Fayetteville Municipal Airport, Drake Field;

7. Sam's Club Grant for Veterinary Supplies: Resolution authorizing Fayetteville Animal Services Division to accept grant from Sam's Club in amount of \$3,000.00 for purchase of veterinary supplies and approving budget adjustment recognizing grant revenue;

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9. Riparian Zones Protection: Resolution to protect and restore riparian zones;

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From: Brian Pugh
To: Wood, Amber
Date: 9/18/2007 8:23 AM
Subject: Agenda Session request

CC: Dumas, Gary; Hill, Carol
Amber,

This is a request to be placed on the Agenda Session only on Sept. 25th for the October 2nd Council Agenda to present to the Council, information about Commercial Recycling. Thanks.

Brian

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

Mayor Coody requested
that this not be added
to Oct. 2 because there
were already 3 presentations.

From: Brian Pugh
To: Smith, Sondra
Date: 9/19/2007 9:45 AM
Subject: Re: Commercial Recycling Information

That would be wonderful and definitely works for me. Thanks Sondra.

Brian

Brian Pugh
Waste Reduction Coordinator
Fayetteville Solid Waste and Recycling
479-718-7685
479-444-3478 Fax

>>> Sondra Smith 9/18/2007 10:27 PM >>>
Hi Brian!

We received your email about the Commercial Recycling Information that you would like to present at Agenda Session on September 25, 2007. Unfortunately we already have three presentations on the agenda for the September 25 Agenda Session, therefore the Mayor asked us to add your item to another agenda. Would you like for us to add it to the October 16th agenda to be discussed at Agenda Session on October 9?

Thanks!

Sondra E. Smith, CAMC CMC
City Clerk/Treasurer
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701
(479) 575-8323
ssmith@ci.fayetteville.ar.us

RECEIVED

OCT 17 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6415

AFFIDAVIT OF PUBLICATION

I, Kate MacNaughton, do solemnly swear that I am the 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

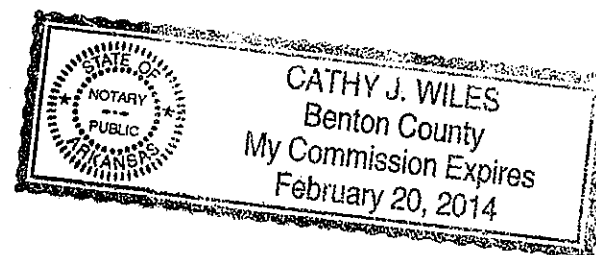
Was inserted in the Regular Editions on:
October 15, 2007

Publication Charge: \$142.43

Subscribed and sworn to before me
This 17 day of Oct, 2007.

Notary Public

Cathy Wiles



My Commission Expires: 2/20/2014

****NOTE** Please do not pay from Affidavit.
Invoice will be sent.**

RECEIVED

OCT 17 2007

CITY OF FAYETTEVILLE
CITY CLERK'S OFFICE

Monday, October 15, 2007

**FINAL AGENDA
CITY OF FAYETTEVILLE ARKANSAS
CITY COUNCIL MEETING
OCTOBER 16, 2007**



A meeting of the Fayetteville City Council will be held on October 16, 2007 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

Housing Authority Board Appointment

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City Council Tour: October 15, 2007