

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**Final Agenda
City of Fayetteville Arkansas
City Council Meeting
January 05, 2010**

A meeting of the Fayetteville City Council will be held on January 05, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Report on the Firemen's and Policemen's Pension and Relief Fund – Mayor Lioneld Jordan.
2. Election of Vice Mayor. **BRENDA THIEL WAS ELECTED.**
3. Housing Authority Board Appointment. **APPROVED**

A. Consent:

1. Approval of the December 15, 2009 City Council meeting minutes. **APPROVED**
2. **Amend Police Department Policy:** A resolution to approve an amendment to Fayetteville Police Department Policy No. 26.1.1. Disciplinary Matters and Procedures.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 01-10

3. **Community Development Block Grant (CDBG):** A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2010 when received in the estimated amount of \$649,000.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 02-10

4. **McClelland Consulting Engineers, Inc. Amendment #1:** A resolution approving Amendment #1 to Task Order #15 with McClelland Consulting Engineers, Inc. for additional right of way plans for the Runway 16 Safety Area Improvement Project in the amount of \$3,650.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 03-10

5. **Arkansas Western Gas:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of \$83,000.00 for relocation of gas lines and appurtenances as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport, and approving a \$5,000.00 contingency.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 04-10

6. **Watson Condemnation Settlement Proposal:** A resolution approving a settlement agreement with Aaron H. Watson and Patricia Ann Watson concerning condemnation litigation filed as part of the Mount Comfort Road Widening Project in a total amount of \$52,000.00.

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA.

7. **RJR Enterprises, Inc.:** A resolution awarding RFP #09-23 and approving a contract with RJR Enterprises, Inc. in the amount of \$73,000.00 to construct a playground at Doc Mashburn Park; and approving a project contingency in the amount of \$7,300.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 05-10

8. **Arkansas Department of Parks and Tourism Grant:** A resolution authorizing the Mayor to apply to the Arkansas Department of Parks and Tourism for a general improvement fund grant in the amount of \$160,000.00 for improvements to Bryce Davis Park.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 06-10

9. **Arkansas Recreation Trails Grant:** A resolution approving an agreement of understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$116,534.00 in federal-aid funds for the construction of Oak Ridge Trail; and approving a budget adjustment in the amount of \$145,668.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 07-10

- 10. A & P Commission:** A resolution to approve an agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 08-10

Agenda Additions:

B. Unfinished Business:

- 1. R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting.*

THIS ORDINANCE WAS LEFT ON THE SECOND READING.

C. New Business:

- 1. Bid Waiver for Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2010 for the purchase of asphalt materials for use by the Transportation Division.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5301

- 2. Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of \$248,000.00 for a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5302

- 3. Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

4. **Amend 2010 Adopted Budget:** A resolution amending the 2010 city budget by re-appropriating up to \$76,037,660.00 in bonded or ongoing capital projects, outstanding obligations and grant-funded items previously appropriated in the 2009 city budget but not completed or delivered in 2009.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 09-10

5. **Parks HMR Tax Revenues Special Election:** An ordinance to amend Ordinance No. 3900 to dedicate and authorize the use of the Parks HMR Tax Revenues for the development, construction and maintenance of city parks, and to refer such ordinance to the electors of Fayetteville at a Special Election to be held on March 9, 2010.

THIS ORDINANCE WAS LEFT ON THE FIRST READING.

Announcements:

1. **City Council Tour:** None

Adjournment: 9:00 p.m.

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

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As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

Subject:	Roll				
	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan	✓			

Subject:	Election of Vice Mayor				
Motion To:		Thiel	Lucas		
Motion By:		Adella Gray	Sarah Lewis		
Seconded:		N/A	N/A		
Brenda Thiel elected as Vice Mayor	Lewis		✓		
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell		✓		
	Lucas		✓		
	Mayor Jordan				

5-0

3-0

Subject:	Housing Authority Board				
Motion To:		Lib Herm			
Motion By:		Cook			
Seconded:		Thiel			
Lib Herm Approved	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Consent				
Motion To:		Approve		#6 removed Watson Condemnation Settlement	
Motion By:		Ferrell			
Seconded:					
Minutes Approved	Lewis	✓			
	Gray	✓			
	Thiel	✓			
passed with # 6 Watson Condemnation removed.	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
01-10	Mayor Jordan				

08-10

8-0

Subject:	Remove #6 from the Consent Agenda				
Motion To:		Remove from Consent Agenda		Watson Condemnation Settlement Proposal	
Motion By:		Cook			
Seconded:		Thiel			
City Attorney will bring back if needed.	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

8-0

Subject:	R-PZD 09-3439 (Oakbrooke Phase III)					minimum building Area 60% Amendment
Motion To:		2nd Read	Amendment Condition of Approval #2			Condition of Approval #1
Motion By:			Lucas			Lucas
Seconded:			COOK			Lewis
B. 1 Unfinished Business	Lewis	✓	✓			✓
	Gray	✓	✓			✓
	Thiel	✓	✓			✓
	Cook	✓	✓			✓
	Petty	✓	✓			N
	Rhoads	✓	✓			N
	Ferrell	✓	✓			N
	Lucas	✓	✓			✓
	Mayor Jordan					

8-0

8-0

5-3

Subject:	R-PZD 09-3439 (Oakbrooke Phase III)				
Motion To:		Amend. # 6 Lots #1-10 SF			
Motion By:		Lewis			
Seconded:		Lucas			
Left on the Second Reading	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	N			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

7-1

Subject:		Bid Waiver for Asphalt Materials			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Thiel</i>	<i>Thiel</i>		
Seconded:		<i>Ferrell</i>	<i>Ferrell</i>		
C. 1 New Business <i>Passed</i> 5301	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:		Watershed Conservation Resource Center			
Motion To:		<i>2nd Read</i>	<i>3rd Read</i>	<i>Pass</i>	
Motion By:		<i>Lucas</i>	<i>Ferrell</i>		
Seconded:		<i>Lewis</i>	<i>Lucas</i>		
C. 2 New Business <i>Passed</i> 5302	Lewis	✓	✓	✓	
	Gray	✓	✓	✓	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Mayor Jordan				

8-0

8-0

8-0

Subject:	Amend Chapters 151 & 172				
Motion To:		<i>See Pg</i>			
Motion By:					
Seconded:					
C. 3 New Business <i>Left on</i> <i>the First</i> <i>Reading</i>	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

Subject:	Amend 2010 Adopted Budget				
Motion To:		<i>Approve</i>			
Motion By:		<i>Thiel</i>			
Seconded:		<i>Lucas</i>			
C. 4 New Business <i>Passed</i>	Lewis	<i>✓</i>			
	Gray	<i>✓</i>			
	Thiel	<i>✓</i>			
	Cook	<i>✓</i>			
	Petty	<i>✓</i>			
	Rhoads	<i>✓</i>			
	Ferrell	<i>✓</i>			
	Lucas	<i>✓</i>			
<i>09-10</i>	Mayor Jordan				

Subject:	Parks HMR Tax Revenues Special Election				
Motion To:		<i>Amend Election date to 5/18/10</i>			
Motion By:					
Seconded:					
C. 5 New Business <i>Left on the First Reading</i>	Lewis	✓			
	Gray	✓			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Mayor Jordan				

8-0

Subject:					
Motion To:					
Motion By:					
Seconded:					
	Lewis				
	Gray				
	Thiel				
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Mayor Jordan				

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, 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: **January 6, 2010**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of January 6, 2010**

1. **Police Department Policy Amendment:** A resolution to approve an amendment to Fayetteville Police Department Policy No. 26.1.1. Disciplinary matters and procedures.
2. **Community Development Block Grant:** A resolution authorizing the Mayor to execute the Community Development Block Grant Agreement for 2010 when received in the estimated amount of \$649,000.00.
3. **McClelland Consulting Engineers, Inc. Amendment #1:** A resolution approving Amendment #1 to Task Order #15 with McClelland Consulting Engineers, Inc. for additional right-of-way plans for the Runway 16 Safety Area Improvement Project in the amount of \$3,650.00.
4. **Arkansas Western Gas:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of \$83,000.00 for relocation of gas lines and appurtenances as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport, and approving a \$5,000.00 contingency.
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8. A & P Commission: A resolution to approve an agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission.

9. Bid Waiver for Asphalt Materials: An ordinance waiving the requirements of formal competitive bidding during calendar year 2010 for the purchase of asphalt materials for use by the Transportation Division.

10. Watershed Conservation Resource Center: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of \$248,000.00 for a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport.

11. Amendment to Adopted 2010 Budget: A resolution amending the 2010 City Budget by reappropriating up to \$76,037,660.00 in bonded or ongoing capital projects, outstanding obligations and grant-funded items previously appropriated in the 2009 City Budget but not completed or delivered in 2009.

Aldermen

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Final Agenda City of Fayetteville Arkansas City Council Meeting January 05, 2010

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Presentations, Reports and Discussion Items:

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2. Election of Vice Mayor.
3. Housing Authority Board Appointment.

A. Consent:

1. Approval of the December 15, 2009 City Council meeting minutes.
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Agenda Additions:

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Left on the First Reading.

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Announcements:

1. **City Council Tour:** None

Adjournment:

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FAYETTEVILLE HOUSING AUTHORITY

#1 North School Ave.

Fayetteville, AR 72701-5928

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

E-MAIL: fayettevilleha@moregti.net

December 29th, 2009

Mayor Lioneld Jordan &
Fayetteville City Council Members
City of Fayetteville
113 W. Mountain St.
Fayetteville, AR 72701

Dear Mayor Lioneld Jordan & Fayetteville City Council Members:

This letter is to confirm that the Fayetteville Housing Authority's Board has elected a new commissioner at its December 17th, 2009, Regular Board Meeting.

The new Commissioner for the Fayetteville Housing Authority Board is Olivia "Lib" Horn. She was appointed to serve a five year term from December 28, 2009 to December 28, 2014.

The Fayetteville Housing Authority Board requests that this newly elected commissioner (Olivia "Lib" Horn) 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 Statue #14-169-208.

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

Sincerely yours,

Fredia Sawin
Executive Director

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PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439
Page 1 of 4

***Highlighted conditions have been revised since the first reading by the City Council on December 15, 2009.**

Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *The Planning Commission voted to allow a maximum buildable area of 65% for Planning Areas 1 and 3, and 70% for Planning Areas 2 and 4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. Projecting signs shall be permitted in accordance with Chapter 174.11. *The Planning Commission voted to allow signage as proposed by the applicant.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. and are subject to the standards of Chapter 164.19.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. **Maximum height shall be 32'.**
 - c. As shown on the conceptual site plan, all units shall have a primary entry **consisting of a porch, patio or other clearly delineated entry feature** oriented to the common open space, or walkway connecting to the common open space. **Entry features shall have minimum dimensions of 6'x 6'.**
 - d. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - e. The development shall include a variety of building styles, features, colors and site design elements. **The same front façade shall not be permitted more than three times and may not be used adjacent to one another.**
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. **PA-3. A minimum of forty-two (42) detached single-family dwellings and a maximum of thirty-four (34) two-family and three-family townhouses may be permitted in Planning Area 3. Twenty one (21) of the attached units shall be permitted on Lots 53-60, 82-89 and 99-103. The remaining thirteen (13) attached units may be located throughout PA-3, but an attached dwelling shall be separated from another attached dwelling by a minimum of two single-family detached dwellings.**

PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439

Page 2 of 4

7. PA-4. Only detached single-family dwelling units shall be permitted on Lot 11-21 and 33-37. Attached housing, in a townhouse form, shall be restricted to Lots 22-26 and 29-32.
8. PA-5. The minimum buildable street frontage along Ruppel Rd. shall be increased to 40%.
9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards unless otherwise varied by the Planning Commission.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.

PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439

Page 3 of 4

19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
23. The following revisions shall be made to the final booklets and plats:
 - a. Plats. Page 3. Complete land use table.
 - b. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - c. The note in PA-3 stating "no more than 5 units attached" shall be removed. This planning area is limited to single-family dwellings and two and three-family townhouses.
 - d. Update PA-3 to reflect City Council determination.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

PLANNING COMMISSION RECOMMENDED CONDITIONS
REVISED BY STAFF
JANUARY 5, 2010 CITY COUNCIL
R-PZD 09-3439

Page 4 of 4

Standard Conditions of Approval:

29. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
31. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to signing the final plat.
32. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.
36. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.



ALDERMAN AGENDA REQUEST FORM

C. 3
Amend Chapters 151 & 172
Page 1 of 2

FOR: COUNCIL MEETING OF January 05, 2010

FROM: Shirley Lucas, Sarah Lewis

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

ADM 09-3493: (UDC AMENDMENT CH. 172.11 PARKING):

An ordinance to amend Unified Development Code Ch. 172.11, Driveway and Parking Standards for Four or Less Parking Spaces, in an effort to reduce excess and haphazard parking in yards, ensure compatible land uses and reduce over-occupancy of homes in single family districts.

APPROVED FOR AGENDA:

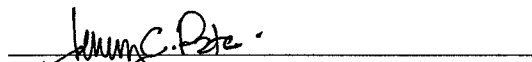

Council Member **Shirley Lucas**

12-29-09
Date


Council Member **Sarah Lewis**

12/29/09
Date

Prepared by:


Jeremy Pate
Director of Development Services

12-17-2009
Date



City of Fayetteville Staff Review Form

C. 4
Amend 2010 Adopted Budget
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

1/5/2010

City Council Meeting Date
Agenda Items Only

Kevin Springer
Submitted By

Budget & Research
Division

Finance & Internal Services
Department

Action Required:

A resolution to amend the 2010 Adopted Budget by reappropriating \$76,037,660 in bonded or on-going capital projects and outstanding obligations and grant funded items.

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 ☒

Paul A. Behn
Department Director

12-18-2009
Date

Previous Ordinance or Resolution #

City Attorney

12-28-09
Date

Original Contract Date:

Original Contract Number:

Paul A. Behn
Finance and Internal Services Director

12-28-2009
Date

Received in City
Clerk's Office

Chief of Staff

12-28-09
Date

Received in
Mayor's Office

Mayor

12-29-09
Date

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff
Paul A. Becker, Director of Finance

FROM: Kevin Springer, Budget Director 

DATE: December 18, 2009

SUBJECT: 2009 Budget Re appropriation Request

PROPOSAL:

A resolution to amend the 2010 Adopted Budget by reappropriating \$76,037,660 in bonded or on-going capital projects and outstanding obligations and grant funded items.

BACKGROUND / RECOMMENDATION:

Budget appropriations for 2009 expired December 31, 2009. Equipment and supplies or services must have been received by December 31 in order to be charged to the 2009 Budget. Some departments have items or services that were budgeted in 2009 but were not delivered or complete by year-end. In these cases, unspent amounts for those projects and items need to be re appropriated, since they were not included in the 2010 Budget. In the case of capital improvement projects, unspent funds are added to any amounts appropriated in the 2010 Budget.

Because of the need for project continuation, staff recommends approval of the attached reappropriation budget request at the January 5, 2010 City Council meeting. In addition, staff is recommending approval of any changes to this request that may arise due to finalizing the 2009 year end which would result in a decrease in the total authorized budget. City Council is requested to amend the 2010 Adopted Budget by re-authorizing up to \$76,037,660 for purchase commitments and capital improvements as follows:

	<u>Obligated</u>	<u>Unobligated</u>	<u>Total</u>
Bonded Capital Projects	\$ 9,422,369	\$ 30,187,731	\$ 39,610,100
Outstanding Operational Obligations	207,990	-	207,990
Grant/Donations/Reimbursements	400,241	2,846,678	3,246,919
Capital Projects	6,892,879	26,079,772	32,972,651
Total Reappropriations	<u>\$ 16,923,479</u>	<u>\$ 59,114,181</u>	<u>\$ 76,037,660</u>

A finalized listing of the capital project reappropriations will be submitted to City Council as an informational item during the First Quarter of 2010.

Please find attached a schedule of capital projects by Improvement Type which were included in the 2009 Budget but did not incur a financial obligation during the 2009 fiscal year. The 2009 estimated unreserved fund balance/retained earnings for the respective funds reflected the cost of the requested reappropriation. These re-budgeted items, therefore, do not impact the estimated fund balance amounts which were forecasted in the 2010 budget.

The re-authorization of prior year's appropriated projects and items are normal budget operating procedures and are generally for one-time expenses. Approval of this request will allow the 2010 Budget to be increased to reflect the attached information. Several of the requested re-authorizations include revenue offset in the form of grant revenues.

Total requested re-budgets for all funds are reflected in the following worksheet. These amounts will require City Council action. For your information, a summary by Funding Source and Improvement Type is included following this memo. The reappropriation amounts are broken out into two separate categories:

- Obligated: These items have Contracts/Purchase Orders already issued on them during 2009 and the City will not receive the item and/or service until 2010.
- Unobligated: These items did not have any Contracts/Purchase Orders issued on them as of 2009.

BUDGET IMPACT:

The estimated fund balance for the 2010 budget was based on the assumption that these 2009 funds would be reappropriated. The funds do not increase the use of operating reserves and this request simply retains project funding for identified and scheduled capital improvements for the current fiscal year.

If you have any questions concerning the attachment or the procedure, please feel free to contact either Paul A. Becker (575-8330) or Kevin Springer (575-8226). Thank you for your attention to this request.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2010 CITY BUDGET BY RE-APPROPRIATING UP TO \$76,037,660.00 IN BONDED OR ONGOING CAPITAL PROJECTS, OUTSTANDING OBLIGATIONS AND GRANT-FUNDED ITEMS PREVIOUSLY APPROPRIATED IN THE 2009 CITY BUDGET BUT NOT COMPLETED OR DELIVERED IN 2009

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

Section 1. The City Council of the City of Fayetteville, Arkansas hereby amends the 2010 city budget by re-appropriating up to \$76,037,660.00 in bonded or ongoing capital projects, outstanding obligations and grant-funded items previously appropriated in the 2009 city budget but not completed or delivered by the end of 2009. A copy of these items is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Added at Agenda Session 12/29/09
AGENDA REQUEST

C. 5
Parks HMR Tax Revenues
Special Election
Page 1 of 4

FOR: COUNCIL MEETING OF JANUARY 5, 2010

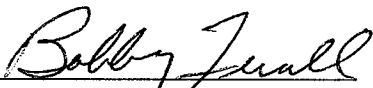
FROM:

ALDERMAN BOBBY FERRELL, ALDERMAN SHIRLEY LUCAS, ALDERMAN ADELLA GRAY, ALDERMAN SARAH LEWIS, ALDERMAN BRENDA THIEL, ALDERMAN KYLE COOK, ALDERMAN ROBERT RHOADS and ALDERMAN MATTHEW PETTY

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

An Ordinance To Amend Ordinance No. 3900 To Dedicate And Authorize The Use Of The Parks HMR Tax Revenues For The Development, Construction And Maintenance Of City Parks, And To Refer Such Ordinance To The Electors Of Fayetteville At A Special Election To Be Held On March 9, 2010

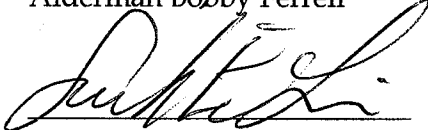
APPROVED FOR AGENDA:


Alderman Bobby Ferrell

12-29-09
Date

Alderman Robert Rhoads

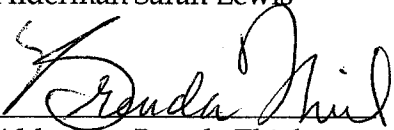
Date


Alderman Sarah Lewis

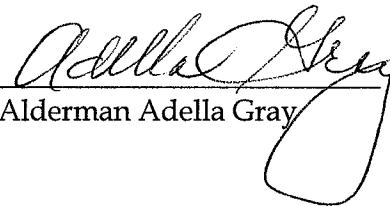
12/29/09
Date


Alderman Shirley Lucas

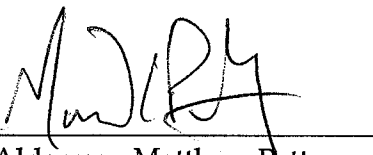
12-29-09
Date


Alderman Brenda Thiel

12/29/09
Date


Alderman Adella Gray

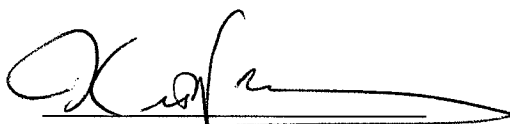
12-29-09
Date


Alderman Matthew Petty

12-29-2009
Date

Alderman Kyle Cook

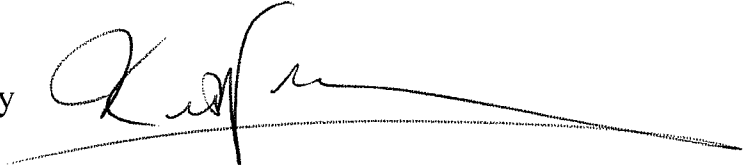
Date


Kit Williams, City Attorney
(approved as to form)

12-17-09
Date

TO: **Alderman Bobby Ferrell**
Alderman Shirley Lucas

FROM: **Kit Williams**, City Attorney



DATE: **December 9, 2009**

RE: **Special Election for Ordinance to Amend Parks HMR Tax Uses to include maintenance**

Reviewing A.C.A. §7-5-103 (b)(7), I find that if the special election is not during a month in this a primary or general election is held, "the special election shall be held not less than fifty (50) days following the date that the proclamation, ordinance, resolution or order is published."

Therefore, we do not **legally** have to conduct a special City Council meeting in December to meet the March 9th election date. I will leave it up to you to determine the best policy decision for the ordinance. The ordinance would have to be passed **prior** to your January 19, 2010 City Council meeting to meet the statutory requirement for a special election on March 9, 2010.

Attached is my proposed ordinance with a tentative date of January 5, 2010. I believe this proposed ordinance (which amends the existing Ordinance No. 3900) would authorize use of the Parks HMR tax revenues for maintenance (as well as development and construction) of city parks. If it is rejected by the voters, then Ordinance No. 3900 will not be amended and will continue to restrict use of the Parks HMR revenues for promotion and development of city parks.

ORDINANCE NO. _____

AN ORDINANCE TO AMEND ORDINANCE NO. 3900 TO DEDICATE AND AUTHORIZE THE USE OF THE PARKS HMR TAX REVENUES FOR THE DEVELOPMENT, CONSTRUCTION AND MAINTENANCE OF CITY PARKS, AND TO REFER SUCH ORDINANCE TO THE ELECTORS OF FAYETTEVILLE AT A SPECIAL ELECTION TO BE HELD ON MARCH 9, 2010

WHEREAS, this proposed ordinance will not raise the current Parks Hotel, Motel and Restaurant tax nor have any effect other than to establish a special city fund in which Parks HMR revenue could be used for the development, construction and maintenance of city parks; and

WHEREAS, the voters of Fayetteville approved Ordinance No. 3900 in 1995 which authorized the use of the Parks Hotel, Motel and Restaurant tax for promotion and development of City parks; and

WHEREAS, Arkansas statutes would also allow the use of revenues from this existing Park HMR for maintenance of city parks if approved by Fayetteville voters; and

WHEREAS, the citizens of Fayetteville will be better served by allowing the use of revenues from the existing Parks HMR not only for development of our many parks, but also for their maintenance.

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 amends Section 2 (a) of Ordinance No. 3900 by repealing it and enacting the following in its stead:

“(a) The revenues collected from the Parks Hotel, Motel and Restaurant Tax shall be used by the Fayetteville Parks and Recreation Department for development, construction and maintenance of City parks.”

Section 2: That the City Council of the City of Fayetteville, Arkansas hereby amends Section 5 (c) of Ordinance No. 3900 by repealing it in its entirety and enacting the following in its stead:

“(c) The following question shall be placed upon the ballot for the special election to be held on March 9, 2010:

“**FOR** proposed Ordinance No. _____ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.

“**AGAINST** proposed Ordinance No. _____ amending Ordinance No. 3900 by authorizing and dedicating the revenue from the existing Parks Hotel, Motel and Restaurant tax to be used for the development, construction and maintenance of city parks.”

Section 3: That the City Council of the City of Fayetteville, Arkansas hereby determines that the Ballot Title shall be: “An Ordinance To Authorize Use Of The Revenue From The Existing Parks Hotel, Motel And Restaurant Tax For Development, Construction and Maintenance of City Parks.”

Section 4: That the City Council of the City of Fayetteville, Arkansas hereby refers this proposed ordinance allowing the usage of revenue from the existing Parks HMR tax for maintenance of city parks to the qualified electors of the City of Fayetteville, Arkansas, for a special election to be held on March 9, 2010. This ordinance shall only take effect if approved and ratified by the Fayetteville voters in the special election of March 9, 2010. If not approved and ratified by the Fayetteville voters, this ordinance shall be null and void and have no effect upon the existing Ordinance No. 3900, nor the existing Parks Hotel, Motel and Restaurant tax.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
Ward 2 Position 1 – Kyle B. Cook
Ward 2 Position 2 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

**City of Fayetteville Arkansas
City Council Meeting Minutes
December 15, 2009**

A meeting of the Fayetteville City Council was held on December 15, 2009 at 6:00 p.m. in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Mayor Jordan called the meeting to order.

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

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Mayor Jordan announced that the City received the Impact Award for the City Employees work on the ice storm from the Chamber of Commerce. He asked that the staff be given a round of applause for their hard work.

Presentations, Reports and Discussion Items:

Nominating Committee Report: Alderman Cook presented the Nominating Committee Report to the Council.

Alderman Cook moved to approve the Nominating Committee Report. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Consent:

Approval of the December 1, 2009 City Council meeting minutes.

Approved

ProfitStars: A resolution awarding RFP # 09-16 and approving a contract with Jack Henry & Associates, Inc. D/B/A ProfitStars in an amount up to \$33,240.00 for an electronic check processing system; and amending the 2009 city budget by approving a budget adjustment of \$18,240.00.

Resolution 240-09 as recorded in the office of the City Clerk.

EMC Corporation: A resolution approving a contract with EMC Corporation for the purchase, through the current State Procurement Contract, of an EMC Clariion CX4 redundant network storage system with a three year hardware and software maintenance agreement, in the amount of \$196,280.00.

Resolution 241-09 as recorded in the office of the City Clerk.

Fayetteville Police Department Donations: A resolution amending the 2009 City budget to recognize donations to the Fayetteville Police Department in the amount of \$1,980.00.

Resolution 242-09 as recorded in the office of the City Clerk.

U.S. Marshals Service Reimbursement: A resolution amending the 2009 City budget to accept reimbursement of equipment and vehicle fuel expenses from the U.S. Marshals Service in the amount of \$22,000.00.

Resolution 243-09 as recorded in the office of the City Clerk.

State Forfeiture: A resolution amending the 2009 City budget by approving a budget adjustment to recognize state forfeiture revenue for the third and fourth quarters of 2009 in the amount of \$5,199.00 for use by the Fayetteville Police Department.

Resolution 244-09 as recorded in the office of the City Clerk.

Federal Forfeitures: A resolution amending the 2009 City budget by approving a budget adjustment to recognize federal forfeiture revenue for the third and fourth quarters of 2009 in the amount of \$4,094.00 for use by the Fayetteville Police Department.

Resolution 245-09 as recorded in the office of the City Clerk.

IRS/Treasury Forfeiture: A resolution amending the 2009 City budget by approving a budget adjustment to recognize U.S. Department of the Treasury/Internal Revenue Service forfeiture revenue for the third and fourth quarters of 2009 in the amount of \$36,536.00 for use by the Fayetteville Police Department.

Resolution 246-09 as recorded in the office of the City Clerk.

Environmental Consulting Operations, Inc.: A resolution approving Amendment No. 4 to the engineering contract with Environmental Consulting Operations, Inc. in the amount of \$175,200.00 for Wastewater System Improvements Project and wetlands mitigation site stormwater, wetlands and environmental issues, as required by the U.S. Army Corps of Engineers and the Arkansas Department of Environmental Quality.

Resolution 247-09 as recorded in the office of the City Clerk.

Bid # 09-52 United Engines, LLC: A resolution awarding Bid # 09-52 and approving the purchase of seven backup power generators from United Engines, LLC in the amount of \$113,954.00 for use at Wastewater Lift Stations; and amending the 2009 City budget by approving a budget adjustment of \$113,954.00.

Resolution 248-09 as recorded in the office of the City Clerk.

Bid # 09-65 Seven Valley's Concrete, LLC: A resolution awarding Bid # 09-65 and approving a contract with Seven Valley's Concrete, LLC in the amount of \$583,897.00 for the construction of the Broyles Avenue sewer lift station; and approving a project contingency in the amount of \$30,000.00.

Resolution 249-09 as recorded in the office of the City Clerk.

Bid # 09-68 Jack Tyler Engineering of Arkansas Inc.: A resolution awarding Bid # 09-68 and approving the purchase of a fine band screen with associated controls and accessories from Jack Tyler Engineering of Arkansas, Inc. in the amount of \$175,000.00 for use as part of wastewater treatment.

Resolution 250-09 as recorded in the office of the City Clerk.

Bid # 09-70 ISCO Teledyne: A resolution awarding Bid # 09-70 and approving the purchase of seventeen sewer flow monitors from ISCO Teledyne in the amount of \$138,124.78 for use in the city sewer system.

This resolution was removed form the Consent Agenda and Tabled Indefinitely.

Bid # 09-71 HACH Company: A resolution awarding Bid # 09-71 and approving the purchase of phosphate and ammonia continuous analyzers and other necessary components from HACH Company in the amount of \$36,947.84 for use at the Noland Wastewater Treatment Plant.

Resolution 251-09 as recorded in the office of the City Clerk.

Fiber Optic Data Communication Line: A resolution approving budget adjustments to fund installation of a fiber optic data communication line from City Hall to city facilities on South Happy Hollow Road and on to Water and Sewer Operations on Industrial Drive.

Resolution 252-09 as recorded in the office of the City Clerk.

Lake Fayetteville Boat Dock Operator Contract: A resolution approving a Lake Fayetteville Boat Dock operator contract with Dollie Black in the amount of \$36,771.00.

Resolution 253-09 as recorded in the office of the City Clerk.

Arkansas Forestry Commission Grant: A resolution authorizing the Mayor to accept an Urban Forestry Ice Storm Damage Assessment and Restoration Grant in the amount of \$81,915.00 from the Arkansas Forestry Commission; and approving a budget adjustment recognizing the grant revenue.

Resolution 254-09 as recorded in the office of the City Clerk.

Stephens, Inc. Contract: A resolution to approve the 2009 annual renewal of the contract with Stephens, Inc. in the amount of \$51,950.00 for benefits consulting and insurance brokerage services.

Resolution 255-09 as recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda as read with Item # 13 Bid # 09-70 ISCO Teledyne removed from the Consent Agenda. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

The following resolution was removed from the Consent Agenda for discussion.

Bid # 09-70 ISCO Teledyne: A resolution awarding Bid # 09-70 and approving the purchase of seventeen sewer flow monitors from ISCO Teledyne in the amount of \$138,124.78 for use in the city sewer system.

Alderman Cook moved to table the resolution indefinitely. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business: None

New Business:

CH2M Hill Engineers, Inc.: A resolution to approve an agreement for operations, maintenance and management services of the City's wastewater plants and pump stations with CH2M Hill Engineers Inc. in the amount of \$6,858,886.00 plus a contingency of \$75,000.00 for services in 2010.

Alderman Cook: I sit on the Selection Committee for this and we talked about this at the Water and Sewer Committee for a few years about taking this contract renewal out for selection. It is

not a nock against OMI or CH2MHill. It is something we should do for the citizens of Fayetteville so that we can get the best deal we can.

Alderman Cook briefly explained the selection process and stated we felt like OMI was the best. He also talked about the Omi contract.

Alderman Ferrell thanked Alderman Cook and the Water and Sewer Committee for their work on this.

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

Resolution 256-09 as recorded in the office of the City Clerk.

Northwest Arkansas Economic Development District: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Northwest Arkansas Economic Development District in the amount of \$53,350.00 to provide public recreation services for the senior citizens of Fayetteville for 2010.

City Attorney Kit Williams read the ordinance.

Connie Edmonston, Parks and Recreation Director gave a brief description of the item. She stated this is a 3% decrease from last year. They received a certification from the State as a wellness facility so the name of their facility has been changed to the Senior Adult Senior Activity and Wellness Center. Sherri Napier is here if you have any questions.

Mayor Jordan: Congratulations Sherri. You do a great job at the center.

Alderman Thiel: Community Resources and the Senior Center put on a very good program today for the seniors.

A discussion followed on how many attendees were present at the program.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5292 as Recorded in the office of the City Clerk.

Fayetteville Youth Center, Inc.: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Fayetteville Youth Center, Inc. in the amount of \$205,350.00 to provide public recreation services for the youth and citizens of Fayetteville for 2010.

City Attorney Kit Williams read the ordinance.

Connie Edmonston gave a brief description of the ordinance. This is a partnership that we have had since 1967. Each year it gets stronger and stronger.

Alderman Lewis thanked the staff as well as the Boys and Girls Club for trying to review the budget and trying to reduce it.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5293 as Recorded in the office of the City Clerk.

Wayest: An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and Wayest in the amount of \$47,500.00 to provide replacement bunker gear (coat and pants) to the Fayetteville Fire Department.

City Attorney Kit Williams read the ordinance.

Kyle Curry, Battalion Chief stated I can answer any questions you have.

Alderman Petty: Do you think this is some of the best gear on the market?

Kyle Curry: It serves our purpose but there is more expensive gear. He explained the various types and brands of gear available. He stated this gear fits our specifications. We think it is the best, it has served us well and it is durable.

Alderman Petty: I was just wondering because when it comes to outdoor gear I always make sure that even if it is more expensive I am comfortable trusting it.

Kyle Curry: We try to change it out but we can't afford to change it all out at once and it has to be changed out every five years. This is the best fit for us. I appreciate that.

Alderman Lewis: During the Agenda Session there was something mentioned about putting language in about the removable knee pads.

City Attorney Kit Williams: That was talked about for the next time that they bid it out that that might be part of the request. That was one of the advantages of Wayest that they could change the knee pads.

Kyle Curry: Yes that was one of the advantages that nobody else offered.

Alderman Lewis: So that will be next time.

Alderman Ferrell: The next time instead of waiving competitive bidding we could go to a single source bid because they are the only one that offers the removable knee pads.

Alderman Thiel thanked Kyle Curry for helping at the Senior Center Program.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5294 as Recorded in the office of the City Clerk.

R-PZD 09-3439 (Oakbrooke Phase III): An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I

and Oakbrooke Phase II; containing approximately 29 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 pointed out the various planning areas on the map. Staff is recommending approval as well as the Planning Commission with 36 Conditions of Approval.

Alderman Lucas: On that area next to the people that live on Ruppel Road is there not a stipulation that it would be a certain size and would have to stay that way just as it was on Bridgeport side?

Jeremy Pate: There was in the original Bill of Assurance that was offered by the applicant. So the zoning that came before you previously and the conditions of approval that the City was able to place upon the project, in addition to that the developer offered certain things that we can't require.

Alderman Lucas: Those are changing now.

Jeremy Pate: Those would change with this project because it is being rezoned. That was tied to that previous zoning. He continued to explain the various planning areas.

Alderman Lucas: Now this has changed especially across the street from the property that borders Bridgeport. This was all single family previously.

Jeremy Pate: It was. We are recommending a condition of approval that addresses that. We are recommending that only certain portions of this development have any attached. There are certain lot numbers that are referenced within Condition # 6 and it states that the number of attached units is limited to certain lot numbers. We are recommending that it is more the interior project and not those along the west side that be limited to the attached project.

Alderman Lucas pointed out that the lot numbers were different than what was in the packet.

Jeremy Pate: The lot numbers have changed.

Alderman Lucas: I just want to make sure we are talking about the same lots. It is so big though.

Jeremy Pate: There are a lot of things going on and you are really reviewing five or six different zoning districts at one time. Jeremy continued to explain the planning areas. He also went over a few of the conditions of approval. He stated Planning Commission did review this project and the three following conditions and they approved the project with these conditions as they are in place and this is how staff is recommending the project. Condition # 23 has a bunch of items that state the following revisions shall be made prior to the project being placed on a

Council agenda. Again this had to be submitted before we even got to review those and most of these have been taken care of.

Alderman Lucas: But not all of them?

Jeremy Pate: These are minor typo type items. We had conversations with Mr. Hoskins about this project and he has a number of concerns about the conditions of approval. I will say it will be A typical for the Council to review these item by item. That is usually left up to Planning Commission and the Council determines the policy decision of whether you want to rezone the property with these conditions in place. My recommendation to you is that if we get into a very detailed conversation about all these items that this be taken back to the Planning Commission for that review because the Planning Commission may not have recommended it without these conditions. Staff may not recommend this project without some of the conditions. You can simply leave it on this reading and go through this at the Council level. I need to make an amendment to Condition # 6 and # 7 to change the lot numbers.

Alderman Lucas clarified the lot numbers with Jeremy.

Alderman Ferrell: Jeremy I think we have all decided we like affordability and we want some affordable housing. I noticed a comment about the attached dwelling units. Was staff's concern on the dwelling units the placement of where they were or was their concern about attached dwelling units in this PZD? I see them all over town.

Jeremy Pate: I think that it's more about where they are in this project and how that's compatible and how they transition out to the larger lots that are adjacent to this project.

Alderman Lewis: Can you talk a little bit about a PZD and how it relates to the land? If this developer goes away what happens to this PZD?

Jeremy Pate gave a brief description of the PZD process.

Alderman Lucas: We are looking at 176 units at this time.

Jeremy Pate: 174.

Alderman Lucas: What was it before?

Jeremy Pate: 110 lots.

Alderman Lucas: So we are going up 64 lots.

Jeremy Pate: Sounds like it, yes ma'am.

Alderman Petty: I noticed that Condition of Approval # 3 changes Use Unit 24 Home Occupations to a conditional use instead of use by right. In the original PZD it was a use by right in all the lots. What is the reasoning behind that?

Jeremy Pate: The original PZD that this was processed under was under a different ordinance. We did not have a booklet or the plats that you normally see. This was processed under a previous ordinance in 2005. With the new ordinance we look at individual uses and establish what we feel is consistent with best practices within a zoning district. Jeremy explained what was considered to be a home occupation.

Alderman Ferrell: So Jeremy are you saying that the conditional use only applies when they will be drawing traffic to their domicile?

Jeremy Pate: That is part of the definition of a home occupation is that traffic is drawn to the home.

Alderman Ferrell: So it wouldn't be a use by right if it was an attorney that did not see clients?

Jeremy Pate: We actually have a form that states "waiver of home occupation" and we have issued a lot of those because the State still requires you to get a business license or a waiver when you are not drawing traffic to your home. We issue a lot of waivers because they do not meet the definition of home occupation.

Alderman Lucas: Jeremy, talk to me about the drainage. I noticed on page two of this drawing it looks like drainage in three different places into the green space but the property is going to take over that biggest one so what is going to happen?

Chris Brown, City Engineer: You were asking about what looked like ponds in the open space?

Alderman Lucas: Well it looks like drainage pipes or something. It comes from September Stroll Lane and then about midway from Neighborly Way and just as you enter from Neighborly Way.

Chris Brown: What use to be Lot 110 was a detention pond area. That footprint of the pond has been reduced so that it is a smaller detention pond area.

Alderman Lucas: What about the drainage pipes, are they drainage pipes?

Chris Brown: The southern most drainage pipe, I'm not sure what will have to happen to it, it will have to be reconfigured and run farther to the north to go into the pond. That detail has not been worked out yet as far as I know.

Alderman Lucas: So we are piping water through there, is that the idea?

Chris Brown: All the pipe system within the subdivision goes into the detention pond.

Alderman Lucas: It is not going to be another Red Oak is it?

Chris Brown: The detention pond is designed to mitigate the additional flow.

Alderman Lucas: That is what we have now is all that water going into one spot.

Chris Brown: Right, but what we don't have in Red Oak Park is the detention pond. It mitigates the flow. So the additional flow caused by the development is held in that detention pond and released more slowly so we don't have an increase in flow.

Alderman Lucas: But you are losing one detention pond is that right?

Chris Brown: Two of the ponds would go away and one would be left but the depth of the pond would be increased so the total detention volume is actually more than what was originally proposed. The area footprint of the pond is less but the total volume and amount of water the pond can hold is more than what was in the previous proposal.

Alderman Lewis: At what part of the process do you really look at the drainage for this?

Chris Brown: They provided a revised drainage report for this development, not only for the increased density of the development but also an overall look at the design of the detention. We have looked at the detailed drainage from the detention standpoint and the overall offsite flow and we can verify that the post development flows will not be more than the predevelopment flows as required by ordinance.

Alderman Lewis: Are they going to hold water or are they dry detention?

Chris Brown: The way it is designed the outlet structure is at the bottom of the pond so they would not be designed to hold water. The drainage report shows dry ponds.

Alderman Petty: Condition of Approval # 5, when Sarah asked about what would happen if this was not developed by the applicant and then was sold, that got me thinking about some of these sub-conditions. How do we enforce that if lots get sold off to other developers?

Jeremy Pate: That happens all the time. We would review a building permit for each and every structure. So as they come in we would have record of what has been permitted and be able to recognize if it is adjacent to one another.

Alderman Petty: On # 5 (B) I was wondering how we define two stories. If someone wants to build an attic later are they prevented from doing that?

Jeremy Pate: Our Building Code is what we utilize for identification of a story. It has minimum square feet that calculates that. They are small cottage type products so two story limitations seem to be reasonable to us.

Alderman Petty: If 45 feet is the limit in other single family zones and that works then why have another regulation?

Jeremy Pate: It is entirely up to the Council. What we felt was in a Planned Zoning District when you are identifying custom zoning requirements the language of the conditions of the

zoning criteria should match as closely as possible to the images that are being presented to you. What we don't want to happen is a project to be constructed that is not consistent with what you are seeing in this booklet. He went on to further explain.

Alderman Petty: It looks like from these images that the chimneys or roof lines could be 45 feet or in excess of 45 feet but the two story limitation does not prevent that.

Jeremy Pate: That is correct. In our Code any appurtenances that are not habitable do not count.

Tracy Hoskins, the developer gave a brief slide presentation on the proposed project.

Alderman Lucas: How many houses did you originally have on that side of the street next to the people on Ruppel?

Tracy Hoskins: We are adding one maybe two lots on that side. He pointed out a lot that was being split on the map.

Alderman Lucas: Is that for a town house?

Tracy Hoskins: No, everything in Planning Area 1 is single family detached homes. Anything that is around the perimeter of Oakbrooke where we abut to our neighbors is for the most part staying exactly the same. On this side we have added a few lots.

He continued his slide presentation.

Alderman Lucas: I want to leave it on the first reading tonight.

Alderman Petty: I do too but I also want to hear what he has to say and then think about it for two weeks.

Tracy Hoskins stated around the perimeter of Oakbrooke everything is staying the same. There is one neighbor with a field to the rear of their house so naturally if we are raising the density here it would affect them. He continued to list the changes to the project.

He stated you asked about the detention, Sarah. After we got approved at City Council level and took the project back through with design we took the opportunity to redesign those detention areas in an effort to not remove any more trees than we had to. I had our engineers calculate what a three level detention pond would do. It is a somewhat different system than we are use to seeing. We have three ponds but two you can't really tell are there. We split the pipes up and sized them to where they each could feed a certain amount of water to each individual pond. With our design we could probably double our density and be okay. That is even with removing the crater pond to the south. He continued to further explain the operation of the detention ponds and the tree mitigation.

Alderman Lewis: Has that system come to the City Engineers for review?

Tracy Hoskins: Before we submitted this new PZD we wanted to make sure that it would work. All that will be reviewed when we bring each phase back through for development. So in other words we still have to go through all these steps again.

He continued with his slide presentation. He stated when we got to the Planning Commission level we visited about some of the things where we didn't see eye to eye with staff. Unfortunately we did not get to some of those items we wanted to discuss. The Planning Commission approved the PZD with the modified conditions of approval and with staff's conditions of approval that were not discussed at the Planning Commission level. We have to appeal those other conditions here.

Mayor Jordan: Mr. Hoskins why didn't you bring this up at the Planning Commission meeting or did you?

Tracy Hoskins: Yes. I even mentioned at the podium that there are other things we would like to discuss and for some reason we did not get there.

Mayor Jordan: What do you mean you did not get there?

Tracy Hoskins: The Planning Commission wanted to take the items one at a time. They chose the items that were most significant to them at the time and then the vote just kind of happened. We really did not get the opportunity to discuss these other items.

Jeremy Pate: As is the normal practice the Planning Commission is presented with the staff report with the recommended conditions. They review those and the ones they feel need to be determined or discussed in further detail usually occurs at the Planning Commission meeting. They did discuss some of these items and some of them they simply agreed with staff on. I will note one Commissioner was very uncomfortable. There was a packet passed out at the Planning Commission meeting and staff did not get a copy of that packet and it went through several conditions of approval. There was some discussion at the Planning Commission meeting about new information being presented. I am still not certain what was presented in that packet. We did not get a copy of it. That was part of the discussion at the Planning Commission meeting whether they should consider the new information that was being presented at that meeting.

Mayor Jordan: Were some of these items part of it?

Tracy Hoskins: Every one of these items were in that packet.

Mayor Jordan: And that was not given to you prior to the meeting.

Jeremy Pate: That was handed out at the meeting yes sir.

Alderman Lucas: In light of this wouldn't it be better to send it back to the Planning Commission and let them work through these completely?

Alderman Ferrell: Have you since got a copy of this Jeremy?

Jeremy Pate: No sir.

Alderman Ferrell: If the applicant can furnish you a copy of this is there any chance you can sit down and look at it and see if you can wring something out of it as opposed to going all the way back?

Alderman Lucas: I think the Planning Commission needs to look through these and discuss them and decide.

Alderman Ferrell: It sounds like to me they have gone through it.

Alderman Thiel: You are saying that you wouldn't even want us to approve this with these conditions?

Tracy Hoskins: No.

Alderman Lucas moved to send the ordinance back to the Planning Commission. Alderman Lewis seconded the motion.

Alderman Petty: Even if the Planning Commission got the packet right at the meeting they still had the packet. If what we have been told tonight is accurate they did not discuss them. I feel comfortable reading a packet of information and deciding what I feel about it and whether or not I would want to make amendments. We have six weeks and three readings to do that in and I am comfortable doing that so I would just rather keep it here.

Alderman Thiel: I don't quite understand what the Planning Commission is going to do. It would still come back to us. I would be inclined to go with the Planning Commission's and staff's recommendation on this. It came to this level with you not agreeing to it. When it comes to this level we expect that it is okay with the developer or he would not have carried it on.

Alderman Lewis: The Planning Commission and the staff in this case they did not have all the information to make a recommendation. They did not know that you did not agree with these conditions and then they moved forward on a recommendation. Now we have a recommendation in front of us but it is not complete or valid because they did not have all the information to make a recommendation. I think it is important to consider that the recommendations we have are not complete.

Alderman Petty: Jeremy if we decide to keep this at the Council level will you form recommendations for the proposed amendments or appeals?

Jeremy Pate: We can but the conditions of approval that are in your packet are what the Planning Commission recommends to you. Staff is simply facilitating that process and getting it to you as a Council. You appoint a body to review these items and make a recommendation to you. We make a recommendation to the Planning Commission. We may tell you what staff's

recommendation was at that level but ultimately you have appointed a body specifically for this reason to make recommendations and consider those factors. That is why I feel more comfortable going with the Planning Commission on making those recommendations. In response to the comment about an incomplete recommendation, it is complete given the information we were considering at the time. I know some of the Planning Commissioners voted against the motion because they had a packet of information that they did not have time to review.

Alderman Petty: In the packets you have been very clear about the distinction between staff's recommendation and the Planning Commissions recommendation. I am comfortable with that distinction too. I still want to keep it at the Council level.

Don Marr: Mr. Hoskins contacted myself after the Planning Commission concerned that they had recommendations that were not discussed. I encouraged him to talk to Mr. Pate. Normally that is handled at the Planning Commission and the reason that it is, is because sometimes citizens check it off once it gets to that approval process, if they are in agreement or if they have had something with it. I think there are people who participated who may or may not comment about it. Having listened to Mr. Hoskins concerns I think he has some legitimate things that warrant some discussion. The question is do you want that done through the public process here over the next two readings or at the Planning Commission.

Alderman Petty: I look forward to that discussion.

Alderman Cook: We can still have that discussion even if it does go through the Planning Commission. They look at things different than we do. If they did not have all the information in front of them they should get it and have a chance to debate it and review it amongst themselves.

Alderman Lucas: I agree, and it also gives Mr. Hoskins an opportunity to present his case to the Planning Commission. The neighbors think that these are the conditions that are going to be approved by the Council. They need an opportunity to talk about it.

Tracy Hoskins: I would like to clarify some things. First off we went to two Planning Commission meetings. At the first meeting they thought there were still some things that needed to be reviewed and we did so. As far as giving the Planning Commission the information of what we objected to the night of the Commission is because when we have a public meeting things come from that meeting and we have to change information in the books, reprint 15 copies of the books, change plats, print those etc. Then we get the opportunity to put together our responses to staff's comments which we typically get two to three days before the Commission meeting. We don't have a choice but to present them that night.

He went on to elaborate on what the Commission discussed. He stated the only thing we are appealing to the Council are the few items that were never discussed at the Planning Commission level. It would be very difficult for us to be sent back to the Planning Commission.

Alderman Thiel: I have a suggestion if this does stay at the Council level that Mr. Hoskins gets information to us prior to the next meeting explaining all the issues he has with the conditions.

Alderman Petty: Prior to the next Agenda Session.

Alderman Lucas: How do we let the neighbors and the public know?

Alderman Thiel: They were notified through the Planning Commission process and they won't be through this process is what you are saying.

Alderman Lucas: Yes.

Alderman Thiel: Hopefully our newspaper writer will do a good job of letting the public be aware that there is going to be more discussion about this project. She stated neighbors normally do not just depend on the City Council to go with what the Planning Commission recommends.

Alderman Ferrell: I have never seen citizens be timid about coming to this Council and usually when they go to the Planning Commission they will come here for assurance. If this goes through three readings I am sure citizens will know about this.

Chuck Lewis, Covenant Officer of the POA Subdivision expressed the views of the Bridgeport Subdivision. He stated the residents of Bridgeport Subdivision are eager to accept Oakbrooke Subdivision with a few minor modifications. He stated affordable housing is important and we also believe that maintaining and increasing property value is also important to the City. He suggested that the lots on Oakbrooke Subdivision that back the Bridgeport Subdivision have homes that are a minimum of 2,000 square feet.

Mayor Jordan: The topic we are discussing is whether or not to send this back to the Planning Commission or leave it at the Council level. Do you have a comment on that?

Chuck Lewis: I would very much like for you to send it back to the Planning Commission.

Alderman Gray: I would like to see it stay at the Council level. I think the citizens who have something to say will be here.

Upon roll call the motion failed 3-5. Alderman Lucas, Lewis, and Cook voting yes. Alderman Gray, Thiel, Petty, Rhoads, and Ferrell voting no.

Chuck Lewis: He continued with his previous comments by stating the lots of the subdivision should have homes that are a minimum of 2,000 square feet without detached buildings and the lots on Neighborly Way be a minimum of 1,400 square feet without detached buildings. This would allow for a stepped phase approach and work towards helping to maintain the property value for those homes that are on North Purva Place and North High Avenue that are within the Bridgeport Subdivision. We look forward to having Oakbrooke as a neighbor and with the above mentioned modifications we believe Oakbrooke could be an asset to the City of Fayetteville.

He stated they have apprehensions with the subdivision. He asked the City to consider if there is a change of ownership that the PZD be considered null and void and all Oakbrooke revert back to RSF-4. Bridgeport with the completion of Oakbrooke will be completely surrounded by affordable housing.

Alderman Cook: I respectfully request that if Mr. Hoskins has any additional information he will forward that to staff as soon as possible.

Mr. Hoskins: I brought a copy for each of you.

This ordinance was left on the First Reading.

Amend Chapter 33: An ordinance to amend Section 33.108 of the Fayetteville Code to provide that Planning Commissioners serve without compensation.

City Attorney Kit Williams read the ordinance.

Paul Becker stated in 2006 an ordinance was passed to provide compensation for the Planning Commissioners because of the extraordinary amount of time required at that point. The amount of time spent now has been dramatically reduced. We have discussed the budget situation and at this point in time, as a cost savings measure, I recommend that the Planning Commissioners compensation be eliminated.

Alderman Rhoads: When I voted for this I didn't really think we were over paying the Planning Commissioners at that amount for that amount of work. I'm all for the administration looking for ways to save money on the budget, I just can't support this.

Alderman Ferrell: I will vote for this but I might be the one who brings it back. If we can use money for other things, I think it is important to compensate them somehow, I will not be afraid to bring this back.

Alderman Thiel: I will support this at this time but I certainly hope we all agree, if they get a lot busier like they were in the past, that would be different.

Alderman Petty: I wonder if staff could review this in six months and tell us what the situation is like then and give us a recommendation.

Don Marr: It was not easy to say we wanted to do this as a budget cut. When we made decisions about, if things continue to worsen and we have to make staffing cuts, I would rather not be compensating positions that were originally volunteer positions. We have it as one of those first items that we would look back at and we have asked Jeremy as our Director of Development Services that if we see agenda items grow and more time being spent we will come back and revisit it with you. We understand the sensitivity and we know we are asking you to do

something that's not easy to do and we hope to get it back and hope our sales taxes are up in 2010.

Aubrey Shepherd: It's probably a great idea and maybe everybody who's working on the Planning Commission right now is employed or other wise compensated and can do it as a volunteer. What it would do if it lasts for several years would discourage anybody who needed the income that this would provide.

Mayor Jordan I agree this was a tough decision for me too. However if the economy continues to go as it has been about April we will be making some decisions that this will pale in comparison.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 7-1. Alderman Rhoads voting no.

Ordinance 5295 as Recorded in the office of the City Clerk.

ADM 09-3449 (Title XV Development Review): An ordinance amending Title XV: Unified Development Code of the City of Fayetteville to provide more clarity, consistency and predictability in the development review codes and to establish the framework for administrative approval for certain project types.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated we are proud to say this accomplishes one of the City Plan 2025 benchmarks that we set for ourselves for 2009 to create an administrative approval process and to begin the form based code process which we are doing now. He went on to explain each section of the ordinance.

Alderman Petty stated section three doesn't have an exhibit associated with it the replacement language says an Alderman may bring an appeal on behalf of any resident. Is that changing the rule that now states that three Aldermen have to sponsor an appeal?

Jeremy Pate: The only item that refers to is the conditional use permit and that stays the same. It still requires two aldermen from the ward plus an additional one.

Alderman Lewis: Does this change the public notice process?

Jeremy Pate: We discussed that when we initially drafted this ordinance and we found most cities did not require notice for administrative approvals. We don't for the items we have currently. When we were establishing the framework for potentially larger projects we felt it would be important to do that. We established a notification process, essentially a public hearing time frame so that applicants are notified. The ordinance states that the City cannot approve an application during the public hearing period.

Alderman Lewis: In 2007 I started a task force for low impact development and it was composed of developers, engineers, and architects. Their number one thing was they were interested in the high expectations that Fayetteville had but they wanted to know ahead of time and up front. This seems like it is related to that.

Mayor Jordan: I agree. One of the things through my campaign and early days in office was the development community and the business community wanted more predictability.

Alderman Ferrell: I know this is a thankless job. You guys have done a good job of redoing this. He thanked Jeremy for the good work. I think it is going to be a win win for everyone.

Aubrey Shepherd: My concern is about the approval of things in house by staff that may not get bedded anywhere else. This has some danger in it. He voiced his concerns about slopes and the type of soil in different areas of the City. He also voiced his concerns about the water shed.

Jeremy Pate: With respect to this proposal I disagree with Mr. Shepherd. This ordinance very clearly states, I would be resident to bring you an ordinance that allowed staff to amend or change or allow more density that is not within our code. The administrative approval process only allows staff to approve something that is already allowed by the code. It is not something we can approve or the Planning Commission can approve. You would have to rezone the property, apply for variance, or do something that requires a public meeting so public comment would be taken. There would be a decision not by a staff member but by an appointed or elected board. I think that is very important to note. What we are proposing is an ordinance that would allow staff to ensure that the applicant or developer complies with our City Code.

Alderman Lucas: There are some areas that are zoned not the way they are built. If some one that comes forward with a lot that is RSF-24 zoned can they do something with that lot under administrative approval?

Jeremy Pate: They could, they can do that now. The Planning Commission would have to approve it now if it was zoned that.

Alderman Lucas: It would have to come to us?

Jeremy Pate: No, it would not.

Alderman Lucas: Then we need to fix that.

Jeremy Pate: The fix to that is the zoning. That's the function of our neighborhood plans.

Alderman Ferrell: Mr. Shepherd if you get a chance to get online and take a look at some of our adjacent communities and their unified development codes and some of the action their planning staff takes, a lot of them are very passive as opposed to ours being very active. We should applaud the vigilance of our staff in the way they work to do it.

Alderman Lewis: In regard to the lot splits I agree that's something that I have concerns about just in the amount of impervious surface that gets put on there. It's a difficult decision because you do want to have density in some areas but stormwater is an important part of the decision. Currently lot splits as long as it follows the code doesn't have to go through a public process. I support facilitating the process while also addressing our storm water needs and I think we are doing both of those efforts.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5296 as Recorded in the office of the City Clerk.

ADM 09-3463 (Amend Chapter 172): An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 161: Zoning Regulations and 172: Parking and Loading in order to update and modify existing requirements and regulations that address the parking needs of all forms of transportation, provide additional parking ratios, and to eliminate unnecessary regulation.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance.

Alderman Petty: Would you anticipate that the majority of the more dense areas, the thoroughfares that we planned, to be denser in the 2025 Plan, would be covered by that?

Jeremy Pate: I think so. When we created our maps I was surprised by how many overlaps we had. When you add the Ozark Transit and the Razorback Transit stops, there are a lot more overlaps than I thought. It covered more area.

Alderman Petty I liked that the reduction in parking requirements kind of emerges with the transit systems as it develops.

Alderman Lewis: The transit stops are they just buses right now?

Jeremy Pate: That's correct.

Alderman Lewis: Is that only public or is that also school?

Jeremy Pate: Right now it's the public transit stops that are identified.

Alderman Ferrell: Jeremy could you take a friendly amendment on this rack configuration? Seems like businesses unlike the public can't spend as much money on bicycle racks but it seems like it could stifle creativity in a sense. What would you think about custom racks in a form of signage or corporate logos shall be approved?

Jeremy Pate: The challenge with that is if it qualifies as a sign it would probably take away the one that they really want to light up. The bicycle rack would count then as an on site free standing sign, we could do that but without amending the sign ordinance that would take the place of their existing sign that they get on the property.

Alderman Ferrell: I was afraid you were going to say that.

Jeremy Pate: There are creative ways to utilize the shape of the product their offering.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5297 as Recorded in the office of the City Clerk

Amend Chapter 34: An ordinance to amend §34.23 Purchases and Contracts Not In Excess of \$20,000.00 of the Fayetteville Code to enact subsection (F) Waiver of the Requirement for Bids.

City Attorney Kit Williams read the ordinance.

Kit Williams: I brought this forward to basically codify what the City Council has done, to some extent in the past, and what you are allowed to do under state law. I recommend that you modify your code to give you this express power, that if you determine it's an exceptional or would not be a practical situation to require quotations, that you as the City Council could waive that requirement and approve a contract.

Alderman Ferrell: Kit could you explain that a little bit further.

Kit Williams: What this does is it places within the code your right not to waive the code but your right to waive the competitive bidding that is normally required within your code between \$1,000 and \$20,000.

Alderman Ferrell: I'm just trying to get an idea of how often an exceptional situation is?

Kit Williams: It will be fairly rare that you will have to do it because you haven't had to do it much in the past.

Alderman Ferrell: I'm not opposed to that but is there a way that that could be tracked and the Council could get a report how many times that happens.

Kit Williams: You will have to approve it every time by ordinance. You will approve it or it will not be done.

Alderman Ferrell: That is what was mixing me up.

Kit Williams: You will have to pass an ordinance every time, just like you would if it's above \$20,000.

Alderman Ferrell: Okay.

Alderman Lewis: This just changes the language waiving the requirement rather than waiving the ordinance.

Kit Williams: That's correct and it's not good form to waive an ordinance. The Supreme Court doesn't really like that we've done it a few times and I want to change that.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5298 as Recorded in the office of the City Clerk

Amend Chapter 50: An ordinance amending a portion of Chapter 50: Garbage and Trash of the Fayetteville Code of Ordinances.

City Attorney Kit Williams read the ordinance.

David Jurgens, Utilities Director: This is to change out the commercial recycling rate from what was adopted a couple months ago \$5.88 per bin for commercial recycling bins to \$5.88 for up to five bins for the commercial recycling bins.

Alderman Thiel: This is a move in the right direction since we support recycling and want people to recycle. If we had had our commercial rate study done and had that in place we might have considered this. I would assume that this somewhat covers the cost because it's a matter of the labor involved.

Alderman Ferrell: Would there be an instance where we would go out just to pick up a recycling bin? They would already have to be a water and sewer customer?

David Jurgens: No sir, the only customers that would be eligible for this program is those that are collocated with an existing route. We will not be adding any routes or adding new staff. This is just expanding what we pick up from an existing route.

Alderman Ferrell: So they are a water and sewer customer?

David Jurgens: They are already a solid waste customer.

Alderman Petty thanked David for reacting to the Council's concerns so quickly.

Alderman Lewis: I think it's great that we are going to expand our commercial recycling. Fayetteville has set a good example for recycling for our region so thanks.

David Jurgens: Thank you.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5299 as Recorded in the office of the City Clerk

Suspend City Clerk/Treasurer Pay Adjustment for 2010: An ordinance to suspend the normal pay adjustment of the City Clerk/Treasurer for 2010.

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I want to personally thank Sondra for this gesture. I know the Council feels the same way.

Sondra Smith, City Clerk: I wouldn't expect to get a pay increase if my employees didn't get one.

Mayor Jordan: I feel the same way.

Alderman Thiel: It should be emphasized that this came from Sondra Smith and her office. This was not recommended by the staff or administration. We really do appreciate that thought.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5300 as Recorded in the office of the City Clerk

Agenda Additions:

Mayor Jordan: I understand that Alderman Cook has a walk on item tonight.

Alderman Cook moved to suspend the rules and add the following item to the agenda. **Alderman Lucas** seconded the motion. Upon roll call the motion passed unanimously.

Environmental Action Committee: An ordinance to amend Article XI **Environmental Action Committee** of Title III **Administration** of the Fayetteville Code to increase the membership by two at-large members.

City Attorney Kit Williams read the ordinance.

Alderman Cook: The Nominating Committee met Wednesday, due to Sarah Lewis' good job on the Environmental Action Committee, there are quite a few applicants that wanted to be on there. We thought they were qualified and we hated not to put them on there so we discussed amongst ourselves and thought about bringing forward an ordinance to increase the number that sit on that committee. I asked Sarah and she was up for it. She thought more people would be good for what she was doing.

Alderman Lewis: The Environmental Action Committee will be very pleased about this.

Alderman Rhoads: How many does that make?

Alderman Cook: Twelve.

Alderman Lewis: Ten.

Alderman Gray: Sitting on the Nominating Committee is great fun when you have lots of citizen input and that is what we have had. We appreciate it so much.

Alderman Lucas: It was a hard choice.

Alderman Petty: Does this make it the largest committee?

Alderman Thiel: Tree and Landscape is still the largest isn't it.

Alderman Cook: I don't think it is the largest but off the top of my head I couldn't tell you which one it would be.

Alderman Petty: Do you think we are setting a precedence here of increasing committee size when we have too many good applicants?

Alderman Cook: No, I hope not. The point was Sarah has created a lot of buzz on her committee and she had several good applicants for that. I know she is trying to do some stuff in the background outside the regular committee meetings. We thought an additional two people would help her serve her needs.

Alderman Petty: I have chaired a lot of committees and it can be unwieldy when there is so many people, do you anticipate any problems like that.

Alderman Lewis: I think everyone will be able to find a way to contribute. At this point when we're minimizing the amount of staff time the more volunteer activity we can get the better. The fact that more people want to participate I say let them in and we will find a way to help them contribute.

Sondra Smith: Including the City Council person that serves on that board that will increase the board to eleven.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5291 as Recorded in the office of the City Clerk.

Announcements:

City Council Tour: None

Meeting adjourned at 8:50 p.m.

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
Ward 3 Position 1 – Robert K. Rhoads
Ward 3 Position 2 – Robert Ferrell
Ward 4 Position 1 – Shirley Lucas
Ward 4 Position 2 – Sarah E. Lewis

Tentative Agenda City of Fayetteville Arkansas City Council Meeting January 05, 2010

A meeting of the Fayetteville City Council will be held on January 05, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Report on the Firemen's and Policemen's Pension and Relief Fund – Mayor Lioneld Jordan.
2. Election of Vice Mayor.

A. Consent:

1. Approval of the December 15, 2009 City Council meeting minutes.
2. **Amend Police Department Policy:** A resolution to approve an amendment to Fayetteville Police Department Policy No. 26.1.1. Disciplinary Matters and Procedures.
3. **Community Development Block Grant (CDBG):** A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2010 when received in the estimated amount of \$649,000.00.

4. **McClelland Consulting Engineers, Inc. Amendment #1:** A resolution approving Amendment #1 to Task Order #15 with McClelland Consulting Engineers, Inc. for additional right of way plans for the Runway 16 Safety Area Improvement Project in the amount of \$3,650.00.
5. **Arkansas Western Gas:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of \$83,000.00 for relocation of gas lines and appurtenances as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport, and approving a \$5,000.00 contingency.
6. **Watson Condemnation Settlement Proposal:** A resolution approving a settlement agreement with Aaron H. Watson and Patricia Ann Watson concerning condemnation litigation filed as part of the Mount Comfort Road Widening Project in a total amount of \$52,000.00.
7. **RJR Enterprises, Inc.:** A resolution awarding RFP #09-23 and approving a contract with RJR Enterprises, Inc. in the amount of \$73,000.00 to construct a playground at Doc Mashburn Park; and approving a project contingency in the amount of \$7,300.00.
8. **Arkansas Department of Parks and Tourism Grant:** A resolution authorizing the Mayor to apply to the Arkansas Department of Parks and Tourism for a general improvement fund grant in the amount of \$160,000.00 for improvements to Bryce Davis Park.
9. **Arkansas Recreation Trails Grant:** A resolution approving an agreement of understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$116,534.00 in federal-aid funds for the construction of Oak Ridge Trail; and approving a budget adjustment in the amount of \$145,668.00.
10. **A & P Commission:** A resolution to approve an agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission.

Agenda Additions:

B. Unfinished Business:

1. **R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting.*

Left on the First Reading.

C. New Business:

- 1. Bid Waiver for Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2010 for the purchase of asphalt materials for use by the Transportation Division.
- 2. Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of \$248,000.00 for a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport.
- 3. Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes.
- 4. Amend 2010 Adopted Budget:** A resolution amending the 2010 city budget by re-appropriating up to \$76,037,660.00 in bonded or ongoing capital projects, outstanding obligations and grant-funded items previously appropriated in the 2009 city budget but not completed or delivered in 2009.

Announcements:

- 1. City Council Tour: January 04, 2010**

Adjournment:

NOTICE TO MEMBERS OF THE AUDIENCE

All interested parties may appear and be heard before the City Council. If you wish to address the City Council on an agenda item please queue behind the podium when the Chair asks for public comment. Once the chair recognizes you, go to the podium and give your name and address. Address your comments to the Chair, who is the presiding officer. The Chair will direct your comments to the appropriate elected official, staff member or others for response. Please keep your comments brief, to the point and relevant to the agenda item being considered so that everyone has a chance to speak.

Interpreters or TDD for hearing impaired are available for all City Council meetings, a 72 hour advance notice is required. For further information or to request an interpreter, please call 575-8330.

As a courtesy please turn off all cell phones and pagers.

A copy of the City Council agenda is available at accessfayetteville.org or in the office of the City Clerk, 113 West Mountain, Fayetteville, Arkansas.

City Council Agenda Items
and
Contracts, Leases or Agreements

1/5/2010

City Council Meeting Date
Agenda Items OnlyGreg Tabor
Submitted ByPolice
DivisionPolice
Department

Action Required:

Staff seeks council approval of a resolution to amend Fayetteville Police Department Policy 26.1.1, Disciplinary Matters and Procedures.

\$0

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

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's Office

Chief of Staff

Date

Received in
Mayor's Office

Mayor

Date

Comments:

To: Mayor Lioneld Jordan and City Council

From: Greg Tabor, Chief of Police 

Date: December 2, 2009

Re: Disciplinary Policy 26.1.1

Recommendation:

Council approves a resolution amending Fayetteville Police Department Policy 26.1.1, Disciplinary Matters and Procedures to reflect amendments made by the Civil Service Commission.

Background:

The current Fayetteville Police Department Policies were approved by council resolution #3-99 on January 5th, 1999. The department is currently in the process of reviewing all policies and updating as necessary.

Discussion:

On November 3, 2009, council approved an amendment to update the Fayetteville Police Department Policy 26.1.1, Disciplinary Matters and Procedures. Subsequently, on November 6, 2009, the Civil Service Commission amended its rules and regulations on disciplinary matters and procedures. The police department policy amendment will reflect the Civil Service Commission's rules and regulations.

Budget Impact:

None

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE AN AMENDMENT TO FAYETTEVILLE
POLICE DEPARTMENT POLICY NO. 26.1.1. DISCIPLINARY MATTERS
AND PROCEDURES**

WHEREAS, the Fayetteville Civil Service Commission amended its rules and regulations on disciplinary matters and procedures on November 6, 2009; and

WHEREAS, the corresponding Fayetteville Police Department Policy should be amended to conform with the changes adopted by the Civil Service Commission.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the amendment to Fayetteville Police Department Policy No. 26.1.1. Disciplinary Matters and Procedures as shown on the attached exhibit.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

POLICIES, PROCEDURES, AND RULES

Effective Date		Number 26.1.1
Subject DISCIPLINARY MATTERS & AWARD PROCEDURES		
Reference: See 52.1.1, 1.3.1, 41.1.1, 26.1.2		Special Instructions
Distribution All Personnel	Reevaluation Date 1-Year	No. Pages -8-

I. PURPOSE

Effective discipline is a positive process when its perceived purpose is to train or develop by instruction. Among the programs having an impact on discipline in a law enforcement agency are selection, training, direction, supervision, and accountability. These elements are inter-dependent, and a weakness in any one is damaging to effective discipline. Many standards bearing on a disciplinary system are included in other chapters relating to selection, training, and direction. Therefore, the purpose of this directive is to focus on the accountability component of a disciplinary system.

II. DISCUSSION

It shall be the policy of the Fayetteville Police Department to follow and abide by the disciplinary policies and procedures in effect and addressed in the rules and regulations of the Civil Service Commission of the City of Fayetteville. An employee whose work becomes unsatisfactory should immediately be notified by his/her supervisor in what way the work is deficient and what must be done if work performance is to be judged satisfactory. [Calea 26.1.5] An employee who is suspended or dismissed for unsatisfactory performance of duties should normally have received three warnings:

Supervisor Counseling - an oral warning from the employee's supervisor. The supervisor must record the dates of the discussions with the employee, the performance deficiencies discussed and the corrective actions required. [Calea 26.1.5] The supervisor should maintain this record for the duration of the employee's performance evaluation period. [Calea 26.1.8]

Written Record of an Oral Reprimand - an oral warning with a follow-up letter to the employee that sets forth the points covered in their discussion. The Chief of Police shall have authorized a written record of an oral reprimand. The supervisor shall keep a record of a written record of an oral reprimand. The supervisor should maintain this record for the duration of the employee's performance evaluation period. [Calea 26.1.8]

Written Reprimand - a written warning from the Department Chief serving notice upon the employee that noted deficiencies must be corrected immediately in order to avoid disciplinary action up to and including dismissal. A written reprimand shall be placed in the employee's personnel file. [Calea 26.1.8]

An employee who is suspended without pay or dismissed for unsatisfactory performance of duties or violations of policy shall receive a letter from the Department Chief outlining the noted performance deficiencies or policy violations, effective date of suspension or dismissal and a statement of the status of the employee's benefits during the suspension or dismissal. A copy of this letter shall be placed in the employee's personnel record. [Calea 26.1.7]

An employee so discharged, reduced in rank, or suspended without pay shall have the right, within ten calendar days from the date of such written notice, to request relief through the Civil Service Commission. Reference should be made to the Civil Service Rules and Regulations. [Calea 26.1.6]

The Administrative Captain should maintain the departmental employee administrative file. It should contain any letters of commendation or appreciation, administrative letters and replies, results of any sustained punitive disciplinary action, as well as other pertinent information. Information in this file will be maintained indefinitely. [Calea 26.1.8]

Comment: The previous policy referred to suspensions in terms of "days" off. The Civil Service Commission amended its rules and regulations regarding suspension(s) in terms of "work hours". Officers given a suspension, depending on the total number of work hours suspended, can request either a hearing or file a grievance with the commission under the new rules. The wording of this draft covers any type of disciplinary matter that can be appealed to the Civil Service Commission.

It is suggested immediate supervisors maintain an employee performance/counseling file for each person under their supervision. This file might contain oral reprimands during the current evaluation period, letters of job related counseling sessions, copies of correspondence between the employee and supervisor, complementary correspondence, and other similar information regarding the performance of the employee. It is suggested this material be kept in a secured location by the immediate supervisor. This information should be purged after one year and after being noted on the employee's performance evaluation. [Calea 26.1.8]

Nothing in this policy shall prohibit the Chief of Police from exercising all authority granted under Civil Service Commission Rules and the Arkansas Code.

A. Compliance With Department Directives

Supervisors are expected to set a proper example to their subordinates in the matter of due respect and regard for the policies, procedures, and rules in all matters pertaining to proper discipline.

1. The primary function of a supervisor is to maintain the day-to-day activities of police operations. Compliance with department directives is an integral part of those operations. Supervisors are authorized to take action when department directives are not being followed. [Calea 26.1.5]

(a) A supervisor may elect to counsel an officer whose performance has been found to be deficient.

(b) A supervisor may refer an officer to the training division to correct deficient performance.

(c) A supervisor may document deficient performance and refer it to the Chief of Police in the form of an official complaint.

(d) In cases of a major infraction of policy or department directive, a supervisor may relieve an officer of patrol duties, with pay, and refer the matter to the Chief of Police.

2. In case of alleged unjust treatment in violation of these policies, procedures, and rules, any officer may prefer charges against a superior to the proper authorities. When any member suspects a violation of these policies, procedures, and rules has occurred, they are to notify the Chief of Police for investigation, and may request results of the findings. Reporting a suspected

violation confidentially is not a violation of the policies, procedures, and rules.

3. The following acts, infractions, or violations of the policies, procedures, and rules shall be deemed sufficient cause for separation from the department:

- (a) Willful disobedience of lawful orders.
- (b) Disrespect or insolence toward a superior officer.
- (c) Being under the influence of intoxicants or drugs while on duty.
- (d) Absence without leave.
Absence without leave is defined as any time a department member is scheduled for work and fails to report for duty without first notifying a supervisor prior to the start of the scheduled shift.
- (e) Incompetence.
- (f) Driving any machine or apparatus of the department carelessly or maliciously, in such a manner as to collide with, cause personal injury, damage a vehicle or other property, or any other wanton or malicious conduct, which causes injury or damage to a citizen or property.
- (g) Neglect or refusal to pay just debts.
- (h) Agitating or creating dissension in the department or attempting in any manner to cause ill feeling against any member of the department including civilian personnel working within our facility.
- (i) Making any false or unwarranted report, either publicly or otherwise, about a member of this department.
- (j) Dishonesty at any time when representing this department.
- (k) Lack of Candor under direct questioning, either by any department supervisor or any investigator of the Office of Professional Standards.

4. It shall be the policy of the Fayetteville Police Department that all personnel maintain sufficient competency to properly

perform their duties and assume the responsibility of their positions. Personnel shall perform their duties in a manner, which will maintain the highest standards of efficiency in carrying out the functions and objectives of the department. Unsatisfactory performance may be demonstrated by:

- (a) A lack of knowledge of the application of laws and ordinances required to be enforced.
- (b) An unwillingness or inability to perform assigned tasks.
- (c) The failure to take appropriate action on the occasion of a crime, disorder, or other condition deserving police attention.
- (e) Absence without leave.
- (d) Written record of repeated infractions of policies, procedures, rules, directives, or general orders of the department.

B. Unbecoming Conduct

Officers shall be held responsible at all times for conduct unbecoming an officer of the department, which tends to lower the law enforcement service in the estimation of the public. Officers should be governed by ordinary rules of good behavior observed by law abiding and self-respecting citizens.

1. Any idle, indiscreet, disrespectful or discriminatory remark(s) or rudeness to citizens or any greeting(s), conversation(s), or remark(s) tending to show undue familiarity with members of the opposite sex while on duty shall subject a member to disciplinary action. (See Harassment and Discrimination Policy 26.1.2)

2. Officers are cautioned that the use of obscene, immoral, profane or disrespectful language, agitating and tending to create dissension in the department or attempts to cause undue or unfavorable reflection(s) upon any member of the department, will not be tolerated. Officers shall not engage in altercations between themselves under any circumstances.

3. All officers when reporting for duty shall be completely attired in the regulation uniform as prescribed by the Chief of Police. (Refer to 41.1.1 for Grooming Requirements) Failure to do so may subject the member to reprimand or suspension.

C. Use of Alcohol & Drugs

1. No employee of the police department shall consume alcoholic beverages while on duty. No officer of the department shall have or allow anyone else to have at any time, wine, beer, liquor or any other intoxicating drinks in or around the police station, except as directly related to a case or as evidence item(s). Officers shall not at any time while on duty be under the influence of any wine, beer, liquor, or other intoxicants of any kind, or under sickness caused or produced by the use of such intoxicants. Any officer absenting themselves from scheduled duty because of intoxicating drink, or reporting to duty under its influence, or in any unfit condition due to intoxicants or drugs will be subject to reprimand, suspension or discharge.

2. When deemed operationally necessary, officers in undercover assignments may consume alcoholic beverages and/or simulate the use of drugs. In doing so, officers shall submit a memo to their supervisor documenting the consumption of alcohol or simulation of the use of drugs.

D. Abuse of Authority

1. No officer (except when assigned desk duties inside the police facility) shall receive or collect any fine or fines for parking tickets, other traffic violations, or any other offenses whatsoever. Members shall courteously advise citizens that all fines are payable at the Fayetteville Police Department.

2. No officer shall directly or indirectly, except by permission of the Chief of Police, sell tickets, solicit any money, circulate any petitions, subscriptions, or allow the use of the department's name for any fair, exhibition, benefit, or similar project. In deciding whether to grant such permission, the Chief of Police shall not discriminate against any officer of the department. Such permission may be granted if the activity will not adversely affect the administration or management of the department, or decrease the trust or confidence of the public.

3. No officer shall take, solicit, retain, receive, or extort any fee, property, reward, gift, compensation, or thing of value or free service in any form from any person, firm, or corporation for any services rendered in the conduct or performance of the duties as a police officer.

4. It shall be the policy of the Fayetteville Police Department that its officers shall not recommend or suggest in any manner, except in the transaction of personal business, the employment or procurement of a particular product, professional service, or commercial service (such as an attorney, towing firm, bail bondsman, mortician, etc.).

F. Use of Force

1. Refer to Chapter 1.3.1.

G. Proper Care & Maintenance of Equipment

1. Officers positively shall not loan any department equipment or tools, except on permission of the Chief of Police or other supervisor.

2. Officers are required to care for equipment in their possession. Any departmental equipment damaged due to either carelessness or an intentional act on the part of the employee may result in disciplinary action.

H. Employee Awards/Commendations [Calea 26.1.2]

1. It shall be the policy of this department to recognize heroic actions, meritorious service and significant achievements under the provisions of this policy. Facilitation of awards will be made through an Awards Committee. The Awards Committee will be comprised of departmental Captains, as permanent members, and departmental employees as appointed by the Chief of Police. Members of the Awards Committee will serve a period of two years. Nominations to the Awards Committee will be received by way of the departmental award application form. The Awards Committee will review all applications and make recommendations to the Chief of Police who has final authority on awards. Awards will be presented at a time designated by the Chief of Police.

2. Classification of Awards

A. Chief's Award of Valor: Nominated by the Chief of Police, awarded for an act of extraordinary bravery or heroism by an employee who has demonstrated in great degree the characteristics of selflessness, personal courage and devotion to duty.

B. Exceptional Duty Award: Nominated by departmental supervisors, awarded for exceptional performance,

- which, in the opinion of the supervisor, is deserving of recognition.
- C. Life Saving Award: Nominated by any employee of the department, awarded for a successful effort in saving a human life which involved exceptional courage or performance.
 - D. Unit Meritorious Performance Award: Nominated by any employee, awarded to any individual or unit (sworn or civilian) who has exhibited exceptional professional skill and conduct during a coordinated action.
 - E. Fayetteville Police Department Commendation: Nominated by any employee, awarded to any employee for an outstanding act or achievement, which brings great credit to the department and involves performance above and beyond that required by the individual's basic assignment.
 - F. Community Service Award: Nominated by any employee, awarded to any employee for involvement both on and off duty in youth activities, work with non-profit organizations, working with the police department on special projects or other activities for the public good.
 - G. Outstanding Citizen Award: Nominated by any employee, awarded to a citizen/member of the community who helps the department in apprehension of criminals or any other significant manner.
 - H. Police Blue Star Award: Nominated by the Awards Committee, awarded to any sworn employee who has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those incidents resulting from attack by an assailant, personal combat or the performance of an act of valor.
 - I. Police Blue Shield Award: Nominated by the Awards Committee, awarded to any sworn employee who, as a result of accidental cause, has been seriously, critically or fatally injured while in the performance of police duty. This award should be limited to those cases resulting from an accident.
 - J. Letters of Commendation: A letter of commendation may be written by the Chief of Police to any employee for job performance that might not meet the criteria for the above listed awards, but merits recognition nonetheless. Any person may recommend an employee of this department receive a letter of commendation by submitting a memorandum to the Chief of Police. A letter of commendation may be given:
 - 1) To commend an employee for completing a job task in an exemplary manner.
 - 2) To commend an employee for submitting a recommendation which directly contributes to

- increased department productivity or efficiency.
- 3) For any other reason deemed appropriate by the Chief of Police.

City of Fayetteville Staff Review Form

A. 3
Community Development
Block Grant (CDBG)
Page 1 of 80

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

January 5, 2010
City Council Meeting Date
Agenda Items Only

Yolanda Fields

Submitted By

Community Services

Division

Development Services

Department

Action Required:

Approval of Mayor's authority to execute the 2010 Community Development Block Grant (CDBG) Agreement upon receipt.

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

☐

William C. Be...
Department Director

12-10-2009
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

12-11-09
Date

Original Contract Date:

Original Contract Number:

Paul A. Be...
Finance and Internal Services Director

12-14-2009
Date

Received in City
Clerk's Office

ENTERED
12/10/09

King

[Signature]
Chief of Staff

12-14-09
Date

Received in
Mayor's Office

ENTERED
12/10/09

[Signature]
Mayor

12/15/09
Date

Comments: Staff recommends approval of Mayor's authority to execute the 2010 CDBG Agreement upon receipt.



City Council Meeting Date:
January 5, 2010

City Council Agenda Memo

To: Mayor and City Council

Thru: Jeremy Pate, Director of Development Services 

From: Yolanda Fields, Community Services Division Director 

Date: December 8, 2009

Subject: 2010 Community Development Block Grant (CDBG)

BACKGROUND

Fayetteville has been a Community Development Block Grant (CDBG) Entitlement City since 1975. Funding is based on a formula allocation that takes into account such factors as population, percent of low/moderate income persons and the number of housing units. This formula allocation process awards CDBG funding to the City of Fayetteville. Each year the Community Services Division submits a Consolidated Action Plan to the U.S. Department of Housing and Urban Development (HUD) outlining the proposed uses of the CDBG funding. If HUD approves the Action Plan a CDBG Agreement for that year is received. This Agreement must be executed, returned to the HUD Field Office in Little Rock and then sent to HUD in Washington D.C. for the release of funds.

Grant amounts vary each year dependent upon the funding levels authorized by Congress through the annual federal budget process. The estimated award for 2010 is \$649,000. The grant funding detail submitted to HUD in the 2010 Consolidated Action Plan is:

Administration	\$ 84,784
Housing Rehabilitation	354,832
Redevelopment	56,384
Arts Live Theatre	29,603
Big Brothers Big Sisters	8,500
Credit Counseling of Arkansas	11,911
LifeSource	14,986
Ozark Guidance	5,000
Transportation Program	9,000
Fayetteville Public Library	5,200
Lifestyles	20,265
NWAEDD	29,904
NWA Free Health Center	<u>18,631</u>
	\$649,000

Approving the Mayor's authority to execute the 2010 CDBG Agreement upon receipt will reduce the waiting time for HUD to release the funds. This will allow for quicker start up of both internal and external programs to assist low and moderate income residents of Fayetteville. Any change in the awarded funding amount will be presented to the Council.

RECOMMENDATION

Staff recommends that authority is given to the Mayor to execute the 2010 Community Development Block Grant (CDBG) Agreement upon receipt.

BUDGET IMPACT

2010 estimated CDBG grant revenue - \$649,000

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AGREEMENT FOR 2010 WHEN RECEIVED IN THE ESTIMATED AMOUNT OF \$649,000.00.

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 authorizes the Mayor to execute the Community Development Block Grant (CDBG) Agreement in the estimated amount of \$649,000.00 for 2010 when received, with allocation proposed as follows:

➤ Administration	\$84,784
➤ Housing Rehabilitation	\$354,832
➤ Redevelopment	\$56,384
➤ Arts Live Theatre	\$29,603
➤ Big Brothers Big Sisters	\$8,500
➤ Credit Counseling of Arkansas	\$11,911
➤ LifeSource	\$14,986
➤ Ozark Guidance	\$5,000
➤ Transportation Program	\$9,000
➤ Fayetteville Public Library	\$5,200
➤ Lifestyles	\$20,265
➤ NWAEDD	\$29,904
➤ NWA Free Health Center	\$18,631

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



Community Development Block Grant 2010 Action Plan

Community Services Division
Helping to Build a Better Community

Community Services Division

Community Services Division
1000 North Main Street
Fayetteville, Arkansas 72701
Phone: 479-326-1200
Fax: 479-445-3445
community_resources@ci.fayetteville.ar.us

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Application for Federal Assistance SF-424		Version 02
*1. Type of Submission ☐ Preapplication ☒ Application ☐ Changed/Corrected Application	*2. Type of Application *If Revision, select appropriate letter(s): ☒ New ☐ Continuation * Other (Specify) ☐ Revision	
*3. Date Received: 4. Application Identifier: B-10-MC-0001		
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
8. APPLICANT INFORMATION:		
* a. Legal Name: City of Fayetteville		
* b. Employer/Taxpayer Identification Number (EIN/TIN): 71-6018462		*c. Organizational DUNS: 141-310578
d. Address: *Street1: 113 W Mountain Street 2: *City: Fayetteville County: Washington *State: AR Province: Country: USA *Zip/ Postal Code: 72701		
e. Organizational Unit:		
Department Name: Development Services Department		Division Name: Community Services Division
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix: Ms. First Name: Yolanda Middle Name: *Last Name: Fields Suffix:		
Title: Community Services Director		
Organizational Affiliation:		
*Telephone Number: 479-575-8290 Fax Number: 479-444-3445		
*Email: yfields@ci.fayetteville.ar.us		

Application for Federal Assistance SF-424

Version 02

9. Type of Applicant 1: Select Applicant Type: C. City or Township Government

Type of Applicant 2: Select Applicant Type:

- Select One -

Type of Applicant 3: Select Applicant Type:

- Select One -

*Other (specify):

*10. Name of Federal Agency:

U.S. Department of Housing and Urban Development

11. Catalog of Federal Domestic Assistance Number:

14.218

CFDA Title:

Community Development Block Grant/Entitlement Grant

*12. Funding Opportunity Number:

*Title:

13. Competition Identification Number:

Title:

14. Areas Affected by Project (Cities, Counties, States, etc.):

Fayetteville, AR

*15. Descriptive Title of Applicant's Project:

Community Development Block Grant/Entitlement Grant

Attach supporting documents as specified in agency instructions.

Application for Federal Assistance SF-424

Version 02

16. Congressional Districts Of:

*a. Applicant
AR-003

*b. Program/Project:
AR-003

Attach an additional list of Program/Project Congressional Districts if needed.

17. Proposed Project:

*a. Start Date: January 1, 2010

*b. End Date: December 31, 2010

18. Estimated Funding (\$):

*a. Federal \$649,000.00

*b. Applicant

*c. State

*d. Local

*e. Other

*f. Program Income

*g. TOTAL \$649,000.00

*19. Is Application Subject to Review By State Under Executive Order 12372 Process?

☐ a. This application was made available to the State under the Executive Order 12372 Process for review on

☐ b. Program is subject to E.O. 12372 but has not been selected by the State for review.

☒ c. Program is not covered by E.O. 12372

*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)

☐ Yes ☒ No

21. *By signing this application, I certify (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms if I accept an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 218, Section 1001)

☒ **I AGREE

** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions.

Authorized Representative:

Prefix: Mr

*First Name: Lioneld

Middle Name:

*Last Name: Jordan

Suffix:

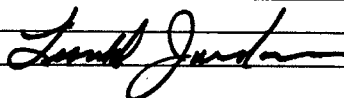
*Title: Mayor

*Telephone Number: 479-575-8331

Fax Number: 479-444-3445

*Email: ljordan@ci.fayetteville.ar.us

*Signature of Authorized Representative:



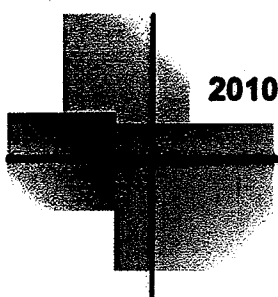
Date Signed: 11/10/09

Application for Federal Assistance SF-424

Version 02

*Applicant Federal Debt Delinquency Explanation

The following field should contain an explanation if the Applicant organization is delinquent on any Federal Debt. Maximum number of characters that can be entered is 4,000. Try and avoid extra spaces and carriage returns to maximize the availability of space.



2010 Consolidated Action Plan | Introduction

This document serves as the City of Fayetteville's One-Year Consolidated Action Plan Submission for the use of 2010 Community Development Block Grant (CDBG) Program funds. The Action Plan describes how the City will address the priority needs and specific objectives identified in the Five-Year strategy outlined in the City of Fayetteville's 2005-2009 Consolidated Plan. The One-Year Action Plan is a component of the Consolidated Plan that is updated annually to reflect resource allocation changes.

The planning process for the development of this One-Year Action Plan began on July 30, August 1, and August 2, 2009, with published notices that the City was holding a mandatory workshop and accepting applications for 2010 CDBG program funding. This notice of funding, in combination with the public hearing held on October 8, 2009, allowed agencies and interested citizens the opportunity to express concerns and share community needs. The public hearing announcement is included in Appendix B of this document.

Following the application submission period, 17 funding requests were received and reviewed by staff and the members of the grant prioritization committee. Applications were reviewed for compliance with application requirements. Proposed projects were also evaluated for fit with City Council adopted local community development objectives and consistency with the priorities and objectives contained in the 2005-2009 Consolidated Plan. CDBG funded activities must qualify by meeting at least one of the three national objectives: benefit low- and moderate-income individuals, prevent or eliminate blight and slums or meet urgent community development needs that pose a serious and immediate threat to the health or welfare of the community. In addition, each application was assessed for project readiness, financial leverage and other relevant concerns.

A summary of the proposed uses of CDBG funds recommended by staff was published in The Northwest Arkansas Times on September 24 and 27, 2009. It was also published in Spanish in the weekly paper Noticias Libres for the week of September 28, 2009. These public notices provided the start and end dates of the 30-day public comment period. In addition, the public notices advised the general public of two locations that the proposed 2010 One-Year Action Plan was available for their review and comments. The draft One-Year Action Plan was then discussed at a public hearing held on October 8, 2009.

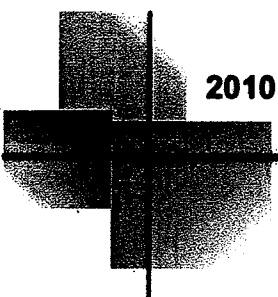
2010 Consolidated Action Plan

In order to receive its annual CDBG funding, the City of Fayetteville must develop and submit to the Department of Housing and Urban Development (HUD) its Consolidated Action Plan. This plan is the City's comprehensive planning document and application.

In the Consolidated Action Plan, the City identifies its goals for CDBG programs, which also serve as the criteria against which HUD will evaluate the City's performance in carrying out its goals. The Consolidated Plan promotes a comprehensive approach to local decisions by requiring cities to include all local residents interested in community development to help identify the needs of the community and formulate strategies for addressing those needs.

The concept behind the Consolidated Action Plan is to:

- Enable a community to view HUD programs not as isolated tools to solve narrow functional problems, but rather as an invitation to embrace a comprehensive vision of housing and community development;
- Create a comprehensive vision which includes affordable housing, fair housing, transportation, economic development and community rehabilitation;
- Enable communities to apply this comprehensive approach in helping the homeless in a continuum of care, a comprehensive system for moving individuals and families from homelessness to permanent housing;
- Improve program accountability and support results oriented management by establishing clear priority needs and goals; providing more timely and readable information on needs, goals and proposed projects to citizens; providing measurable indicators of progress; and reporting on progress against these measures;
- Facilitate citizen involvement and commitment in the planning process by increased community outreach;
- Partner with the local Public Housing Authority in comprehensive planning efforts to revitalize distressed neighborhoods and help low-income residents;
- Integrate efforts to identify and take measures to overcome impediments to fair housing, which is an integral part of comprehensive planning efforts. The programs covered by the Consolidated Plan all have in common the characteristic that expenditures must primarily benefit extremely low (0 to 30 percent of median income), very low (31 percent to 50 percent of median income), and low (51 percent to 80 percent of median income) income persons and households.



2010 Consolidated Action Plan

In addition, the goals are intended to meet the following three federal statutory objectives:

PROVIDE DECENT HOUSING | which includes:

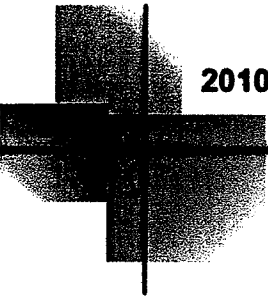
assisting homeless persons obtain affordable housing; assisting persons at risk of becoming homeless; retention of affordable housing stock; increase the availability of affordable permanent housing in standard condition to low income and moderate income families, particularly to members of disadvantaged minorities without discrimination on the basis of race, color, religion, sex, national origin, familial status, or disability; increasing the supply of supportive housing which includes structural features and services to enable persons with special needs (including persons with HIV/AIDS) to live in dignity and independence; and providing affordable housing that is accessible to job opportunities.

PROVIDE A SUITABLE LIVING ENVIRONMENT | which includes:

improving the safety and livability of neighborhoods; increasing access to quality public and private facilities and services; reducing the isolation of income groups within areas through spatial de-concentration of housing opportunities for lower income persons and the revitalization of deteriorating neighborhoods; restoring and preserving properties of special historic, architectural or aesthetic value; and conservation of energy resources.

EXPAND ECONOMIC OPPORTUNITIES | which includes:

job creation and retention; establishment, stabilization and expansion of small businesses (including micro businesses); the provision of public services concerned with employment; the provision of jobs to low-income persons living in areas affected by those programs and activities, or jobs resulting from carrying out activities under programs covered by the plan; availability of mortgage financing for low income persons at reasonable rates using non-discriminatory lending practices; access to capital and credit for development activities that promote the long term economic and social viability of the community; and empowerment and self sufficiency for low income persons to reduce generational poverty in federally assisted housing and public housing.



2010 Consolidated Action Plan Institutional Structure & Coordination

INSTITUTIONAL STRUCTURE and COORDINATION

Federal regulations require CDBG recipients to establish a common program year and identify a single lead agency to prepare and submit the Consolidated Action Plan. The task of preparing this Plan is assigned to the City of Fayetteville's Community Services Division. Annually, Community Services prepares the One-Year Consolidated Action Plan as an update to the Five-Year Consolidated Plan. The Division addresses the various housing needs and strategies of the City of Fayetteville and administers the City's CDBG Program. It also functions as a program and services delivery unit to help address the community's needs for decent housing, a suitable living environment, and sustained economic health.

The Community Services Division has been in contact with an extensive network of governmental and non-profit agencies in developing this plan. Notices of funding availability were published in the local newspaper.

The delivery and financing of affordable/attainable housing involves organizations and participants from public agencies, businesses and private institutions, non-profits and community based organizations. The roles and responsibilities of the participants will vary depending on the project, required resources, leadership, and levels of commitment, capacity, productivity and understanding of the issue. The Community Services Division will continue working with the various organizations as it implements the provisions of the 2010 One-Year Action Plan.

Staff also maintains relationships with state and federal partners and agencies to better link services to our targeted population. Community Services staff has assumed leadership and support roles with the Northwest Arkansas Housing Coalition, League of United Latin American Citizens, New Arkansas Resource Network Advisory Committee, the Hispanic Women's Organization and the University of Arkansas Community Relations Committee.

2010 Consolidated Action Plan Community Profile

COMMUNITY PROFILE

The City of Fayetteville is the county seat of Washington County and is located in the northwestern part of Arkansas. Washington County is the third most populous county in Arkansas and one of the fastest growing. Fayetteville is situated at the foothills of the Ozark Mountains. Fayetteville is the southernmost city in metropolitan Northwest Arkansas and is located approximately 185 miles northwest of Little Rock, Arkansas, 125 miles east of Tulsa, Oklahoma, 350 miles northeast of Dallas, Texas, and 210 miles south of Kansas City, Missouri. Fayetteville and the Northwest Arkansas region have gained a national reputation as one of the best places in the country to live and raise a family. The City and the region are experiencing rapid population growth and an increasing number of visitors. Fayetteville's population has increased from approximately 20,000 in 1960 to 58,047 according to the 2000 census. A special census completed in June of 2006 showed the population to be 67,158 and the most recent U.S. Census Bureau estimates place the population at 73,372. The city is the third most populous in Arkansas and currently encompasses 34,153 acres.

The 2006 special census found that there were 67,158 people, 28,212 households, and 13,773 families residing within the city. The special census numbers reflect increases from the 2000 census. They show a 14% increase in the number of people, 16% increase in households and a 12% increase in the number of families. There were 31,419 housing units this is an increase in housing units of 19% between the 2000 census and the 2006 special census. The racial makeup of the city was 82.9% White, 5.6% African American, 0.9% Native American, 2.9% Asian, 0.2% Pacific Islander, 4.3% Other races, 3.1% Two or more races. The 2006 special census showed that 6.5% of the community was Hispanic or Latino of any race.

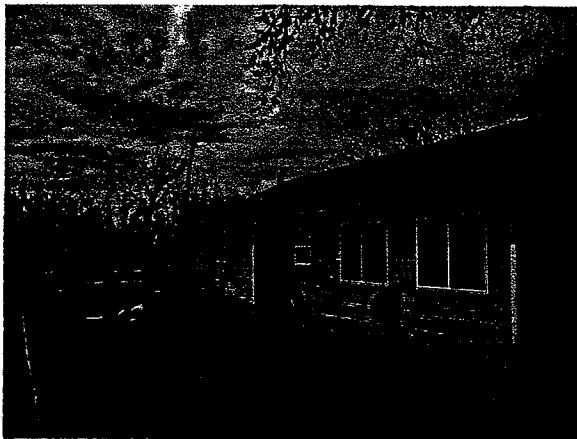
The age distribution in the City was 19.2% under the age of 18, 26.2% from 18 to 24, 30.4% from 25 to 44, 16.9% from 45 to 64, and 7.3% were 65 years of age or older. The special census did not update the median income information therefore the following is utilizing information from the 2000 census. The median income for a household in the city was \$31,345, and the median income for a family was \$45,074. The per capita income for the city was \$18,311. 19.9% of the population and 11.4% of families were below the poverty line.

2010 Consolidated Action Plan Housing & Community Development Needs

HOUSING & COMMUNITY DEVELOPMENT NEEDS

HOUSING

The City of Fayetteville is committed to the development of programs which address the need for housing for Low and Moderate Income (LMI) persons and families. In response to priority needs revealed during the development of the City's five year Consolidated Plan in 2005, the City has focused on developing community partnerships with local entities with expertise in specialized housing activities. This cooperation will further the Attainable Housing effort in the City of Fayetteville. Attainable housing has become a topic of great concern for this division. Housing costs in Northwest Arkansas have increased at a considerable rate throughout the past 10 years according to the latest information from the 2000 Census. The cost of the median mortgage payment in the City of Fayetteville remains the highest in Northwest Arkansas at \$916, an increase of 45 percent. It is the highest median mortgage payment of any city in Northwest Arkansas and 24 percent higher than the state median of \$737.



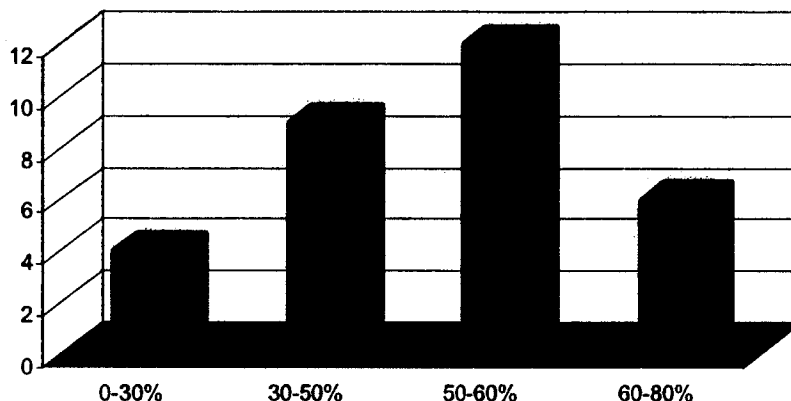
This home received housing rehabilitation with Community Development Block Grant funds. The moderate rehabilitation consisted of installing new windows to meet code, removing and replacing exterior doors, remove and replace insulations and gutters, new siding, soffit and fascia, replaced back porch and remove and patch s-rock in bathroom and fix sub-floor.

REHABILITATION

The City of Fayetteville has been helping homeowners with rehabilitation of their homes for approximately 30 years. The funding has allowed homeowners to stay in their homes and the improvements to their homes have acted as a catalyst for other, high quality renovations and new construction of housing in the project area. The majority of recipients have been very low income and/or elderly households. These owners have little or no funds available to repay a loan and typically have the greatest amount of deferred maintenance. The chart on the following page reflects the income levels of program participants from January 2009 - September 2009.

2010 Consolidated Action Plan Housing & Community Development Needs

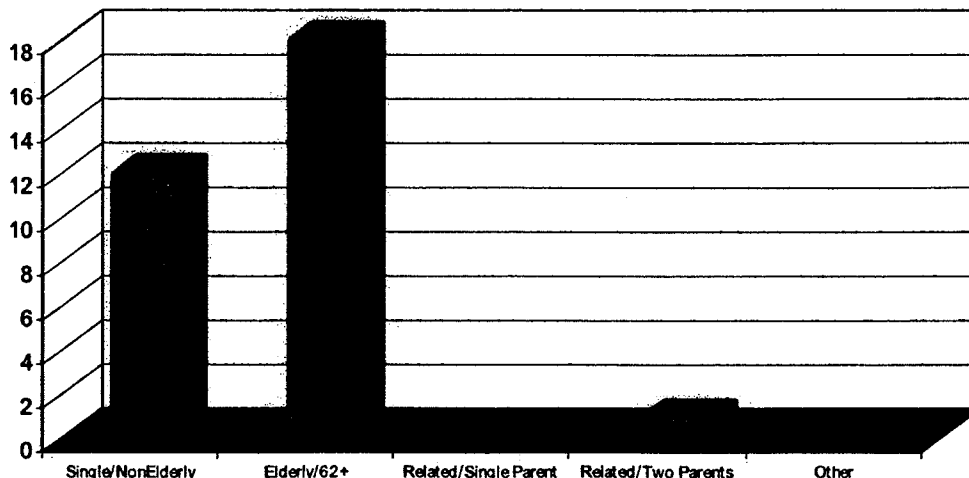
Housing Projects Completed | Income Limits



According to the U.S. Census Bureau approximately 7,722 homes were built prior to 1978 in the City of Fayetteville. Any rehabilitation activities of more than \$5,000 on homes constructed prior to 1978 will have Lead-Based Paint (LBP) testing done and actions taken to remove any identified hazards. Lead-based paint hazards consist of any condition that causes exposure to lead. To date in 2009, the program identified 7 homes in the housing rehabilitation program with LBP concerns. All of those homes have or will have those hazards corrected. (Note: some of those identified are projects currently in progress)

The 2006 Special Census reported 4,891 residents over the age of 65 in the City of Fayetteville. Homeowners in this age group are generally on a fixed income and often cannot afford to make any repairs on their homes or address making their homes energy efficient. The housing rehab program addresses both Lead-Based Paint issues and making the home energy efficient which can allow the homeowners to remain in the home longer than expected. The races of the households is 18 (58%) White, 11 (35%) African American and 2 (7%) Hispanic. The following charts reflect the statistics on the participants that have been assisted in the first nine months of 2009. We have provided rehabilitation to 31 homes from January - September 2009.

Housing Projects Completed | Head of Household



2010 Consolidated Action Plan Housing & Community Development Needs

Housing Projects Completed | Sex of Household



PUBLIC SERVICES

Utilization of CDBG funds for the provision of public services, which serve LMI groups, has been and continues to be a focus of the Community Development Program. The Transportation Program has two components and provides assistance to LMI, disabled and/or elderly members of our community. The Transit Program provides qualifying LMI residents with bus passes through a partnership with Ozark Regional Transit to supplement their ability to get to appointments, jobs, etc. The Taxi Program provides supplemental transportation for elderly and/or disabled residents of Fayetteville in hopes of allowing them greater self-sufficiency. The Public Services component also includes the CDBG Subrecipient Grant Program which allows local nonprofits to apply for funding through a competitive grant application process.

PUBLIC FACILITIES

CDBG has historically supported Community Services Public Facilities projects in Fayetteville. CDBG dollars have assisted with construction, renovation and development of facilities for local non-profit organizations such as Seven Hills Homeless Center, Head Start, Yvonne Richardson Community Center and Peace at Home Family Shelter, as well as renovations and improvements to streets, sidewalks and other infrastructure located in the designated target area.

2010 Consolidated Action Plan Housing & Community Development Needs

REDEVELOPMENT

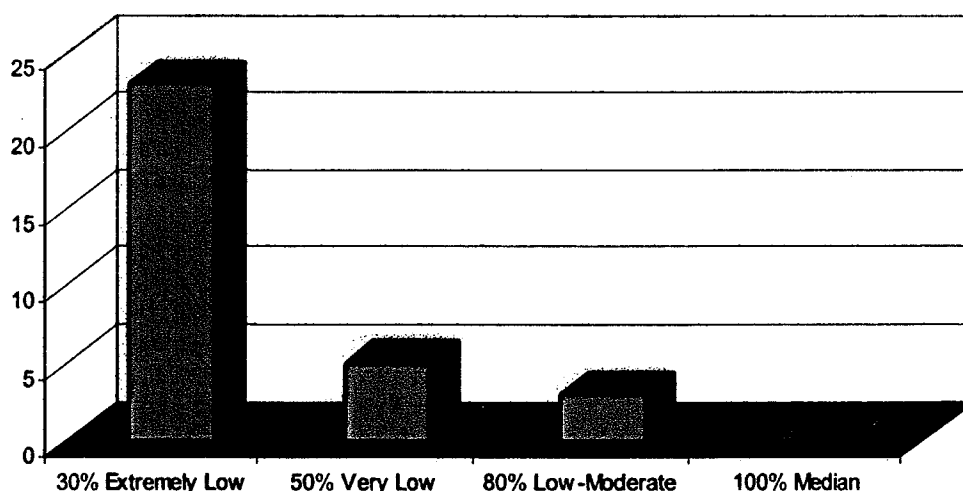
In 1992, a neighborhood within a low-to-moderate-income area of Fayetteville was designated as the Target Area. Prior to the creation of the program, Code Compliance efforts were placing an additional economic strain on the low- and moderate-income homeowners in the Target Area who are physically or financially unable to correct code violations. Thus, in 2004, the Redevelopment Program was established for the Target Area to assist in cleaning and revitalizing the deteriorating neighborhood.

According to the Community Sourcebook of Zip Code Demographics, 37.2% of the population makes less than \$25,000; 26.0% make \$25,000 to \$49,000; 24.3% make \$50,000 to \$99,000; 8.0% make \$100,000 to \$149,000; and 4.6% make \$150,000 or more. The Target Area is located within the 72701 zip code area, which is comprised of mainly low- and moderate-income residents.

With a high percentage making less than \$25,000 a year, it is evident that residents will often not have the resources to correct code violations on their property. Currently there are 15 active cases and 21 service requests in the Target Area. The Redevelopment Program assists residents with correcting code violations without creating additional economic strain.

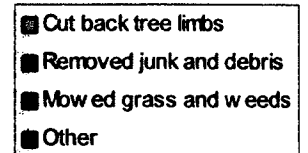
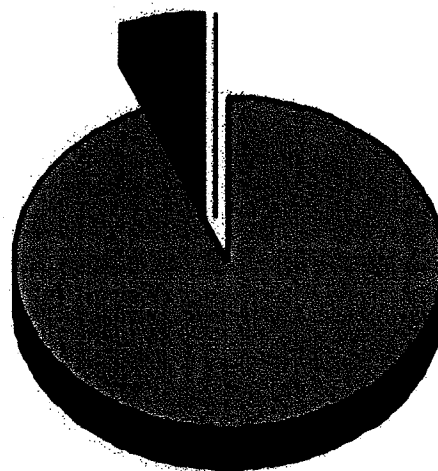
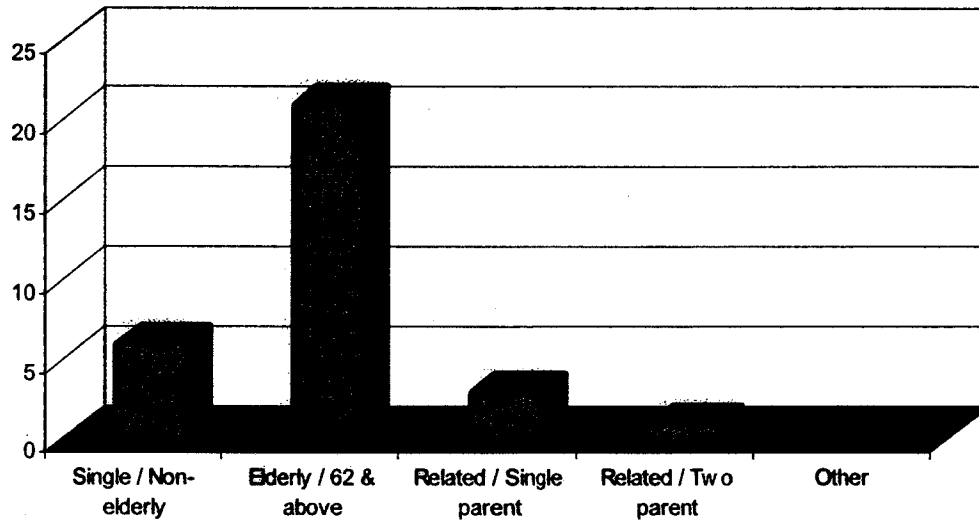
From January 2009 - September 2009, we have successfully assisted 31 households. The following charts provide statistics on the participants that were assisted.

Redevelopment Projects Completed | Income Limits



2010 Consolidated Action Plan Housing & Community Development Needs

Redevelopment Projects Completed | Head of Household



Redevelopment Projects Completed | Work Performed

In addition to identifying code violations in the Target Area, the Redevelopment Officer seeks opportunities to educate residents and local organizations in the Target Area on city ordinances and the Redevelopment Program. The goal of education is not just to educate the public but also to develop and maintain relationships.

2010 Consolidated Action Plan Available Resources & Public Access | Participation

AVAILABLE RESOURCES

FEDERAL | STATE The City of Fayetteville is an entitlement community and therefore receives a formula grant through the Department of Housing and Urban Development Community Development Block Grant Program. Private non-profit organizations in Fayetteville are funded through competitive state and federal allocations, the local United Way campaign, private foundation grants, other special competitive grants, and private donations including fund-raising activities. The City anticipates the CDBG formula allocation in 2010 will be approximately \$649,000.

MUNICIPAL GOVERNMENT The City's Street Division has estimated \$366,346 for street overlay and repair of streets located in the designated Community Development Target Area.

PUBLIC ACCESS & PARTICIPATION

CDBG Activities are designed and carried out based on local needs. Through public meetings, consultation with area public and non-profit service agencies, informal discussion with citizens, studies, city staff and special purpose committees; input from community stakeholders and resource holders is sought and integrated into designating action priorities.

One formal public hearing was held to present and discuss proposed CDBG activities for fiscal year 2010. Representatives from area non-profits attended this year's public hearing. Community Development staff were active in the presentation of program information.

In addition, a quarterly Community Services outreach publication serves to inform the community of current and future program projects and activities. Program literature in Spanish is also available in the office and at locations in the community. Staff continues to be active in the Northwest Arkansas Housing Coalition.

In accordance with Fayetteville's Citizen Participation Plan, the 2010 Consolidated Action Plan was made available for a 30 day citizen review period.

2010 Consolidated Action Plan Analysis of Impediments to Further Fair Housing

ANALYSIS OF IMPEDIMENTS TO FAIR HOUSING

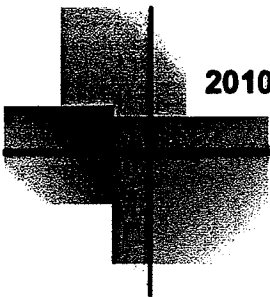
The *Analysis of Impediments to Fair Housing (AI)* was updated in 2005. CDBG Program regulations require recipient jurisdictions to "affirmatively further fair housing" as required by Section 808 of the Fair Housing Act.

The AI is part of the Community Services effort to affirmatively further fair housing choice by identifying impediments to fair housing which presently exist in the community, and to develop strategies and actions designed to reduce or eliminate the identified impediments. Further, the AI will foster the collaboration of stakeholders and resource providers in the public, non-profit and private sectors; thereby promoting relationship-building and consensus on fair housing issues. The AI process helps describe a clearer picture of housing conditions for LMI households in Fayetteville and aids in defining current and future housing directions.

The current AI identified three areas of action:

- Further development of the Attainable Housing Element that provides methods of enhancing attainable housing by providing a multi-faceted policy.
- Encouragement of continuing education/outreach in the realtor/developer community, and local newspapers and other publications on fair housing.
- Enhancement of local fair housing ordinance.

The Community Services CDBG administration program has responsibility for the efforts to affirmatively further fair housing.



2010 One Year Action Plan

ONE-YEAR ACTION PLAN 2010

SUMMARY | USE OF FUNDS

The One-Year Action Plan for the 2010 program year illustrates the various programs, listings of projects and descriptions that will be implemented and funded under the CDBG federal program.

Comments regarding the 2010 Action Plan can be sent to:

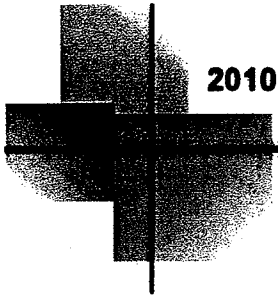
City of Fayetteville
Attention: Yolanda Fields
Community Services Division
113 W Mountain Street
Fayetteville AR 72701

Title I of the Housing and Community Development Act of 1974 (Public Law 93-383) created the CDBG Program. Re-authorized in 1990 as part of the Cranston-Gonzalez National Affordable Housing Act, local communities can use the resources of the CDBG Program to develop flexible, locally designed community development strategies to address the program's national objectives of:

1. Providing benefits to low and moderate income persons;
2. Eliminating slums and blight; and
3. Meeting an urgent community need.

Within the framework of these national objectives, the City of Fayetteville has also established the following local community development objectives:

1. Housing and neighborhood preservation;
2. Economic development through job enhancement;
3. Public facilities and improvements limited to the support of objectives 1 and 2;
4. Elimination of blight and blighting elements limited to the support of objectives 1 and 2; and
5. Special programs offering significant community benefit and in direct support of objectives 1 and 2.



2010 Consolidated Action Plan Administration | Housing | Redevelopment

ADMINISTRATION

Administration funds are used for the salary and benefits of the Community Development Director, administration staff, office supplies, travel and training costs, some Fair Housing activities, and other costs associated with administration of community development activities. CDBG funds allocated - \$84,784. Location: Development Services Building, 125 West Mountain Street, Fayetteville, Arkansas 72701.

HOUSING SERVICES

RESIDENTIAL REHABILITATION | This allocation provides forgivable loans to low and moderate income persons for rehabilitation of owner-occupied housing. The following services are offered:

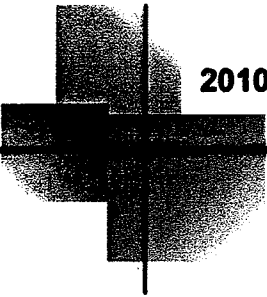
- Minor Rehabilitation up to \$10,000
- Moderate Rehabilitation up to \$25,000

The program provides labor, materials, project management, Lead Based Paint (LBP) Hazard Control, and other associated costs to bring a home into compliance with State and City Housing Codes. Emphasis is placed on repairs that improve energy efficiency, alleviate deferred maintenance conditions, provide safety devices and/or replace principal fixtures and components. CDBG funds allocated - \$354,832 which includes salary and program delivery costs for management and oversight of all housing programs. Fifty households to be served.

Location: Citywide, when there is a waiting list applicants are prioritized according to established criteria to give highest priority to those most in need of services. Priority criteria include: very low income, elderly, disabled, single-parent household, lead-based paint hazards in home and homes located in the Target Area.

REDEVELOPMENT PROGRAM

Program activities conducted in the Target Area include code compliance, clearance and demolition, and land acquisition for attainable housing. Twenty-five households to be served. CDBG funds allocated - \$56,384. Location: The identified Target Area in southeast Fayetteville.



2010 Consolidated Action Plan Public Services

Public Services

Arts Live Theatre | \$ 29,603

Arts Live Theatre 2010-2011 Production Season Staff and productions costs for the 2010-2011 production season. The production season will feature between 200 and 250 children and youth, with additional students assisting backstage and over 4,000 total audience members.

Big Brothers Big Sisters of Northwest Arkansas | \$8,500

Providing Hope and Opportunity Through Mentoring A portion of the costs associated with the site-based mentoring programs in Fayetteville. The program matches at-risk children with a high school or adult volunteer in a one-to-one mentoring relationship.

Credit Counseling of Arkansas, Inc. (CCOA) | \$11,911

Safe at Home Provision of free homebuyer education and foreclosure prevention counseling for low- and moderate-income households in Fayetteville. Funding requested for salaries/benefits, program outreach tools and materials and facilities.

LifeSource International | \$14,986

Kid's Life Summer Camp A portion of the costs associated with implementing the eight week day camp for at-risk youth in 2nd – 9th grades. Emphasis is placed on education, health and nutrition and physical activity.

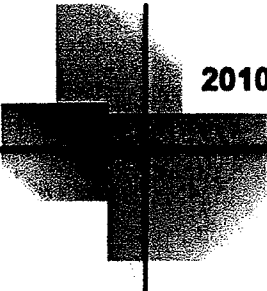
Ozark Guidance | \$5,000

Watson Street Apartments Support for immersion and mainstreaming activities for persons with disabilities residing in the Watson Street Apartments. Funding will provide transportation, meals and tickets to venues such as the Walton Arts Center, University of Arkansas and the Northwest Arkansas Naturals.

Transportation Program | \$9,000

Taxi Program Supplemental transportation for disabled and/or elderly residents to assist in creating greater self-sufficiency for program participants.

Transit Program Supplemental transportation assistance for qualifying low- and moderate-income residents.



2010 Consolidated Action Plan Public Facilities

Public Facilities

Fayetteville Public Library | \$5,200

Improving Access to the Fayetteville Public Library for Persons Using Mobility Devices Funding to create a second floor wheelchair-accessible library catalog workstation and add remote operation buttons to two restroom doors on the second floor of the library.

Life Styles | \$20,265

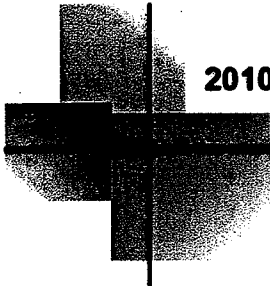
College for Living Center Life Styles through a capital campaign is preparing to build a College for Living Center to meet the needs of current clientele and expand services to more individuals with disabilities. Funding is requested for pre-construction services.

Northwest Arkansas Economic Development District (NWAEDD) | \$29,904

Fayetteville Senior Center Kitchen Increased numbers of seniors using the center has made the current cold storage capacity inadequate. Funding is requested to purchase an Outdoor Walk-in Cooler/Freezer Unit and expenses related to installing the unit.

Northwest Arkansas Free Health Center | \$18,631

Increasing Energy Efficiency by Replacing Window Units, Entry Door Weather Stripping and Light Bulbs Funding is requested to replace five windows, weather strip the front doors and purchase energy efficient Ecologic light bulbs. Money saved through reducing energy usage/cost will be used for patient care.



2010 Consolidated Action Plan Monitoring

MONITORING

COMMUNITY DEVELOPMENT PROGRAMS will be monitored by the Community Development Division, State HUD staff and external auditors to ensure long-term compliance with federal, state and local regulations and statutes. Goals and objectives outlined in the Consolidated Plan will be reviewed periodically by the Community Development staff to ensure compliance to the plan.

HOUSING PROGRAMS will be monitored by the CDBG Housing Program staff and State HUD staff. When needed the City of Fayetteville Building Safety Division will provide monitoring for compliance to building ordinances. All building ordinances must be met prior to final payment on all housing rehabilitation projects. Follow-up visits will be made to all minor rehabilitation project sites.

PUBLIC SERVICE ACTIVITIES will be monitored by Community Services staff. Subrecipient agreements will be required for all public service activities. Monitoring includes assessment of program performance, financial performance and regulatory compliance. Subrecipient agreements will require documentation of activities and results. The subrecipient agreement will outline procedures to be followed in case a non-compliance situation may occur.

REDEVELOPMENT PROGRAMS will be monitored by Community Services staff, State HUD staff and external auditors. Code compliance issues are administered according to city ordinances and policy/procedures guidelines. Land acquired will be utilized for attainable housing in the Target Area. Program efforts will serve to advance the revitalization of the Target Area.

LEAD BASED PAINT Hazard Reduction will be monitored by CDBG Housing Program staff. Rehabilitation projects are evaluated and tested for lead-based paint hazards in accordance with the City of Fayetteville lead-based paint policy. The policy has been established based on current federal regulation for lead-based paint. This policy will be reviewed on an annual basis by CDBG staff.

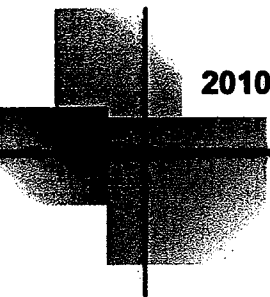
GRANTEE MONITORING Division staff continue to take all necessary steps to ensure compliance with program requirements. All activities are looked at on an individual basis to determine what regulations are applicable and how they should be met. Division staff receive on-going training to develop the knowledge and skills to operate and comply with program requirements.



Community Development Block Grant 2010 Action Plan

APPENDICES

Community Services Division
Helping to Build a Better Community



2010 Consolidated Action Plan Certifications

Appendix A *Certifications*



CPMP Non-State Grantee Certifications

Many elements of this document may be completed electronically, however a signature must be manually applied and the document must be submitted in paper form to the Field Office.

☐ This certification does not apply
☒ This certification is applicable

NON-STATE GOVERNMENT CERTIFICATIONS

In accordance with the applicable statutes and the regulations governing the consolidated plan regulations, the jurisdiction certifies that:

Affirmatively Further Fair Housing -- The jurisdiction will affirmatively further fair housing, which means it will conduct an analysis of impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting that analysis and actions in this regard.

Anti-displacement and Relocation Plan -- It will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulations at 49 CFR 24; and it has in effect and is following a residential antidisplacement and relocation assistance plan required under section 104(d) of the Housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under the CDBG or HOME programs.

Drug Free Workplace -- It will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about --
 - a. The dangers of drug abuse in the workplace;
 - b. The grantee's policy of maintaining a drug-free workplace;
 - c. Any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will --
 - a. Abide by the terms of the statement; and
 - b. Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted --
 - a. Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - b. Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

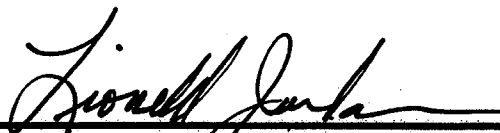
Anti-Lobbying -- To the best of the jurisdiction's knowledge and belief:

8. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;
9. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and
10. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

Authority of Jurisdiction -- The consolidated plan is authorized under State and local law (as applicable) and the jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations.

Consistency with plan -- The housing activities to be undertaken with CDBG, HOME, ESG, and HOPWA funds are consistent with the strategic plan.

Section 3 -- It will comply with section 3 of the Housing and Urban Development Act of 1968, and implementing regulations at 24 CFR Part 135.



Signature/Authorized Official

11/10/09

Date

Lioneld Jordan

Name

Mayor City of Fayetteville

Title

113 W Mountain St

Address

Fayetteville/AR/72701

City/State/Zip

479-575-8331

Telephone Number

- ☐ This certification does not apply.
- ☒ This certification is applicable.

Specific CDBG Certifications

The Entitlement Community certifies that:

Citizen Participation -- It is in full compliance and following a detailed citizen participation plan that satisfies the requirements of 24 CFR 91.105.

Community Development Plan -- Its consolidated housing and community development plan identifies community development and housing needs and specifies both short-term and long-term community development objectives that provide decent housing, expand economic opportunities primarily for persons of low and moderate income. (See CFR 24 570.2 and CFR 24 part 570)

Following a Plan -- It is following a current consolidated plan (or Comprehensive Housing Affordability Strategy) that has been approved by HUD.

Use of Funds -- It has complied with the following criteria:

11. **Maximum Feasible Priority -** With respect to activities expected to be assisted with CDBG funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);
12. **Overall Benefit -** The aggregate use of CDBG funds including section 108 guaranteed loans during program year(s) 2____, 2____, 2____, (a period specified by the grantee consisting of one, two, or three specific consecutive program years), shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the amount is expended for activities that benefit such persons during the designated period;
13. **Special Assessments -** It will not attempt to recover any capital costs of public improvements assisted with CDBG funds including Section 108 loan guaranteed funds by assessing any amount against properties owned and occupied by persons of low and moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements.

However, if CDBG funds are used to pay the proportion of a fee or assessment that relates to the capital costs of public improvements (assisted in part with CDBG funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds.

The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG funds, including Section 108, unless CDBG funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG funds. Also, in the case of properties owned and occupied by moderate-income (not low-income) families, an assessment or charge may be made against the property for public improvements financed by a source other than CDBG funds if the jurisdiction certifies that it lacks CDBG funds to cover the assessment.

Excessive Force -- It has adopted and is enforcing:

14. A policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and
15. A policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such non-violent civil rights demonstrations within its jurisdiction;

Jurisdiction

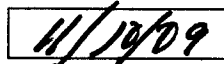
Compliance With Anti-discrimination laws -- The grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 USC 2000d), the Fair Housing Act (42 USC 3601-3619), and implementing regulations.

Lead-Based Paint -- Its activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K and R, of title 24;

Compliance with Laws -- It will comply with applicable laws.



Signature/Authorized Official



Date

Lioneld Jordan

Name

Mayor City of Fayetteville

Title

113 W Mountain St

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City/State/Zip

479-575-8331

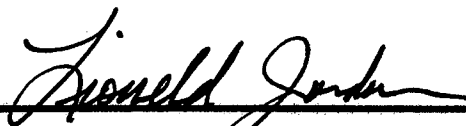
Telephone Number

☒ This certification does not apply.
☐ This certification is applicable.

**OPTIONAL CERTIFICATION
CDBG**

Submit the following certification only when one or more of the activities in the action plan are designed to meet other community development needs having a particular urgency as specified in 24 CFR 570.208(c):

The grantee hereby certifies that the Annual Plan includes one or more specifically identified CDBG-assisted activities, which are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community and other financial resources are not available to meet such needs.


Signature/Authorized Official


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Specific HOME Certifications

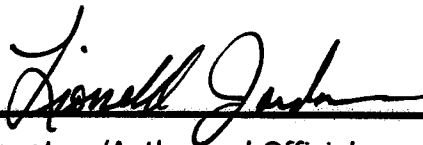
The HOME participating jurisdiction certifies that:

Tenant Based Rental Assistance -- If the participating jurisdiction intends to provide tenant-based rental assistance:

The use of HOME funds for tenant-based rental assistance is an essential element of the participating jurisdiction's consolidated plan for expanding the supply, affordability, and availability of decent, safe, sanitary, and affordable housing.

Eligible Activities and Costs -- it is using and will use HOME funds for eligible activities and costs, as described in 24 CFR § 92.205 through 92.209 and that it is not using and will not use HOME funds for prohibited activities, as described in § 92.214.

Appropriate Financial Assistance -- before committing any funds to a project, it will evaluate the project in accordance with the guidelines that it adopts for this purpose and will not invest any more HOME funds in combination with other Federal assistance than is necessary to provide affordable housing;



Signature/Authorized Official

11/10/09

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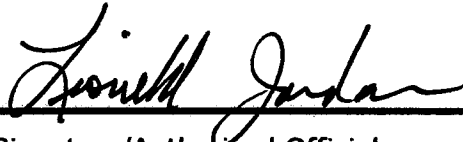
HOPWA Certifications

The HOPWA grantee certifies that:

Activities -- Activities funded under the program will meet urgent needs that are not being met by available public and private sources.

Building -- Any building or structure assisted under that program shall be operated for the purpose specified in the plan:

1. For at least 10 years in the case of assistance involving new construction, substantial rehabilitation, or acquisition of a facility,
2. For at least 3 years in the case of assistance involving non-substantial rehabilitation or repair of a building or structure.



Signature/Authorized Official

11/10/09

Date

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113 W Mountain St

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479-575-8331

Telephone Number

☒ This certification does not apply.
☐ This certification is applicable.

ESG Certifications

I, n/a, Chief Executive Officer of Jurisdiction, certify that the local government will ensure the provision of the matching supplemental funds required by the regulation at 24 *CFR* 576.51. I have attached to this certification a description of the sources and amounts of such supplemental funds.

I further certify that the local government will comply with:

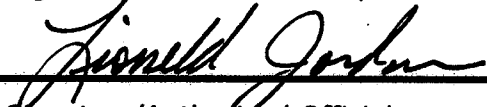
1. The requirements of 24 *CFR* 576.53 concerning the continued use of buildings for which Emergency Shelter Grants are used for rehabilitation or conversion of buildings for use as emergency shelters for the homeless; or when funds are used solely for operating costs or essential services.
2. The building standards requirement of 24 *CFR* 576.55.
3. The requirements of 24 *CFR* 576.56, concerning assurances on services and other assistance to the homeless.
4. The requirements of 24 *CFR* 576.57, other appropriate provisions of 24 *CFR* Part 576, and other applicable federal laws concerning nondiscrimination and equal opportunity.
5. The requirements of 24 *CFR* 576.59(b) concerning the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.
6. The requirement of 24 *CFR* 576.59 concerning minimizing the displacement of persons as a result of a project assisted with these funds.
7. The requirements of 24 *CFR* Part 24 concerning the Drug Free Workplace Act of 1988.
8. The requirements of 24 *CFR* 576.56(a) and 576.65(b) that grantees develop and implement procedures to ensure the confidentiality of records pertaining to any individual provided family violence prevention or treatment services under any project assisted with ESG funds and that the address or location of any family violence shelter project will not be made public, except with written authorization of the person or persons responsible for the operation of such shelter.
9. The requirement that recipients involve themselves, to the maximum extent practicable and where appropriate, homeless individuals and families in policymaking, renovating, maintaining, and operating facilities assisted under the ESG program, and in providing services for occupants of these facilities as provided by 24 *CFR* 76.56.
10. The requirements of 24 *CFR* 576.57(e) dealing with the provisions of, and regulations and procedures applicable with respect to the environmental review responsibilities under the National Environmental Policy Act of 1969 and related

Jurisdiction

authorities as specified in 24 *CFR* Part 58.

11. The requirements of 24 *CFR* 576.21(a)(4) providing that the funding of homeless prevention activities for families that have received eviction notices or notices of termination of utility services will meet the requirements that: (A) the inability of the family to make the required payments must be the result of a sudden reduction in income; (B) the assistance must be necessary to avoid eviction of the family or termination of the services to the family; (C) there must be a reasonable prospect that the family will be able to resume payments within a reasonable period of time; and (D) the assistance must not supplant funding for preexisting homeless prevention activities from any other source.
12. The new requirement of the McKinney-Vento Act (42 *USC* 11362) to develop and implement, to the maximum extent practicable and where appropriate, policies and protocols for the discharge of persons from publicly funded institutions or systems of care (such as health care facilities, foster care or other youth facilities, or correction programs and institutions) in order to prevent such discharge from immediately resulting in homelessness for such persons. I further understand that state and local governments are primarily responsible for the care of these individuals, and that ESG funds are not to be used to assist such persons in place of state and local resources.
13. HUD's standards for participation in a local Homeless Management Information System (HMIS) and the collection and reporting of client-level information.

I further certify that the submission of a completed and approved Consolidated Plan with its certifications, which act as the application for an Emergency Shelter Grant, is authorized under state and/or local law, and that the local government possesses legal authority to carry out grant activities in accordance with the applicable laws and regulations of the U. S. Department of Housing and Urban Development.


Signature/Authorized Official


Date

Lioneld Jordan

Name

Mayor City of Fayetteville

Title

113 W Mountain St

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479-575-8331

Telephone Number

☐ This certification does not apply.
☒ This certification is applicable.

APPENDIX TO CERTIFICATIONS

Instructions Concerning Lobbying and Drug-Free Workplace Requirements

Lobbying Certification

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

Drug-Free Workplace Certification

1. By signing and/or submitting this application or grant agreement, the grantee is providing the certification.
2. The certification is a material representation of fact upon which reliance is placed when the agency awards the grant. If it is later determined that the grantee knowingly rendered a false certification, or otherwise violates the requirements of the Drug-Free Workplace Act, HUD, in addition to any other remedies available to the Federal Government, may take action authorized under the Drug-Free Workplace Act.
3. Workplaces under grants, for grantees other than individuals, need not be identified on the certification. If known, they may be identified in the grant application. If the grantee does not identify the workplaces at the time of application, or upon award, if there is no application, the grantee must keep the identity of the workplace(s) on file in its office and make the information available for Federal inspection. Failure to identify all known workplaces constitutes a violation of the grantee's drug-free workplace requirements.
4. Workplace identifications must include the actual address of buildings (or parts of buildings) or other sites where work under the grant takes place. Categorical descriptions may be used (e.g., all vehicles of a mass transit authority or State highway department while in operation, State employees in each local unemployment office, performers in concert halls or radio stations).
5. If the workplace identified to the agency changes during the performance of the grant, the grantee shall inform the agency of the change(s), if it previously identified the workplaces in question (see paragraph three).
6. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant: Place of Performance (Street address, city, county, state, zip code) Check if there are workplaces on file that are not identified here. The certification with regard to the drug-free workplace is required by 24 CFR part 21.

Place Name	Street	City	County	State	Zip
City of Fayetteville	125 W Mountain St	Fayetteville	Washington	AR	72701

7. Definitions of terms in the Nonprocurement Suspension and Debarment common rule and Drug-Free Workplace common rule apply to this certification. Grantees' attention is called, in particular, to the following definitions from these rules: "Controlled substance" means a controlled substance in Schedules I through V of the Controlled Substances Act (21 U.S.C. 812) and as further defined by regulation (21 CFR 1308.11 through 1308.15); "Conviction" means a finding of guilt (including a plea of *nolo contendere*) or imposition of sentence, or both, by any judicial body charged with the responsibility to determine violations of the Federal or State criminal drug statutes; "Criminal drug statute" means a Federal or non-Federal criminal statute involving the manufacture, distribution, dispensing, use, or possession of any

Jurisdiction

controlled substance; "Employee" means the employee of a grantee directly engaged in the performance of work under a grant, including:

- a. All "direct charge" employees;
- b. all "indirect charge" employees unless their impact or involvement is insignificant to the performance of the grant; and
- c. temporary personnel and consultants who are directly engaged in the performance of work under the grant and who are on the grantee's payroll. This definition does not include workers not on the payroll of the grantee (e.g., volunteers, even if used to meet a matching requirement; consultants or independent contractors not on the grantee's payroll; or employees of subrecipients or subcontractors in covered workplaces).

Note that by signing these certifications, certain documents must be completed, in use, and on file for verification. These documents include:

1. Analysis of Impediments to Fair Housing
2. Citizen Participation Plan
3. Anti-displacement and Relocation Plan



Signature/Authorized Official

11/10/09

Date

Lioneld Jordan

Name

Mayor City of Fayetteville

Title

113 W Mountain St

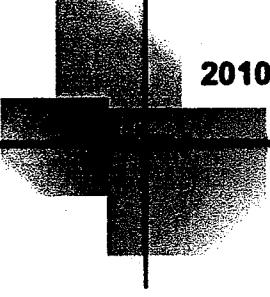
Address

Fayetteville/AR/72701

City/State/Zip

479-575-8331

Telephone Number



2010 Consolidated Action Plan Published Notices

Appendix B *Published Notices*

Arkansas Democrat ~~7~~ Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville – CDBG Block Grant Appl.

July 30, August 1 & 2, 2009

Publication Charge : \$ 322.80

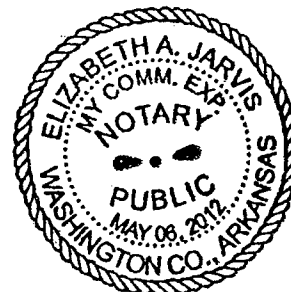
Signed: Cathy Wiles

Subscribed and sworn to before me
This 5 day of August, 2009.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent



Fayetteville

ARKANSAS

Fayetteville Community Development Block Grant applications to request funding for program year 2010 will be available **Wednesday, August 5, 2009**. Applications may be picked up at the **Mandatory Grant Application Workshop** to be held on **Wednesday, August 5, 2009 from 9:00 – 10:30 a.m.** at the City Administration Building, 113 W Mountain Street, Room 326. The application deadline is **Monday, August 31, 2009 at 5:00 p.m.** Applications should be returned to the Community Services Division located at 125 W Mountain Street.

The Community Resources Division will be holding a public hearing to obtain views of citizens, public agencies, and other interested parties that will or may be affected by program funds, such as minorities, persons with disabilities, residents of public and assisted housing developments, residents living in slum and blighted areas, residents in predominantly low-to-moderate income neighborhoods, particularly Southeast Fayetteville residents which is the targeted revitalization area. The public hearing will be held on **Thursday, October 8, 2009 at 5:30 p.m. at 113 W Mountain St, Room 219.**

For more information, please contact the Community Services Division at 479-575-3235 or kcolebar@cityof-fayetteville.ar.us or visit our offices in the Development Services Department at 125 W. Mountain St.

Arkansas Democrat Gazette
NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record
P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville –CDBG Program Public Comment

September 24, & 27 2009

Publication Charge : \$ 161.40

Signed: Cathy Wiles

Subscribed and sworn to before me
This 30 day of September, 2009.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent



Fayetteville

The U.S. Department of Housing and Urban Development provides funding to the City through the Community Development Block Grant Program to develop projects and services to improve housing, public and community facilities and to provide public services principally for low and moderate income residents in the City of Fayetteville. On or about Friday, November 13, 2009, the Community Development Office will submit to HUD the 2010 Consolidated Action Plan for the CDBG Program. Copies of the Plan are available at the office of the City Clerk in the City Administration Building at 112 W. Mountain St. and the Community Services Division office in the Development Services Building at 125 W. Mountain St.

A Summary of the Action Plan and the Budget is presented below:

ADMINISTRATION	\$ 84,764.00
HOUSING	\$ 354,832.00
REDEVELOPMENT	\$ 56,384.00
PUBLIC SERVICES	\$ 29,000.00
Ans Live Theatre	\$ 29,633.00
Big Brothers Big Sisters of NWA	\$ 8,500.00
Credit Counseling of Arkansas	\$ 11,011.00
LifeSource International	\$ 14,986.00
Ozark Guidance	\$ 5,000.00
Transportation Program	\$ 9,000.00
PUBLIC FACILITIES	\$ 74,000.00
Fayetteville Public Library	\$ 5,200.00
Life Styles	\$ 29,265.00
NWAEDD	\$ 29,904.00
NWA Free Health Center	\$ 18,631.00
TOTAL	\$ 649,000.00

The Public comment period will be September 30 - October 30, 2009. A public hearing will be held Thursday, October 8, 2009 at 5:30 p.m. at 112 W. Mountain Street in Room 219 to discuss the Consolidated Action Plan. All interested parties are invited to attend.

For more information, please contact the Community Services Division at 479-576-8260 or Community Resources of Fayetteville or visit our offices in the Development Services Building at 125 W. Mountain Street.

CERTIFICATE OF PUBLICATION

I, Cathy Wiles, solemnly swear that I am a Classified Representative for the Arkansas Democrat Gazette, and I do solemnly swear that the attached advertisement was published in the following weekly paper(s):

_____ Rogers Hometown News
_____ Weekly Vista
_____ The Times of Northeast Benton County
_____ Herald Leader
_____ Gentry Courier-Journal/Decatur Herald
_____ White River Valley News
_____ Gravette News Herald
 x Noticas Libres

of general and bona fide circulation in Benton County, Arkansas.

1st Publication: ___ 1 day of ___ October __, 2009.
2nd Publication: ___ day of ___, 2009.
3rd Publication: ___ day of ___, 2009.
4th Publication: ___ day of ___, 2009.

Charges: \$ 45.70

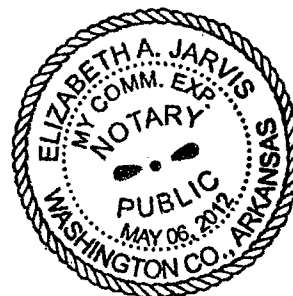
Signed: Cathy Wiles

Sworn to and subscribed before me
This 30 day of September, 2009.

Elizabeth A. Jarvis

Notary Public

My Commission Expires: May 6, 2012



El Departamento de Vivienda y Desarrollo Urbano de los Estados Unidos (HUD) está dando fondos a la ciudad a través del Community Development Block Grant Program (CDBG) para desarrollar proyectos y actividades para mejorar las viviendas e instalaciones públicas y comunitarias y dar servicios públicos a los habitantes de la Ciudad de Fayetteville, especialmente a aquellos cuyos ingresos sean bajos o moderados. Para el día viernes 13 de noviembre de 2009 la Oficina de Desarrollo Comunitario presentará al HUD el Plan de Acción Consolidada 2010 para el CDBG Program. Copias del Plan están disponibles en la oficina del City Clerk en el edificio de la alcaldía en el 113 W. Mountain St. y en la oficina del Community Services Division localizada en el edificio de Development Services en 125 W. Mountain St.

Un resumen del Plan de Acción y del Presupuesto se presenta abajo:

ADMINISTRACION		
VIVIENDA		\$ 34,784.00
REDISEÑO		\$ 354,632.00
SERVICIOS PUBLICOS		\$ 56,384.00
ARTIST RESIDUAL		\$ 79,000.00
Artistic Residues	\$ 29,603.00	
Big Brothers Big Sisters of NWA	\$ 8,500.00	
Credit Counseling of Arkansas	\$ 17,911.00	
LifeSource International	\$ 14,986.00	
Ozark Guidance	\$ 5,000.00	
Programas de Transporte	\$ 9,000.00	
INSTALACIONES PUBLICAS		\$ 74,000.00
Biblioteca Publica de Fayetteville	\$ 5,200.00	
Life Styles	\$ 20,265.00	
NWAEDD	\$ 29,904.00	
NWA Free Health Center	\$ 18,631.00	
TOTAL		\$ 649,000.00

El periodo para que el publico pueda hacer comentarios sera del 30 de septiembre al 30 de octubre. Una audiencia publica se realizara el jueves ocho de octubre, 2009 a las 5:30 p.m. en el 113 W. Mountain Street en el salon 210 para discutir el Plan. Todos los interesados estan invitados a participar.

Para mas informacion favor de hablar con la Division de Servicios Comunitarios en el (479) 575-6260 o escribiendo a communityresources@cityoffayetteville.ar.us o visitando nuestras oficinas en el edificio de Development Services en el 125 W. Mountain Street.

Arkansas Democrat Gazette

NORTHWEST ARKANSAS EDITION

Northwest Arkansas Times
Benton County Daily Record

P. O. BOX 1607
FAYETTEVILLE, AR 72702
PHONE: 479-571-6421

AFFIDAVIT OF PUBLICATION

I, Cathy Wiles, do solemnly swear that I am Legal Clerk of the Arkansas Democrat Gazette newspaper. Printed and published in Benton County Arkansas, (Lowell) and that from my own personal knowledge and reference to the files of said publication, the advertisement of: City of Fayetteville –Notice of FONSI

October 7 & 11, 2009

Publication Charge : \$ 322.80

Signed: Cathy Wiles

Subscribed and sworn to before me
This 13 day of October, 2009.

Notary Public Elizabeth A. Jarvis

My Commission Expires: May 6, 2012

Do not pay from Affidavit, an invoice will be sent



**NOTICE OF FINDING OF NO SIGNIFICANT
IMPACT AND NOTICE OF INTENT TO
REQUEST RELEASE OF FUNDS**



October 7, 2009

City of Fayetteville
113 W Mountain Street
Fayetteville, Arkansas 72701
(479) 575-8260

The notices shall satisfy two separate, but related procedural requirements for activities to be undertaken by the City of Fayetteville, Community Development Program.

REQUEST FOR RELEASE OF FUNDS

On or about November 15, 2009, the City of Fayetteville will submit a request to the Department of Housing & Urban Development (HUD)/Arkansas for the release of Community Development Block Grant funds under Title I of the Housing and Community Development Act of 1974, as amended, to undertake the projects known as: Administration Program; Administration of the Community Development Block Grant Program (\$24,784); Rental Voucher Program; Grants and/or deferred long-term loans for emergency work to moderate income housing; city-wide basis under the CDBG Housing Rehabilitation Program (\$1,132,724); Investment Program Activities (conducting fair and open public hearing for the City of Fayetteville to determine the relative fair market value of the City of Fayetteville's public housing units for the Theatrical and production of MWA's production of "The Color Purple" (\$15,000); Credit Counseling of Arkansas's 2009-2010 fiscal year's budget; and the procedure prevention course and (\$11,911); Arkansas's 2009-2010 fiscal year's budget; and for a risk reduction course; (\$11,900); Ozark Graduate Center; and training activities for persons with disabilities (\$1,000); Transportation Program; provide supplemental transportation assistance to low-income and elderly citizens (\$3,000); Public Facilities Program; Fayetteville Public Library; create second floor reading area; be workstation and add remote operation to two room books (\$3,200); The Styles; preconstruction services for the College for Living Center (\$20,265); NWALED; increase the cold storage capacity at the Fayetteville Senior Center (\$29,904); NWA Fire Health Center; energy efficiency updates to facility (\$18,631).

FINDING OF NO SIGNIFICANT IMPACT

The City of Fayetteville, Community Development Program has determined that the projects will have no significant impact on the human environment; therefore, an Environmental Impact Statement under the National Environmental Policy Act of 1969 is not required. Additional project information is contained in the Environmental Review Record (ERR) on file at the City of Fayetteville's Community Development Program, 113 W Mountain Street, Fayetteville, AR 72701 can be reviewed, examined, or copied weekdays 8:00 A.M. to 5:00 P.M.

PUBLIC COMMENTS

Any individual, group, or agency disagreeing with this determination or wishing to comment on the project may submit written comments to the City of Fayetteville, Community Development Program, 113 W Mountain Street, Fayetteville, AR 72701. All comments received by November 12, 2009 will be considered by the City of Fayetteville prior to submission of a Request for Release of Funds. Comments should specify which Notice is being addressed.

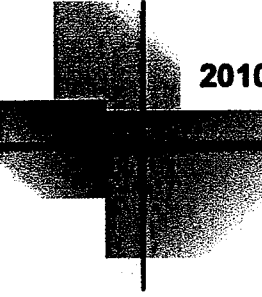
RELEASE OF FUNDS

The City of Fayetteville certifies to the HUD/Arkansas that Lionel Jordan, in his capacity as Mayor, consents to accept the jurisdiction of the Federal Courts. If an action is brought to enforce responsibilities in relation to the environmental review process and that these responsibilities have been satisfied, HUD/Arkansas's acceptance of the certification satisfies its responsibilities under NEPA and allows the Community Development Program to use CDBG funds.

OBJECTIONS TO RELEASE OF FUNDS

HUD/Arkansas will accept objections to its release of funds and the City of Fayetteville's certification for a period of fifteen days following the anticipated submission date or its actual receipt of the request (whichever is later) only if it is on one of the following bases: (a) the certification was not executed by the Certifying Officer of the City of Fayetteville; (b) The City of Fayetteville has omitted a step or failed to make a decision or finding required by HUD regulations at 24 CFR Part 58; (c) the grant recipient has incurred costs not authorized by 24 CFR Part 58 before approval of release of funds by HUD/Arkansas; (d) another Federal agency acting pursuant to 40 CFR Part 1504 has submitted a written finding that the project is unsatisfactory from the standpoint of environmental quality. Objections must be prepared and submitted in accordance with the required procedures (24 CFR Part 58) and shall be addressed to HUD/Arkansas Grant Administration Office at U.S. Department of Housing & Urban Development, Little Rock Field Office, 425 W Capitol Avenue, Suite 4000, Little Rock, AR 72201. Potential objectors should contact HUD/Arkansas to verify the actual last day of the objection period.

Lionel Jordan, Mayor, City of Fayetteville



2010 Consolidated Action Plan Citizen Participation Plan

Appendix C *Citizen Participation Plan*

2010 Consolidated Action Plan Citizen Participation Plan

CITIZEN PARTICIPATION PLAN

24 CFR 91 (SEC. 91.105)

APPLICABILITY

The legislation which created the Community Development Block Grant (CDBG) Program and regulation implementing it encourages citizens participation in planning, carrying out and evaluating local CDBG activities.

As the regulation gives maximum feasible priority to activities which benefit low- and moderate-income persons, this Participation Plan especially provides for and encourages participation of low- and moderate-income families and individuals living in low and moderate income areas of the City of Fayetteville.

CITIZEN PARTICIPATION

The City will take whatever actions are appropriate to encourage its citizens including

- (a) Minorities and non-English speaking persons
- (b) Persons with disabilities
- (c) Residents of public and assisted housing developments
- (d) Extremely low, very low, low and moderate income individuals and families
- (e) Residents living in slum and blighted areas
- (f) Areas where CDBG funds are proposed to be used
- (g) Residents in predominantly low- and moderate-income neighborhoods, along with other low income residents of the City
- (h) Particularly residents in Southeast Fayetteville which is the targeted revitalization area.

The City encourages the participation of its residents in the process of developing the

- (a) Consolidated Plan
- (b) Substantial amendments to the plan
- (c) The Annual Performance and Evaluation Report
- (d) The Citizen Participation Plan and any amendments to the plan.

The City shall make an effort to provide information to the Fayetteville Housing Authority about the Consolidated Plan activities so the Housing Authority can make this information available at its annual public hearing.

The City will provide citizens with an opportunity to comment on any substantial amendments to the Citizen Participation Plan.

2010 Consolidated Action Plan Citizen Participation Plan

ACCESS TO INFORMATION

The City will make available to citizens, public agencies and other interested parties the amount of assistance the City expects to receive from grants and program income.

The City will provide an estimated amount that will benefit persons whose income levels range from extremely low to low income levels.

Citizens, public agencies and other interested parties, especially those most affected, will have the opportunity to receive information, review and submit comments on any proposed submission concerning the proposed activities.

COMMENT PERIODS

The City encourages its citizens to comment during the development of the Consolidated Action Plan and on the proposed Consolidated Action Plan prior to submission.

A summary of all comments and views shall be attached to the final consolidated action plan.

The comment period from citizens and groups will be 30 days as listed in the Public Comment and Hearing advertisement for the Consolidated Action Plan that is published in the Northwest Arkansas Times & Noticias Libres.

The City will consider any comments or views of citizens, received in writing or orally during the public comment period and at the public hearing, in preparing the final Consolidated Action Plan. The City will provide timely written replies to complaints and grievances within 15 days when practical.

PUBLISHING

A summary of the proposed Consolidated Action Plan will be published in the Northwest Arkansas Times and Noticias Libres. The summary shall describe the contents and the purpose of the Consolidated Action Plan and identify the locations where the entire proposed Consolidated Action Plan may be examined. Copies of the entire Consolidated Action Plan will be made available at the Community Services Office and the City Clerk's Office. A reasonable number of free copies of the plan will be made available to citizens or groups that request it.

AMENDMENTS

The City shall amend its approved plan whenever it makes one of the following decisions

- (a) A change in its allocation proprieties
- (b) A change in its method of distribution of funds
- (c) To carry out a new activity using funds, from any program covered by the Consolidated Action Plan not previously described in the action plan
- (d) To change the purpose, scope, location or beneficiaries of an activity.

A substantial amendment is a change in the allocation of \$100,000.00 or greater and changes in the use of CDBG funds.

2010 Consolidated Action Plan Citizen Participation Plan

The City encourages its citizens to comment on substantial amendments to the plan.

A substantial amendment is a change in the allocation of \$100,000.00 or greater and changes in the use of CDBG funds from one eligible activity to another.

The City shall make the amendment available to the public.

The comment period from citizens will be 30 days per the dates published in the Northwest Arkansas Times and Noticias Libres.

The amendment will not be implemented until the 30 day comment period has elapsed.

The City shall consider all comments and views of citizens on the amendment submitted in writing or orally if a public hearing is held.

A summary of all comments and views, as well as, a summary of any comments and views not accepted and the reasons therefore, shall be attached to the substantial amendment of the Consolidated Action Plan.

The City shall notify the Department of Housing & Urban Development (HUD) that an amendment has been made. The letter transmitting the copy of any or all amendments shall be signed by the Mayor.

PERFORMANCE REPORTS

The City encourages its citizens to comment on performance reports.

The Consolidated Annual Performance and Evaluation Report will be made available to the public.

A notice will be published in the Northwest Arkansas Times & Noticias Libres that the performance report is available for comment at the Community Development Office.

The Community Development Office will accept comments for 15 days, with the dates specified in the notices published in the Northwest Arkansas Times and Noticias Libres.

The City shall consider all comments and views of citizens submitted in writing or orally during the comment period and at the public hearing if any, on preparing the performance report.

A summary of all comments and views shall be attached to the Consolidated Annual Performance and Evaluation Report.

PUBLIC HEARINGS

The City will provide a minimum of two public hearings during each program year, with one held before the proposed consolidated action plan is published for comment.

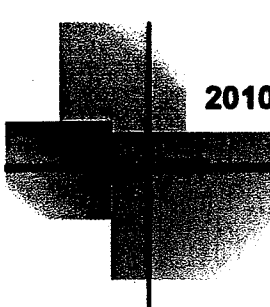
These hearings will be conveniently timed and located for people who might or will benefit from program funds.

The hearings will be held in an area that is accessible to people with disabilities.

The hearings will be adequately publicized.

The hearings will be held to obtain views of citizens, public agencies and other interested parties that will or may be affected by program funds.

In the case of a public hearing where a significant number of non-English speaking persons are expected a bilingual (English/Spanish) speaking person shall be present.



2010 Consolidated Action Plan Citizen Participation Plan

PROGRAM YEAR

Fayetteville's CDBG Program year runs from January 1 through December 31.

The citizens participation planning process begins in July for the next year, approximately five months before the start of the program year to be planned.

The process begins with an advertisement in the Northwest Arkansas Times and Noticias Libres and leads to a public hearing facilitated by the Community Development Staff.

DISPLACEMENT

The City plans to minimize displacement of persons and will assist any persons displaced. The City expects no displacements to occur.

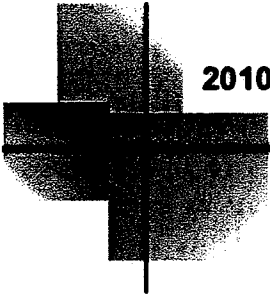
TECHNICAL ASSISTANCE

Technical assistance will be provided to groups that request assistance in developing a proposal under the consolidated submission. The assistance shall be provided by Community Development Program staff. A bilingual (English/Spanish) speaking person shall be made available to non-English speaking persons.

ADDRESS

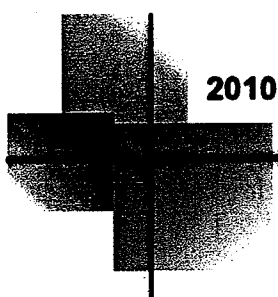
All comments and complaints may be addressed to:

City of Fayetteville
Attn: Yolanda Fields
Community Services Division
113 W Mountain Street
Fayetteville, Arkansas 72701



2010 Consolidated Action Plan Project Listing

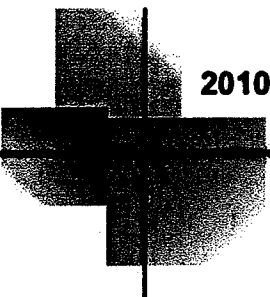
Appendix D *Project Listing*



2010 Consolidated Action Plan Project Listing

Community Development Block Grant | 2010 Project Listing

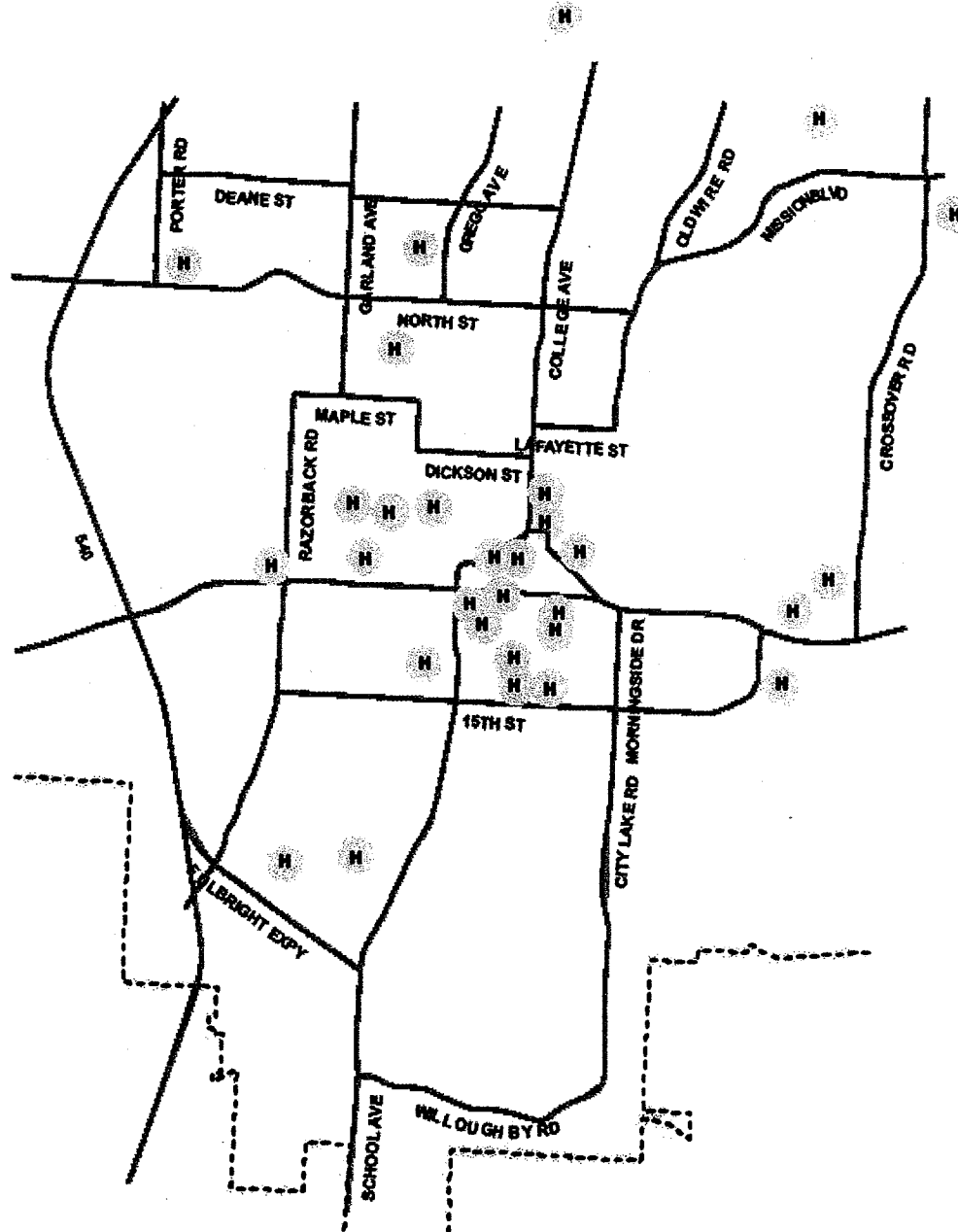
ADMINISTRATION		\$ 84,784.00
HOUSING		\$ 354,832.00
REDEVELOPMENT		\$ 56,384.00
PUBLIC SERVICES		\$ 79,000.00
Arts Live Theatre	\$ 29,603.00	
Big Brothers Big Sisters	\$ 8,500.00	
Credit Counseling of Ark	\$ 11,911.00	
LifeSource	\$ 14,986.00	
Ozark Guidance	\$ 5,000.00	
Transportation Program	\$ 9,000.00	
PUBLIC FACILITIES		\$ 74,000.00
Fayetteville Public Library	\$ 5,200.00	
Life Styles	\$ 20,265.00	
NWAEDD	\$ 29,904.00	
NWA Free Health Center	\$ 18,631.00	
TOTAL		\$ 649,000.00



2010 Consolidated Action Plan Maps

Appendix E *Maps*

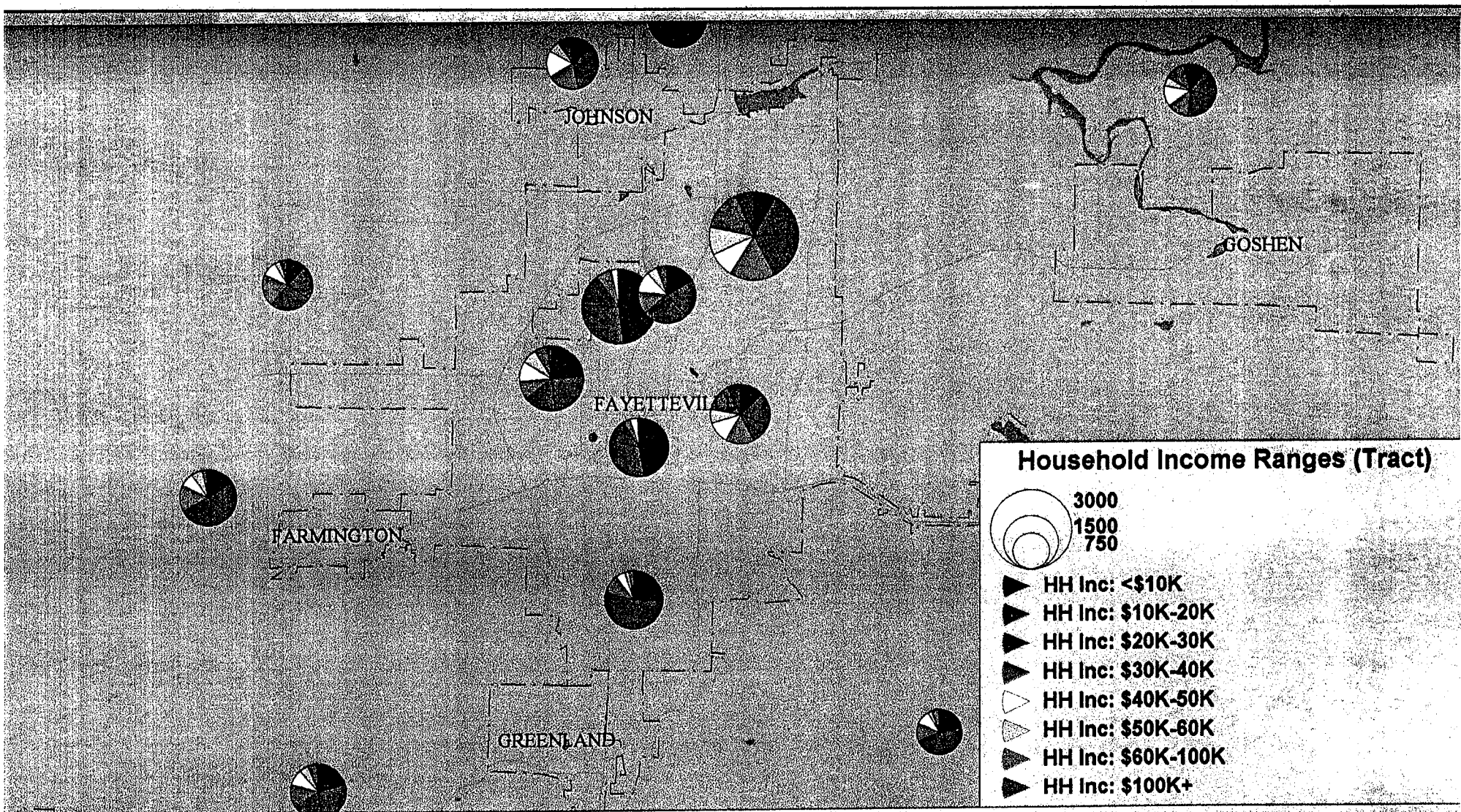
2010 Consolidated Action Plan Housing Rehabilitation Project Map



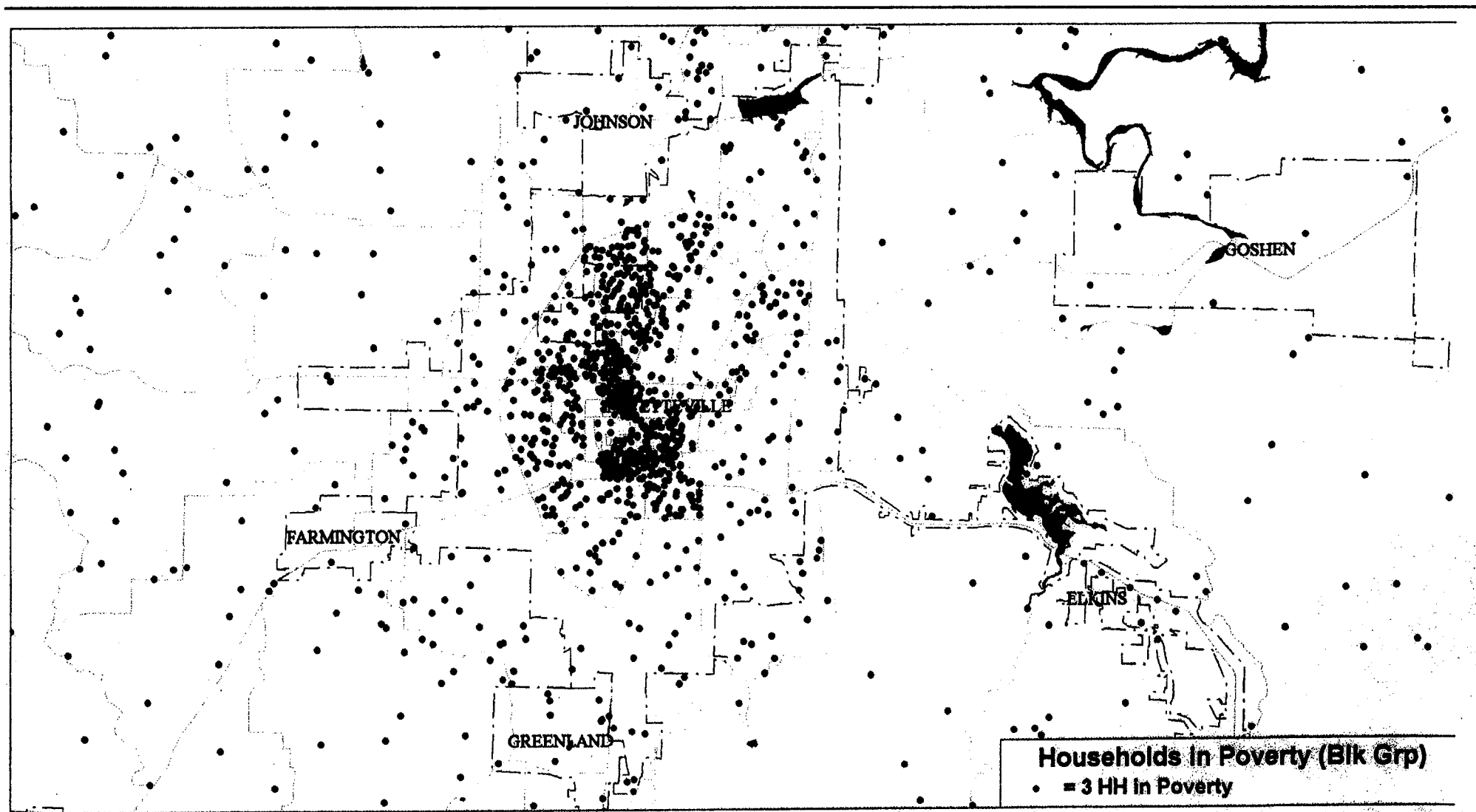
2010 Consolidated Action Plan Redevelopment Project Map



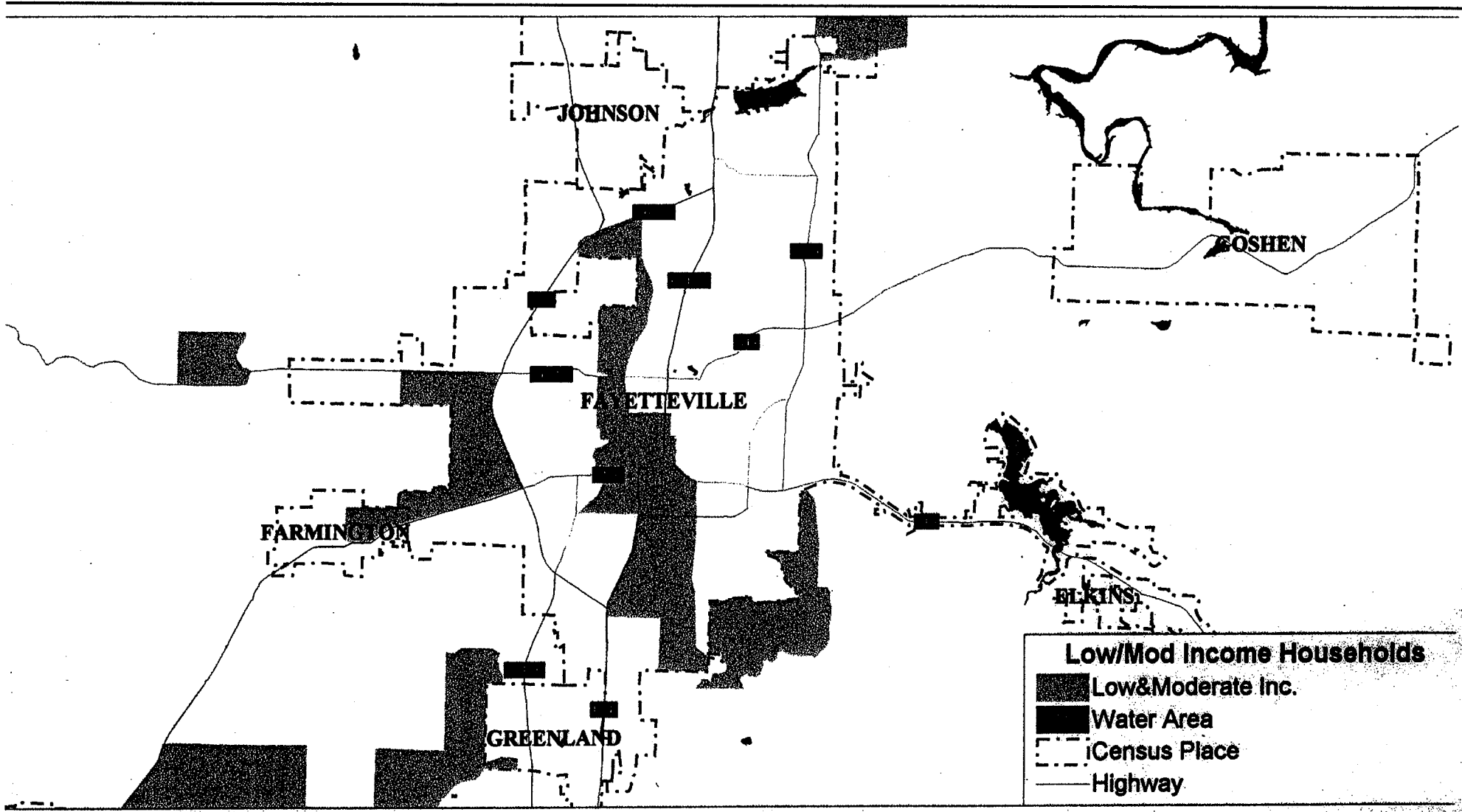
HOUSEHOLD INCOME RANGES



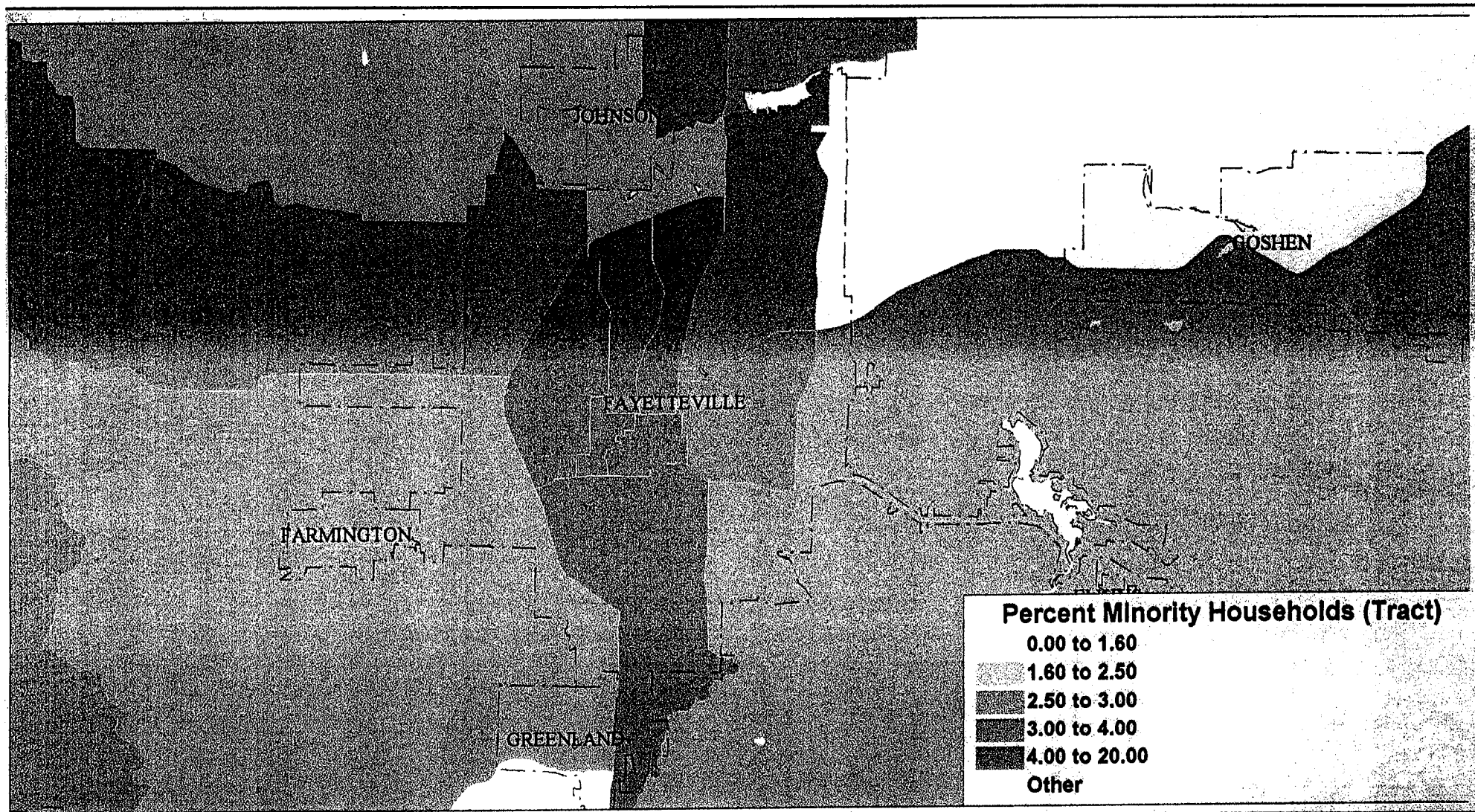
HOUSEHOLDS IN POVERTY

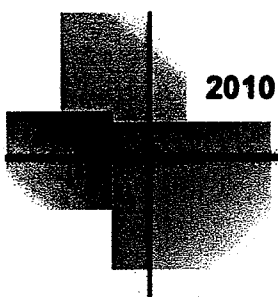


LOW/MODERATE INCOME HOUSEHOLDS



PERCENT MINORITY HOUSEHOLDS





2010 Consolidated Action Plan Comments

Appendix F *Comments*

No comments received during the comment period.



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

GY2010 Consolidated Action Plan – Public Hearing

October 8, 2009

Sign-In Sheet

Name

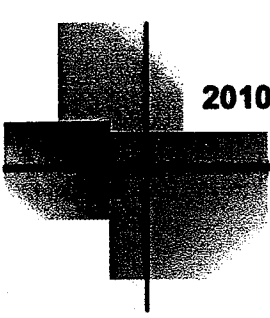
Contact Information

BRUCE CASTLEBERRY, COA

BruceC@cookcounties.com 479 521 0077

Orin Longen

orinlongen@bbbsnwa.org 479-756-5683



2010 Consolidated Action Plan Tables

Appendix G *Tables*

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Planning/Administration

Project
City of Fayetteville CDBG Administration

Activity
CDBG Administration

Description
Administration costs include salary and benefits for Community Services Director and administrative staff; office supplies, travel and training costs, fair housing activities and other costs associated with the administration of CDBG activities.

Objective category: ☐ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

113 W Mountain St
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-01
HUD Matrix Code 21A	CDBG Citation 570.206
Type of Recipient Local Government	CDBG National Objective n/a
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	84,784
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	84,784

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need

High – Owner Occupied Housing

Project

City of Fayetteville Housing Rehabilitation Program

Activity

Rehabilitation of Low and Moderate Income Owner Occupied Housing

Description

Bring low and moderate income owner occupied residences in Fayetteville up to city code, increase energy efficiency and address lead based paint issues.

Objective category: ☐ Suitable Living Environment ☒ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area:

113 W Mountain St
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-02
HUD Matrix Code 14A	CDBG Citation 570.202
Type of Recipient Local Government	CDBG National Objective LMH
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator # of houses	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	354,832
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	354,832

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need

High – Owner Occupied Housing

Project

City of Fayetteville Redevelopment Program

Activity

Code Compliance Assistance

Description

Code compliance assistance provided to low and moderate income owner occupied properties in the City of Fayetteville.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area:

113 W Mountain St
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-03
HUD Matrix Code 15	CDBG Citation 570.202 (c)
Type of Recipient Local Government	CDBG National Objective LMA
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator # of houses	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	56,384
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	56,384

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Services

Project
Arts Live Theatre

Activity
Arts Live Theatre 2010 Production Season

Description
Provide staff and production costs for the 2010 production season. The production season will feature between 200 and 250 children and youth with additional students assisting backstage and over 4,000 total audience members.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

818 Sang
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-04
HUD Matrix Code 05D	CDBG Citation 570.201 (e)
Type of Recipient Subrecipient	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator # of youth	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	29,603
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	29,603

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Services

Project
Big Brothers Big Sisters of NWA

Activity
Providing Hope and Opportunity Through Mentoring

Description
A portion of the costs associated with the site-based mentoring programs in Fayetteville. The program matches at-risk children with a high school or adult volunteer in a one-to-one mentoring relationship.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

610-A E Emma Ave, Suite D
Springdale AR 72764

Specific Objective Number	Project ID CD 10-05
HUD Matrix Code 05D	CDBG Citation 570.201 (e)
Type of Recipient Subrecipient	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator # of youth	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	8,500
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	8,500

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Services

Project
Credit Counseling of Arkansas

Activity
Safe at Home

Description
Provide free homebuyer education and foreclosure prevention counseling for low and moderate income households in Fayetteville. Funding will be used for salaries/benefits, program outreach tools, materials and facilities.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

1111 E Zion Rd
Fayetteville AR 72703

Specific Objective Number	Project ID CD 10-06
HUD Matrix Code 05	CDBG Citation 570.201 (e)
Type of Recipient Subrecipient	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator # of households	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	11,911
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	11,911

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Services

Project
LifeSource International

Activity
Kid's Life Summer Camp

Description
A portion of the costs associated with implementing the eight week day camp for at-risk youth in 2nd-9th grades. Emphasis is placed on education, health, nutrition and physical activity.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

602 S School Ave
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-07
HUD Matrix Code 05D	CDBG Citation 570.201 (e)
Type of Recipient Subrecipient	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator # of youth	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	14,986
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	14,986

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Services

Project
Ozark Guidance

Activity
Watson Street Apartments

Description
Support for immersion and mainstreaming activities for persons with disabilities residing in the Watson Street Apartments. Funding will provide transportation, meals and tickets to venues such as the Walton Arts Center, University of Arkansas and the Northwest Arkansas Naturals.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

2400 S 48th St
Springdale AR 72762

Specific Objective Number	Project ID CD 10-08	Funding Sources: CDBG 5,000 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total 5,000
HUD Matrix Code 050	CDBG Citation 570.201 (e)	
Type of Recipient Subrecipient	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010	
Performance Indicator # of residents	Annual Units	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Services

Project
City of Fayetteville Transportation Program

Activity
Transit and Taxi Programs

Description
The Transit Program provides low and moderate income residents of Fayetteville with transportation assistance in the form of bus passes. The Taxi Program assists low and moderate income senior citizens and citizens with disabilities by providing taxi vouchers to subsidize the cost of cab fare and provide a transportation option that might otherwise not be available.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

City Wide

Specific Objective Number	Project ID CD 10-09	Funding Sources: CDBG 9,000 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total 9,000
HUD Matrix Code 05E	CDBG Citation 570.201 (e)	
Type of Recipient Local Government	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010	
Performance Indicator # of participants	Annual Units	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Facilities

Project
Fayetteville Public Library

Activity
Improving Access to FPL for Persons Using Mobility Devices

Description
Funding to create a second floor wheelchair-accessible library catalog workstation and add remote operation buttons to two restroom doors on the second floor of the library.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

401 W Mountain St
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-10	Funding Sources: CDBG 5,200 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total 5,200	
HUD Matrix Code 03E	CDBG Citation 570.201 (c)		
Type of Recipient Subrecipient	CDBG National Objective LMC		
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010		
Performance Indicator # of patrons	Annual Units		
Local ID	Units Upon Completion		

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Facilities

Project
Life Styles

Activity
College for Living Center

Description
Life Styles through a capital campaign is preparing to build a College for Living Center to meet the needs of current clientele and expand services to more individuals with disabilities. Funds will be used for preconstruction services.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

2471 W Sycamore St
Fayetteville AR 72703

Specific Objective Number	Project ID CD 10-11	Funding Sources: CDBG 20,265 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total 20,265
HUD Matrix Code 03B	CDBG Citation 570.201 (c)	
Type of Recipient Subrecipient	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010	
Performance Indicator # of participants	Annual Units	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Facilities

Project
Northwest Arkansas Economic Development District

Activity
Fayetteville Senior Center Kitchen

Description
Increased numbers of seniors using the center has made the current cold storage capacity inadequate. Funding will be used to purchase an outdoor walk-in cooler/freezer unit and expenses related to installing the unit.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☒ Availability/Accessibility ☐ Affordability ☐ Sustainability

Location/Target Area:

945 S College
Fayetteville AR 72701

Specific Objective Number	Project ID CD 10-12	Funding Sources: CDBG 29,904 ESG HOME HOPWA Total Formula Prior Year Funds Assisted Housing PHA Other Funding Total 29,904
HUD Matrix Code 03A	CDBG Citation 570.201 (c)	
Type of Recipient Subrecipient	CDBG National Objective LMC	
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010	
Performance Indicator # of seniors	Annual Units	
Local ID	Units Upon Completion	

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

Table 3C
Consolidated Plan Listing of Projects

Jurisdiction's Name City of Fayetteville

Priority Need
High – Public Facilities

Project
Northwest Arkansas Free Health Center

Activity
Increasing Energy Efficiency

Description
Funding will be used to replace windows, weather strip the front doors and purchase energy efficient Ecologic light bulbs. Money saved through reducing energy usage/cost will be used for patient care.

Objective category: ☒ Suitable Living Environment ☐ Decent Housing ☐ Economic Opportunity
Outcome category: ☐ Availability/Accessibility ☐ Affordability ☒ Sustainability

Location/Target Area:

10 S College Ave
Fayetteville AR 72702

Specific Objective Number	Project ID CD 10-13
HUD Matrix Code 03P	CDBG Citation 570.201 (c)
Type of Recipient Subrecipient	CDBG National Objective LMC
Start Date (mm/dd/yyyy) 01/01/2010	Completion Date (mm/dd/yyyy) 12/31/2010
Performance Indicator Lower utility costs	Annual Units
Local ID	Units Upon Completion

Funding Sources:

CDBG	18,631
ESG	
HOME	
HOPWA	
Total Formula	
Prior Year Funds	
Assisted Housing	
PHA	
Other Funding	
Total	18,631

The primary purpose of the project is to help: ☐ the Homeless ☐ Persons with HIV/AIDS ☐ Persons with Disabilities ☐ Public Housing Needs

City of Fayetteville Staff Review Form

A. 4
 McClelland Consulting Engineers, Inc.
 Amendment # 1
 Page 1 of 10

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

1/5/2010

City Council Meeting Date
 Agenda Items Only

Ray M. Boudreaux

Aviation

Transportation

Submitted By

Division

Department

Action Required:

1) A Resolution to approve Amendment #1 to Task Order #15 (Contract #917, 2008) with McClelland Consulting Engineers, Inc. Contact info: Wayne Jones, P.E., PO Box 1229, Fayetteville AR 72702-1229, 479-443-2377, Fax 479-443-9241, wjones@mcclelland-engrs.com.

\$ 3,650.00

Cost of this request

\$ 4,036,675.00

Category / Project Budget

Correct Runway 16 RSA Phase 2

Program Category / Project Name

5550.3960.5314.00

Account Number

\$ 3,647,505.00

Funds Used to Date

AVED

Program / Project Category Name

07039 2

Project Number

\$ 389,170.00

Remaining Balance

Airport Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Ray M. Boudreaux
 Department Director

12-14-09
Date

Previous Ordinance or Resolution # 182-08

Original Contract Date: 10/7/2008

Wayne Jones
 City Attorney

12-14-09
Date

Original Contract Number: 917

Paul A. Bach
 Finance and Internal Services Director

12-15-2009
DateReceived in City
Clerk's Office

Sam Miller
 Chief of Staff

12-15-09
DateReceived in
Mayor's Office

Franklin J. Jones
 Mayor

12/15/09
Date

Comments: Uses a portion of the unused budget remaining from phase 1 of the project (subproject 1). No budget increase is necessary.

CITY COUNCIL AGENDA MEMO

To: Mayor Jordan
City Council

Thru: Terry Gully, Transportation Services Department Director
Staff Review Committee

From: Ray M. Boudreaux, Director of Aviation

Date: 12/14/09

Subject: Amendment #1 to Task Order #15; McClelland Consulting Engineers Inc.

PROPOSAL:

Approve Amendment #1 to Task Order #15 with McClelland Consulting Engineers Inc. to increase the Right of Way Plans line item by \$3650.00 for a line item total of \$10,500.00. The line item increase is necessary due to additional Right of Way work items requested by the Aviation Division to be performed by the Engineer on the Runway 16 Safety Area Improvements project. Specifically, the Engineer was requested to research and document existing Rights of Way along the portion of HWY 71 to be vacated by the AR State Highway Dept. to the City following the completion of the new portion of the roadway.

The additional work was not included in the scope of the original task order since the future vacation of the old portion of the roadway will occur after the project is complete. During discussions with the State concerning vacating the old roadway to the City, it was discovered that some parcels did not include Rights of Way to the centerline of the highway, and therefore the State did not have authority to vacate those portions to the City.

In anticipation of a smooth transition of Rights of Way between the City and the State once the project is complete, the Aviation Division chose to take this preliminary step toward determining which are the "orphan" parcels and initiating ownership transfer to the City well ahead of the project close-out since it is difficult to foresee how much time it may take to complete whatever legal/administrative processes are necessary.

RECOMMENDATION:

The Airport Administration recommends that the Amendment be approved. The proposal is forwarded to City Council since there is no formal "Project Contingency" approved for this project.

BUDGET IMPACT:

None. The Amendment will use existing unused budget from the Phase I project budget. The Phase I Task Order with McClelland has been completed and closed and \$3850 of approved Contract budget remains. The expenses associated with this Amendment are eligible for 100% (95/5) funding through FAA and State Dept. of Aeronautics grants.

RESOLUTION NO. _____

A RESOLUTION APPROVING AMENDMENT #1 TO TASK ORDER #15
WITH MCCLELLAND CONSULTING ENGINEERS, INC. FOR
ADDITIONAL RIGHT OF WAY PLANS FOR THE RUNWAY 16 SAFETY
AREA IMPROVEMENT PROJECT IN THE AMOUNT OF \$3,650.00

**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
Amendment #1 to Task Order #15 with McClelland Consulting Engineers, Inc. for additional
right of way plans for the Runway 16 Safety Area Improvement Project in the amount of
\$3,650.00, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein
as if set out word for word.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

**AMENDMENT NO. 1
TO
TASK ORDER NO.15 (MCE 5)
ENGINEERING SERVICES
RUNWAY 16 SAFETY AREA IMPROVEMENTS**

STATE OF ARKANSAS

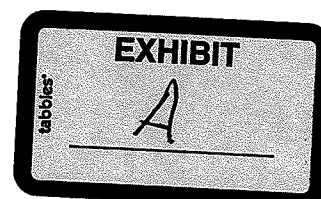
COUNTY OF WASHINGTON

The Task Order No. 15 (MCE 5) executed on October 14, 2008, for basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on June 6, 2006, is hereby amended. The referenced task order and basic agreement pertains to proposed improvements to Drake Field. This Amendment entered into and executed on the date indicated beneath the signature blocks, by and between the City of Fayetteville and McClelland Consulting Engineers, Inc. (hereinafter "McClelland") changes the Description of the Project, and the Fees and Payments due to the requested change in scope of services at Drake Field. This action is taken at the request of the City of Fayetteville for McCLELLAND to revise the scope of services to follow the anticipated funding from the FAA for the year of 2009.

The following sections are hereby amended as follows:

SECTION I - PROJECT DESCRIPTION

The project is to consist of the Runway 16 Safety Area Improvements, including relocation of US Hwy 71 from the safety area, relocation of the northern portion of



Ernest Lancaster Drive from the safety area, the removal of the existing roadways from the safety area. The revised scope of services to be performed include: The completion of the Right of Way Plans, easements and coordination with the Washington County and AHTD for the submission of the final ROW Plans and the vacation of the existing Hwy 71 ROW from the County to the City. This amendment is to use unused funds from Task Order 3, for which the City Purchase Order has been closed.

SECTION II - PROJECT SCHEDULE

McClelland Consulting Engineers, Inc. will to execute the amended project scope within a timely manner.

SECTION IV - FEES AND PAYMENTS

The following project scope fee is increased by \$3,650 and is to be paid to McClelland Consulting Engineers, Inc. as compensation for its services:

A. Right of Way Plans: a revised estimated fee of \$ 10,500.00

The Total Not to Exceed fee is increased from \$ 177,600.00 to \$181,250.00

IN WITNESS WHEREOF, the parties hereto have caused this AMENDED
AGREEMENT to be duly executed as of the date and year first herein written.

FOR THE CITY OF FAYETTEVILLE:

By: _____ Attest: _____
Mayor

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: _____ Attest: _____
Vice President

Date: _____

- A. Geotechnical Investigation: Estimated to be \$ 7,500.
- B. Wetland Permit and Relocation Plans: Estimated to be \$ 11,800.
- C. FEMA Permits & Flood Plain Plans Estimated to be \$ 18,500.
- D. Preliminary Engineering Design & Cost Estimates: a lump sum of \$ 68,500.
- E. Right of Way Plans: Estimated to be \$ 6,850. *to be revised*
- F. Detailed Plans & Specs: a lump sum of \$ 56,500.
- G. Bidding Service: Estimated to be \$ 5,800.
- H. Reimbursement Expenses: Estimated to be \$ 2,150.

Total Not to Exceed \$ 177,600.

- A. Construction Administration: Hourly rates, estimated to be \$ 31,060.
- B. Construction Observation Hourly rates, estimated to be \$ 155,100.
- C. Record Drawings Hourly rates, estimated to be \$ 5,490.
- D. Construction Baseline Staking: Hourly rates, estimated to be \$ 1,020.
- E. Construction Materials Testing:
hourly rates & unit prices, estimated to be \$38,426.

Total Not to Exceed \$ 231,096.

12/14/09

Project Inquiry

A. 4

McClelland Consulting Engineers, Inc.

Amendment # 1

Page 8 of 10

-Project/Sub Project Analysis-----

Type

-Di

|

-Di

|

Project . : 07039 Correct Runway 16 RSA

Sub Project: 1 Correct Runway 16 RSA

Fiscal Year: 2009

Manager . : 2087 Boudreaux Status . . : A Active

Original Expense Budget: .00

Budget Amendments . . : 52,080.00

Total Budget . . : 52,080.00

Posted Expenses . . . : 23,610.50

Posted Encumbrances . : .00

Total Transactions: 23,610.50 45.34 %

Unposted Expenses : .00

Unposted Encumbrances : .00

Transaction Encumbrance: .00

Total Remaining . : 28,469.50 54.66 %

-F3

-F3=Exit F7=Full Exit F10=Revenues F12=Cancel-----

12/11/09

Project Inquiry

PT0610S1

A. 4

McClelland Consulting Engineers, Inc.

Amendment # 1 PT0160S1-

Page 9 of 10

Type

-Di

-Project/Sub Project Analysis-----

Project . : 07039 Correct Runway 16 RSA
Sub Project: 2 Correct Runway 16 Phase II
Fiscal Year: 2009
Manager . : 2087 Boudreaux Status . . : A Active

Original Expense Budget:	.00		
Budget Amendments . . :	170,407.00		
Total Budget . . :		170,407.00	
Posted Expenses . . . :	161,037.42		
Posted Encumbrances . :	9,369.58		
Total Transactions:		170,407.00	100.00 %
Unposted Expenses :	.00		
Unposted Encumbrances :	.00		
Transaction Encumbrance:	.00		
Total Remaining . :		.00	.00 %

-F3

-F3=Exit

F7=Full Exit

F10=Revenues

F12=Cancel-----



PURCHASE ORDER

A. 4
McClelland Consulting Engineers, Inc.
Amendment # 1
Page 10 of 10

Each Package Must Be Marked
Exactly As Shown Here
City of Fayetteville, Arkansas

PURCHASE ORDER #

08-0000970-001

VENDOR NO. 7460

McClelland Consult Engr
Attn: John C Quinn
PO Box 1229
1810 N College Ave

DATE

12/17/08

RECEIVED

DEC 18 2008

AIRPORT

FOB Fyv

TERMS

NET 30 DAY

Qty.	Fayetteville of Issue	Qty. Received	Description and Account Number	Unit Price	TOTALS
1.00	EA		a) Task Order #15 for Final Design & Bidding Services Associated with Runway 16 Safety Area Improvement Project Per Res #227-08 Contract #917 5550.3960.5314.00	177600.00	177600.00
				07039	2

SHIP TO: Municipal Airport
CITY OF FAYETTEVILLE
4500 S SCHOOL
FAYETTEVILLE AR 72701

Boudreaux

Sales Tax Total: \$.00
Purchase Order Total: 177600.00

DEPARTMENT VERIFICATION	BY	DATE
RECEIVED		
DEPT HEAD APPROVAL		
AMOUNT TO PAY	\$	
A/P VERIFICATION		
PURCHASING VERIFICATION		
PRICE CHANGE VERIFICATION		

ADDITIONAL APPROVAL
CHECK # _____
DOES NOT MEET PURCHASING POLICY
CONTRACT PAYMENT
OTHER
APPROVED BY _____

RETURN CHECK TO _____
SEND COPY TO _____

PROJECT # _____
THIS PAYMENT \$ _____
PREVIOUS PAYMENT(S) \$ _____
TOTAL PYMT(S) \$ _____
BALANCE \$ _____

DEPT COPY

City of Fayetteville Staff Review Form

A. 5
Arkansas Western Gas
Page 1 of 6City Council Agenda Items
and
Contracts, Leases or Agreements

1/5/2010

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

Action Required: Approve a Utility Relocation Agreement with Arkansas Western Gas in the amount of \$83,000; Approve a \$5,000 contingency amount.

Contact James F Koch, P.E., Senior Engineer; PO Box 13288, Fayetteville AR 72703-1002; 479-582-8267; FAX 479-521-5455; CELL 479-530-7372; james.koch@sourcegas.com

\$ 83,000.00

Cost of this request

\$ 4,036,675.00

Category / Project Budget

Correct Runway 16 RSA

Program Category / Project Name

5550.3960.7820.38

Account Number

\$ 3,647,505.00

Funds Used to Date

D8100_AVED

Program / Project Category Name

07039 3

Project Number

\$ 389,170.00

Remaining Balance

Airport

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

12-16-09

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

12-17-09

Date

Original Contract Number:

Finance and Internal Services Director

12-17-2009

Date

Received in City
Clerk's OfficeENTERED
12/17

ED

Chief of Staff

12-18-09

Date

Received in
Mayor's OfficeENTERED
12/18/09
PH

Mayor

12-18-09

Date

Comments:



www.accessfayetteville.org

CITY COUNCIL MEMO

To: Mayor Jordan

Thru: Chief of Staff, Don Marr

Thru: City Attorney, Kit Williams

Thru: Transportation Director, Terry Gulley 

From: Ray M. Boudreaux, Aviation Director 

Date: December 15, 2009

Subject: Utility Relocation Agreement with Arkansas Western Gas Company for the RSA Runway 16 Improvement Project at the Airport.

PROPOSAL: As part of the Runway Safety Area Improvement Project at the Airport, utility relocations are required. Expense for the relocations is included in the FAA/AIP grant. This item is to approve an agreement with Arkansas Western Gas Company for the relocation of a Gas Line that is located in the current US Highway 71 right of way to the new right of way which follows the realigned highway.

RECOMMENDATION: Recommend approval of the Agreement with Arkansas Western Gas Company and signatures of the Mayor and City Clerk.

BUDGET IMPACT: The Agreement states that the City would pay the cost of the relocation. The estimate for this work provided by the Gas Company is \$83,000.00. The agreement allows that if the cost is less, the City would pay less and if more the City would pay more. We would request that a \$5,000.00 contingency be added to the budget in case the cost escalates. McClelland Consulting Engineers will oversee the work to insure that the City gets what we pay for. There is sufficient budget in the Grant Project for this work.

Atch: Agreement
Staff Review Form

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT WITH ARKANSAS WESTERN GAS COMPANY IN THE AMOUNT OF \$83,000.00 FOR RELOCATION OF GAS LINES AND APPURTENANCES AS PART OF THE RSA RUNWAY 16 IMPROVEMENT PROJECT AT THE FAYETTEVILLE EXECUTIVE AIRPORT, AND APPROVING A \$5,000.00 CONTINGENCY

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 an agreement with the Arkansas Western Gas Company, a copy of which is attached to this Resolution as Exhibit "A" and incorporated herein as if set out word for word, in the amount of \$83,000.00 for relocation of gas lines and appurtenances to allow construction of improvements as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a project contingency in the amount of \$5,000.00.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

ARKANSAS WESTERN GAS COMPANY
UTILITY CONSTRUCTION/RELOCATION AGREEMENT

Property Developer: City of Fayetteville
Address: 113 West Mountain Street
Fayetteville, AR 72701

Job Location: Hwy 71 – Drake Field, Fayetteville, AR
Runway 16 Safety Area Improvements (Hwy 71 Relocation), Drake Field
AIP 3-05-0020—038-2009.

THIS AGREEMENT, made and entered into this _____ day of _____, 2010, by and between City of Fayetteville, acting by and through its duly authorized representative, hereinafter referred to as the “Developer,” and ARKANSAS WESTERN GAS COMPANY, acting by and through its duly authorized representative, hereinafter referred to as the “Owner.”

WITNESSETH:

WHEREAS, THE “Developer” proposes to make certain improvements at the location designation as shown above; and as part of the necessary work of such improvements, “Owner” must adjust or relocate certain of its existing facilities, and in connection with such adjustment, or relocation, “Developer” shall participate in the costs of such work to the extent herein agreed upon; and

WHEREAS, the proposed improvement necessitates the adjustment and/or relocation of certain facilities of “Owner” as described in the following description of work.

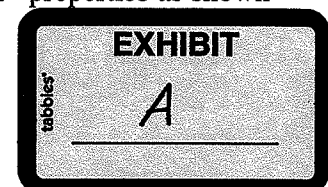
Install pipe with all necessary appurtenances to relocate for the proposed Runway 16 Safety Area Improvements (Hwy 71 Relocation), Drake Field” AIP 3-05-0020—038-2009, as planned and presented in the design plans provided by the City of Fayetteville’s Engineer of Record, McClelland Consulting Engineers, Inc. City of Fayetteville will reimburse 100% of the actual cost of all materials, contract labor, company labor hours, and equipment including Engineering and Inspection costs to Arkansas Western Gas Company.

And, such adjustment, relocation or construction being shown in detail in “Owner’s” plans, sketches, estimate of cost, and specifications (when applicable) which are attached hereto and made a part hereof; and

WHEREAS, the “Developer” desires to implement the herein described utility adjustments or relocations and approve the proposed utility construction of “Owner” by entering into an agreement with said “Owner.”

NOW, THEREFORE, IT IS HEREBY AGREED:

1. Where applicable hereunder by reason of new utility occupancy or crossing of “Developer’s” property, “Developer” hereby grants to “Owner” a right-of-way license and permission to install and operate utility facilities on or across “Developer’s” properties as shown



on the approved plans or sketch maps attached hereto and made a part hereof, and to execute such easements or right-of-way grants as may be necessary to evidence and record such right of "Owner."

2. Where applicable hereunder by reason of new construction on existing utility rights of way, "Owner" hereby grants to "Developer" the right to use for his purposes the lands within the project limits on or across which "Owner" holds a valid property interest antedating "Developer's" rights which were subsequently acquired in the same lands, and which property rights "Owner" shall retain so long as "Owner" (or "Owner's" successors or assigns) continues such use and occupancy and does not abandon, and thereby release, such property interest to "Developer" through facility removal in making said adjustments or by subsequent facility removal for "Owner's" convenience; and the "Developer" hereby agrees that "Owner," by granting said right and by said continued joint use and occupancy, does not waive any future claim for reimbursement for adjustment cost as may be eligible for reimbursement by reason of such prior property interest, nor does "Owner" waive any other legal or property right held under the Law or Constitution of the State or the United States.

3. In the event that future construction, reconstruction, expansion, relocation, rehabilitation, betterment, maintenance, or other work on the facilities owned and operated by either the "Developer" or the "Owner" in the area jointly occupied or used under either or both the above provisions of this Agreement will disturb, detrimentally affect, interfere, or be inconvenient to the facilities or responsibilities of either party, the parties hereto shall reach agreement in writing as to locations, extent, and methods of such work before the work is undertaken. In a case of emergency, and where immediate action is necessary for the protection of the public and to minimize damage to or loss of investment in the property of the "Developer" or the "Owner" either party hereto may, at its own responsibility and risk, make any necessary emergency repairs, and shall notify the other party hereto of such action as soon as practicable.

4. "Owner" shall inform "Developer," in writing, three days or more in advance of the date work is to be started, and shall keep the "Developer" informed of progress and activity related to the work being performed, and shall furnish written notice when the work is completed.

5. "Developer" agrees that the cost of the utility adjustment and/or construction provided for hereunder shall be paid to "Owner" as follows. "Owner" agrees that "Developer" will only pay actual cost of adjustment should actual cost be less than \$ 83,000.00 . If actual cost exceeds \$ 83,000.00 , the "Developer" will pay the actual cost. Exhibit "A" is cost estimate as submitted to City of Fayetteville.

6. "Owner" shall accept as full payment for work hereunder the amount developed or accumulated as eligible actual and related indirect costs in accordance with "Owner's" accounting procedure, which is the Uniform System of Accounts prescribed by the Arkansas Public Service Commission. "Owner" further agrees to retain said cost records and accounts for inspection and audit for a period of not less than one (1) year from the date of final payment.

7. "Owner" shall be responsible for any and all hazards to persons, property, and traffic, and shall save the "Developer" harmless in all respects from any and all losses, damages, or injuries caused by any negligent act or omission by "Owner's" employees or agent performing work under this Agreement or future maintenance or servicing work on facilities constructed under this Agreement; and "Owner" shall, in completing said work, perform clean up and

restoration of appearances of the work area including disposal of surplus materials and debris, so as not to leave the work area in an unsafe or unsightly condition.

8. If requested by "Owner" in writing, "Developer" shall make intermediate progress payments in amounts not exceeding ninety percent (90%) of eligible billed costs, and no more often than monthly intervals, for work hereunder upon receipt of statements in two (2) copies for periodic and unpaid costs, provided the herein estimated reimbursable amount is \$2,000.00 or more, and that no such intermediate payment shall be construed as final settlement for any item included in any intermediate billing.

9. "Owner" shall, within six (6) months after completion of the adjustment and acceptance thereof by the "Developer," prepare and submit to "Developer" a detailed complete (including intermediate billings, if any) and final bill in two (2) copies and covering the total cost for the adjustment of "Owner's" facilities.

10. The "Developer," upon receiving from "Owner" the final billing documents complete as listed next above, shall pay "Owner" for the eligible actual cost, less all prior payments, if any, for making the adjustments in "Owner's" facilities as agreed herein. "Developer" shall pay "Owner" within thirty (30) days after such billing documents are received. If "Developer" fails to pay within said time, the amount due shall bear interest at the rate of 10 percent per annum until paid. "Developer" shall have the right to inspect and audit the books of account of "Owner" during normal business hours of "Owner" at any time within the time limit set forth in Paragraph 6 to determine the correctness of "Owner's" billing. "Owner" agrees to refund any and all amounts paid in payments found in the audit to exceed the total amount eligible for work hereunder.

11. It is mutually agreed by the parties hereto that the provisions of this Agreement pertaining to relative property rights, right-of-way occupancy permission, access for servicing when applicable and joint use of rights of way shall continue in full force and effect from the date of execution, and shall be perpetually binding upon each party's legal representatives, successors or assigns.

IN WITNESS WHEREOF, the parties hereto have caused this instrument to be executed in duplicate by their duly authorized representatives the date first herein above written.

"OWNER"

"DEVELOPER"

ARKANSAS WESTERN GAS COMPANY

City of Fayetteville

Its: Vice-President – AWG Operations

Its: Mayor

Attest:

Attest:

Its: Secretary

Its: City Clerk

City of Fayetteville Staff Review Form

A. 6
Watson Condemnation
Settlement Proposal
Page 1 of 8

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

1/5/2010

City Council Meeting Date
Agenda Items Only

Chris Brown

Submitted By

Engineering Division

Division

Development Services Dept

Department

Action Required:

Approval of a Resolution authorizing settlement of the Aaron H. Watson and Patricia Ann Watson condemnation case for \$22,000 on the Mount Comfort Road Widening Project.

\$ 22,000.00

Cost of this request

\$ 30,053,348.00

Category / Project Budget

Mt. Comfort (Alpine to Ruppel Rd)

Program Category / Project Name

4450.9520.5805.00

Account Number

\$ 16,152,578.99

Funds Used to Date

Land Acquisition

Program / Project Category Name

06035.1500

Project Number

\$ 13,900,769.01

Remaining Balance

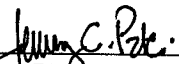
Transportation Bond St Improvements

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

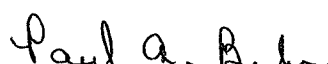
☐

Department Director
12-17-09
Date

Previous Ordinance or Resolution #


City Attorney
12-18-09
Date

Original Contract Date:

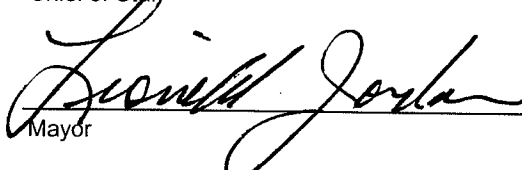
Original Contract Number:


Finance and Internal Services Director
12-18-2009
DateReceived in City
Clerk's Office

Kim J


Chief of Staff
12-18-09
DateReceived in
Mayor's Office

p/s


Mayor
12-18-09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director JP

From: Chris Brown, City Engineer CB

Date: December 17, 2009

Subject: Mount Comfort Road Improvements-Watson Condemnation Settlement Proposal
Agenda Item for the January 5th, 2010 City Council Meeting

PROPOSAL:

Widening of Mount Comfort Road is being completed under the Transportation Bond Program. As part of this project, right of way and easements were needed on 66 properties. 65 property owners negotiated a settlement with the City for the necessary right of way, leaving only one acquisition that required condemnation. The area of new right of way to be acquired was 1,711 square feet. A utility easement of 2,945 square feet adjacent to the new right of way was needed as well. The property in question is located at the northeast corner of Salem Road and Mount Comfort Road; owners are Aaron H. and Patricia Ann Watson.

In order to gain possession of the property, the City deposited \$30,000, representing the appraised value of the land needed for the project, into escrow with the Washington County Circuit Clerk, and was granted an Order of Possession on July 24th, 2009. This Order of Possession allowed the City to proceed with construction of the project.

Recently, the City Attorney's Office received an offer to settle this case for \$22,000. This would bring the total compensation for the right of way and easements to \$52,000.

RECOMMENDATION:

This property is located at the intersection of Salem Road and Mount Comfort Road, and the driveway to the house on the property is on Salem Road, very near the Mount Comfort intersection. With the planned improvements, the house will be nearer to the roadway, and the driveway will be nearer to the intersection. Damage to the property value due to these factors is reflected in the City's appraisal report; however, this damage is subjective and the property owners have argued that they have damages in excess of the City's appraisal.

Additionally, settlement at this stage eliminates the cost of staff time that would be necessary to prepare for a trial, along with the cost associated with the City's contract appraiser testimony that would be required.

For these reasons, Staff recommends approval of a settlement with Aaron H. and Patricia Ann Watson in the amount of \$22,000.

BUDGET IMPACT:

This payment for land acquisition will be made from the project budget allocated for the Mount Comfort Road Widening Project which is funded by the Transportation Bond Program.

RESOLUTION NO. _____

A RESOLUTION APPROVING A SETTLEMENT AGREEMENT
WITH AARON H. WATSON AND PATRICIA ANN WATSON
CONCERNING CONDEMNATION LITIGATION FILED AS
PART OF THE MOUNT COMFORT ROAD WIDENING PROJECT
IN A TOTAL AMOUNT OF \$52,000.00

**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 an agreement with Aaron H. Watson and Patricia Ann Watson in a total amount of \$52,000.00 as full and final settlement of condemnation litigation (City of Fayetteville, Arkansas v. Watson, Washington County Circuit Court Case No. CV 2009-2087-4) filed as part of the Mount Comfort Road Widening Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas, in furtherance of the settlement, hereby approves payment of an additional \$22,000.00 over and above the \$30,000.00 previously placed on deposit with the court.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

WATLINGTON LAW FIRM

247 South Main Jonesboro, Arkansas 72401

Telephone (870) 972-6110 Facsimile (870) 932-2939

e-mail gwatlington@attmail.com

November 30, 2009

Jason B Kelley
113 W Mountain, Suite 302
Fayetteville, AR 72701-6083
VIA FACSIMILE 479-575-8315

RE: Mount Comfort Road Widening Project
Tract No. 16
Parcel No. 765-13586-001

Dear Mr. Kelley,

I have reviewed the information my client gave to a worker and was forwarded to you. As is outlined in his handwritten letter you have, he is willing to settle for an additional twenty-two thousand dollars (\$22,000.00) which would allow him to relocate his driveway and carport. Please let me know if this is acceptable at your earliest convenience.

Sincerely,

Garland L. Watlington

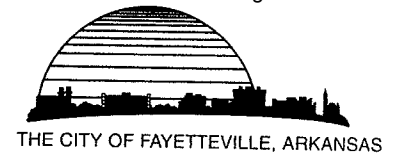
cc Aaron Watson
3409 Quail Ridge
Jonesboro, AR 72404

KIT WILLIAMS
FAYETTEVILLE CITY ATTORNEY

A. 6
Watson Condemnation
Settlement Proposal
Page 6 of 8

DAVID J. WHITAKER
Assistant City Attorney
Judy Housley
Office Manager

Phone (479) 575-8313
FAX (479) 575-8315



113 W. Mountain, Suite 302
Fayetteville, AR 72701-6083

December 9, 2009

Garland L. Watlington, Esq.
Watlington Law Firm
247 S. Main
Jonesboro, AR 72401

Re: City of Fayetteville v. Watson, Washington County Circuit Court
Case No. CV 2009-2087-4

Dear Mr. Watlington:

I am in receipt of your letter dated November 30, 2009, wherein you offered on behalf of your client to resolve the above-referenced case and agree to a dismissal of the pending litigation in exchange for payment of an additional \$22,000.00. This payment would bring the total compensation for the taking to \$52,000.00, when added to the \$30,000.00 previously placed on deposit with the registry of the court.

This offer has been discussed with the appropriate city officials, and we are prepared to accept your offer, subject to the approval of the Fayetteville City Council.

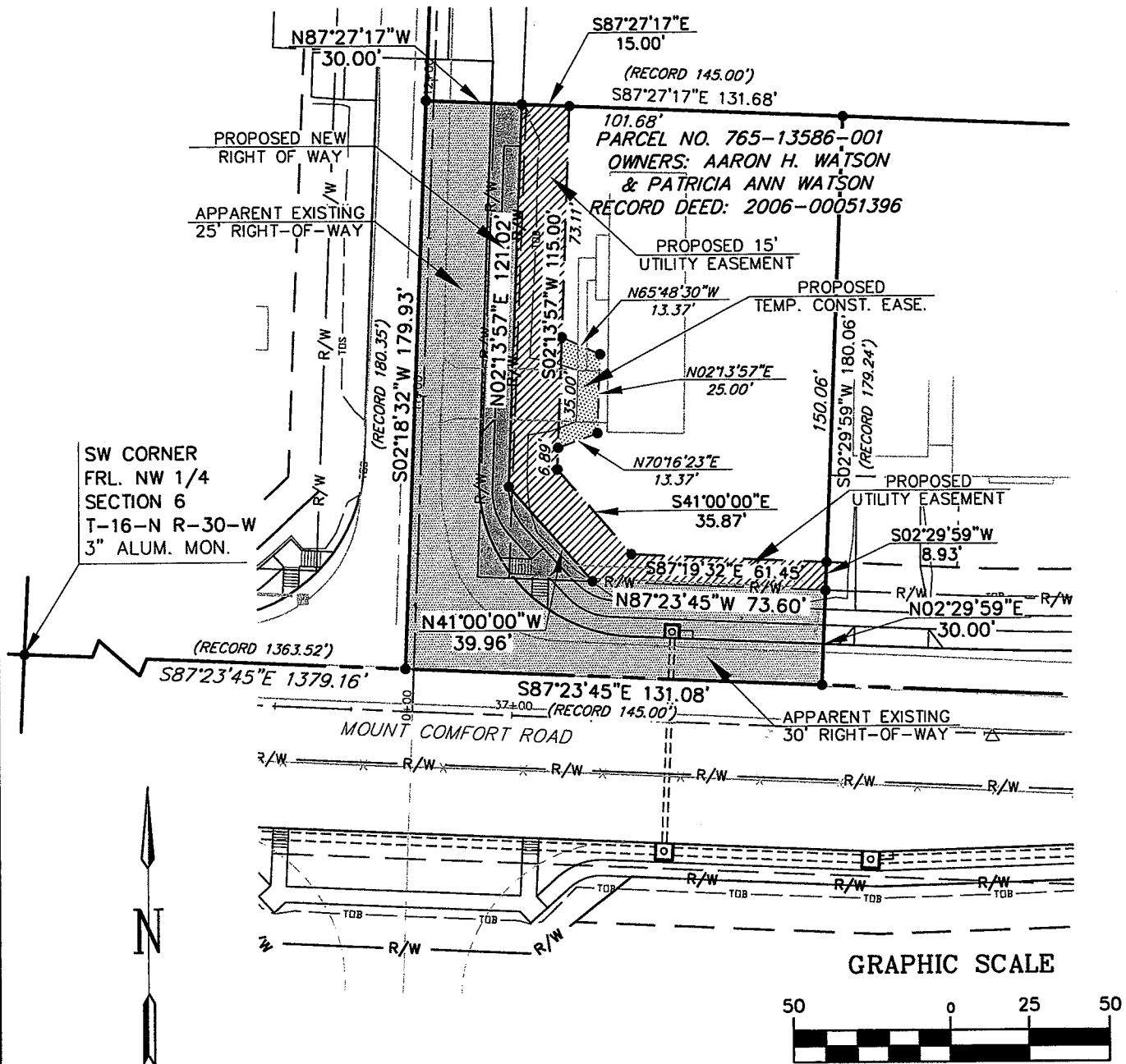
We will get an appropriate resolution to the City Council for approval as soon as possible, most likely for their January 5, 2010, meeting. Once approved, I will coordinate with you the dismissal of the case and payment to your client.

Please contact me if you need to discuss this matter.

Sincerely,

Jason B. Kelley
Assistant City Attorney

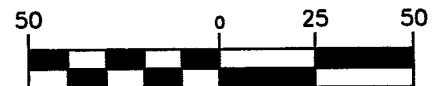
cc: C. Brown



BEARINGS BASED ON
CITY MONUMENTS J9 & I9

- TOB --- TOS --- TOP-BANK/TOE-SLOPE LINE
- EXISTING PROPERTY LINE
- EXISTING RIGHT OF WAY LINE
- PROPOSED R-O-W LINE
- EXISTING EASEMENT LINE
- PROPOSED EASEMENT LINE
- PROPOSED T.C.E. LINE

GRAPHIC SCALE



(IN FEET)

1 inch = 50 ft.

AREA CALCULATIONS	SQ. FT.	ACRES
TOTAL PROPOSED RIGHT OF WAY	8,843	0.20
APPARENT EXISTING RIGHT OF WAY	7,132	0.16
NEW PROPOSED RIGHT OF WAY	1,711	0.04
PROPOSED UTILITY EASEMENT	2,945	0.07
PROPOSED TEMP. CONSTRUCTION EASE.	372	0.01

L:\2006\0605-1200 FayAR Mount Comfort Road\Drawings\SUR\ACQUISITION\Dwg\FMC_VROW16_EX.dwg

GARVERENGINEERS

1088 EAST MILLSAP ROAD, FAYETTEVILLE, ARKANSAS 72703
PHONE: (479) 527-9100 FAX: (479) 527-9101
www.garverengineers.com

CITY OF FAYETTEVILLE

FAYETTEVILLE, ARKANSAS

MOUNT COMFORT
ROAD IMPROVEMENTS



RIGHT-OF-WAY
AND EASEMENT
EXHIBIT "A"

Job No. 0605-1200
Date: June 14, 2008

Sheet Number

16

City of Fayetteville Staff Review Form

A. 7
RJR Enterprises, Inc.
Page 1 of 50City Council Agenda Items
and
Contracts, Leases or Agreements

1/5/2010

City Council Meeting Date
Agenda Items Only

Carole Jones

Submitted By

Park Planning

Division

Parks and Recreation

Department

Action Required:

A resolution awarding RFP #09-23 and approval of a contract with RJR Enterprises, Inc. in the amount of \$73,000 with a 10% project contingency of \$7,300 for a total project cost of \$80,300 for the Construction of Doc Mashburn Playground.

\$ 80,300.00

Cost of this request

\$ 150,000.00

Category / Project Budget

Neighborhood Park Dev.

Program Category / Project Name

2250.9255.5806.00

Account Number

\$ 64,766.08

Funds Used to Date

Doc Mashburn Park

Program / Project Category Name

02013.0901

Project Number

\$ 85,233.92

Remaining Balance

Parks Development

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Connie Emmonson
Department Director

12/15/09
Date

Previous Ordinance or Resolution # 106-09; 227-09

John Kelly
City Attorney

12-17-09
Date

Original Contract Date:

Original Contract Number:

Paul A. Becher
Finance and Internal Services Director

12-17-2009
Date

Received in City
Clerk's Office

ENTERED
12-16-09
LW

Ann Mar
Chief of Staff

12-18-09
Date

Received in
Mayor's Office

ENTERED
12/17/09
PK

Frank Jordan
Mayor

12-18-09
Date

Comments:



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C.E.*

From: Carole Jones, Park Planner *Caj*

Date: December 18, 2009

Subject: **RFP 09-23, Construction of Doc Mashburn Playground
Agenda Request for January 5, 2010 Meeting**

PROPOSAL:

Doc Mashburn Park contains 1.34 acres and is located at 1582 Fairlane Street east of Fairlane Apartments. The park land is situated in the southeast quadrant of town south of Huntsville Road and west of Happy Hollow Road (see attached map). The park serves residents within a ½-mile radius.

On May 19, 2009, the City Council passed Resolution Number 106-09 authorizing Parks and Recreation to accept a grant from Arkansas Department of Parks and Tourism in the amount of \$50,000 (see attached resolution). Arkansas Department of Parks and Tourism issued the Notice to Proceed on September 14, 2009 (see attached letter).

The City of Fayetteville Purchasing Division determined that the State of Arkansas purchasing laws prevented the City from bidding the entire project through the RFP process due to the large amount of site work, grading and drainage involved in the project. The Arkansas Department of Parks and Tourism Project Officer concurred with this determination. Therefore all items except the playground area were bid through the formal competitive, sealed itemized bid process.

On November 17, 2009, the City Council passed Resolution Number 227-09 approving a contract with Sweetser Construction, Inc. for Bid 09-64, Construction of Doc Mashburn Park. The contract includes all site preparation, grading and drainage improvements and construction and installation of all sidewalks and a 20-foot rectangular pavilion. The playground construction was not included in Sweetser's contract (see attached resolution).

A Request for Proposals for the playground area was advertised on November 13 and 20, 2009 with a budget of \$73,000. Proposals were opened on December 4, 2009. Five vendors including RJR Enterprises, Inc., Arkoma Playground & Supply, Cunningham Associates, Inc., Pacheco Equipment, Inc. and Miracle Recreation submitted proposals. A selection committee was formed and met December 10, 2009 to review and select the preferred playground design for the park. The design proposed by RJR Enterprises, Inc. was selected by the selection committee.

If approved, the construction of the playground project is anticipated to begin in February 2010 and be completed in May 2010. The construction and installation of the playground will be coordinated with the construction of the other park amenities.

RECOMMENDATION:

A resolution awarding RFP #09-23 and approval of a contract with RJR Enterprises, Inc. in the amount of \$73,000, with a 10% project contingency of \$7,300 for a total project cost of \$80,300 for the Construction of Doc Mashburn Playground.

BUDGET IMPACT:

The total project is funded with Neighborhood Park Development funds (\$100,000) and Arkansas Department of Parks and Tourism Outdoor Recreation Grant funds (\$50,000). The contract with Sweetser Construction, Inc. encumbered \$64,199 leaving approximately \$85,000 for the playground construction. The project cost for the playground including a 10 % contingency is \$80,300.

Attachments:

Doc Mashburn Park Location Map
Resolution No. 106-09
Arkansas Department of Parks and Tourism Notice to Proceed
Resolution No. 227-09
RFP 09-23, RJR Enterprises, Inc. Proposal
Contract Agreement Signed by Contractor
Purchase Requisition

RESOLUTION NO. _____

A RESOLUTION AWARDING RFP #09-23 AND APPROVING A CONTRACT WITH RJR ENTERPRISES, INC. IN THE AMOUNT OF \$73,000.00 TO CONSTRUCT A PLAYGROUND AT DOC MASHBURN PARK; AND APPROVING A PROJECT CONTINGENCY IN THE AMOUNT OF \$7,300.00.

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 awards RFP #09-23 and approves a contract with RJR Enterprises, Inc. in the amount of \$73,000.00 to construct a playground at Doc Mashburn Park. 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 \$7,300.00.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville, Arkansas

RFP 09-23, Construction of Doc Mashburn Playground

This contract executed this ____ day of _____, 2010, shall be between the City of Fayetteville, Arkansas, located at 113 W Mountain, Fayetteville, Arkansas, 72701 and RJR Enterprises, Inc. located at 804 North 42nd Street, Rogers, Arkansas 72756.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. RJR Enterprises, 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 as stated in RJR Enterprises, Inc. proposal, and in accordance with specifications attached hereto and made a part hereof under RFP# 09-23, all included herein as if spelled out word for word.
2. Total cost for the project is \$73,000.
3. The City of Fayetteville shall pay for completion of the project based on prices indicated in RJR Enterprises, Inc. proposal. Payments will be made after approval and acceptance of work and submission of invoices. Payments will be made approximately 30 days after receipt of invoice.
4. The Work for the Construction of Doc Mashburn Playground shall be substantially completed within 45 consecutive calendar days from issuance of Notice to Proceed and completed and ready for final payment 15 consecutive calendar days thereafter.
5. Liquidated Damages. CITY OF FAYETTEVILLE and RJR Enterprises, Inc. recognize that time is of the essence and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 4 above. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY OF FAYETTEVILLE and RJR Enterprises, Inc. agree that as liquidated damages for delay (but not as a penalty) RJR Enterprises, Inc. shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 4 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if RJR Enterprises, Inc. shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 4 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty



dollars (\$250.00) for each day that expires after the time specified in paragraph 4 for completion and readiness for final payment.

6. The Contract documents which comprise the contract between the City of Fayetteville and RJR Enterprises, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Form identified as RFP# 09-23 with the specifications and conditions typed thereon.
 - B. Construction Drawings entitled Construction of Doc Mashburn Playground (sheets 1 through 5).
 - C. RJR Enterprises, Inc. proposal.
 - D. The Notice to Prospective Proposers.
7. These Contract documents constitute the entire agreement between the City of Fayetteville and RJR Enterprises, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and RJR Enterprises, Inc.
8. RJR Enterprises, Inc. shall not assign its duties under the terms of this agreement.
9. RJR Enterprises, 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 RJR Enterprises, Inc.'s 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.
10. RJR Enterprises, 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, RJR Enterprises, 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.
 1. Workmen's Compensation:
Statutory Amount
 2. Comprehensive General & Automobile Insurance:
\$500,000 for each accident

3. Bodily Injury Liability:
\$500,000 for each accident
4. Property Damage Liability:
\$500,000 aggregate

The premiums for all insurance required herein shall be paid by RJR Enterprises, Inc.

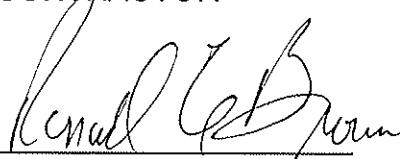
11. RJR Enterprises, Inc. to furnish proof of licensure as required by all local and state agencies.
12. This contract may be terminated by the City of Fayetteville or RJR Enterprises, Inc. with 10 days written notice.
13. Freedom of Information Act: City of Fayetteville contracts and documents prepared 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.
14. 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 Fayetteville City Council **in advance** of the change in scope, cost or fees.
15. Jurisdiction: Legal jurisdiction to resolve any disputes must be **Arkansas** with **Arkansas law** applying to the case.
16. Arbitration/Mediation: We will not agree to be forced to mediate or arbitrate any dispute.
17. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2010.

CITY OF FAYETTEVILLE:
FAYETTEVILLE, ARKANSAS

CONTRACTOR

By: _____
Mayor Lioneld Jordan

By: 

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____
Sondra Smith, City Clerk

*Attest 

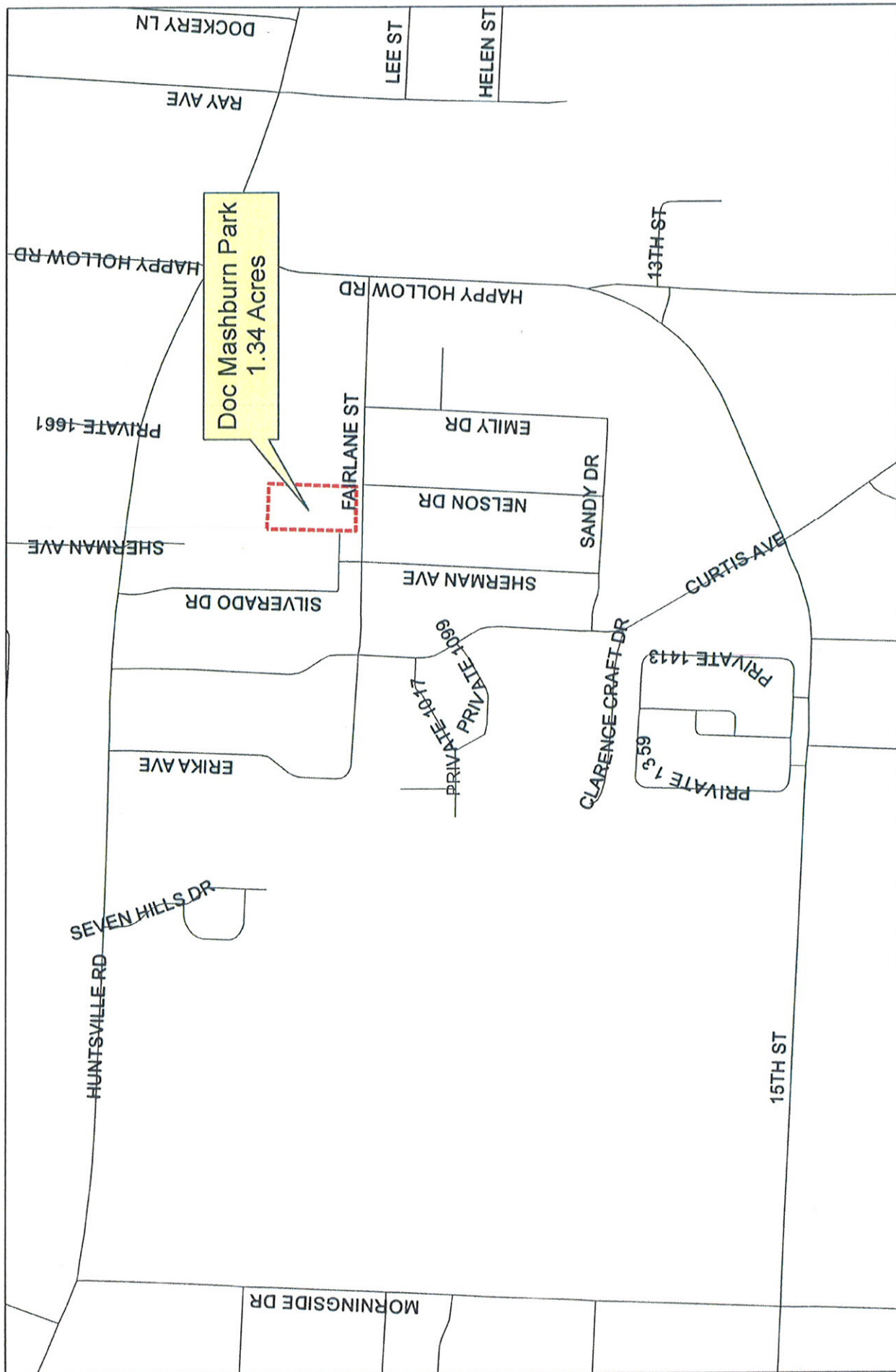
* If a Corporation, attest by the Secretary.

Address for giving notices
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Address for giving notices
RJR Enterprises, Inc.
804 North 42nd Street
Rogers, Arkansas 72756



Doc Mashburn Park 1582 Fairlane Street



RESOLUTION NO. 106-09

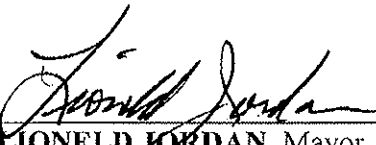
A RESOLUTION TO ACCEPT AN ARKANSAS PARKS AND TOURISM MATCHING GRANT IN THE AMOUNT OF \$50,000.00 FOR DEVELOPMENT OF DOC MASHBURN PARK AND TO APPROVE A BUDGET ADJUSTMENT TO RECOGNIZE THIS REVENUE

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 accepts an Arkansas Parks and Tourism Matching Grant in the amount of \$50,000.00 for development of Doc Mashburn Park and approves the attached budget adjustment to recognize this revenue.

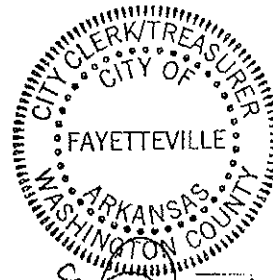
PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

By: 
LIONELD JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer





DEPARTMENT OF
PARKS & TOURISM

1 Capitol Mall
Little Rock, AR 72201
501-682-7777
Arkansas.com

History Commission
501-682-6900 (V/T)
Ark-ives.com

Keep Arkansas
Beautiful Division
501-682-3507
KeepArkansasBeautiful.com

Personnel Section
501-682-7742 (V/T)

State Parks Division
501-682-1191 (V/T)
ArkansasStateParks.com

Tourism Division
501-682-7777 (V/T)

Mike Beebe
GOVERNOR

Richard W. Davies
EXECUTIVE DIRECTOR

STATE PARKS,
RECREATION
& TRAVEL
COMMISSION

Donny Ford
CHAIRMAN

Monline McNulty
VICE-CHAIRMAN

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Billy Lindsey

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Jim Shamburger

Cindy Smith

DIVISION DIRECTORS

Cynthia Duntap
ADMINISTRATION

Greg Butts

STATE PARKS

Joe David Rice

TOURISM

Nancy Clark

GREAT RIVER ROAD

Dr. Wendy Richter

HISTORY COMMISSION

Robert Phelps

KEEP ARKANSAS

BEAUTIFUL

AN EQUAL
OPPORTUNITY/
AFFIRMATIVE ACTION/
AMERICANS WITH
DISABILITIES ACT
EMPLOYER

Arkansas®

THE NATURAL STATE

RECEIVED

SEP 18 2009

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

September 14, 2009

The Honorable Lioneld Jordan
Mayor of Fayetteville
113 West Mountain
Fayetteville, Arkansas 72701

RE: Project # A-10552-09-WA
Doc Mashburn Park (previously Fairlane Park)

Dear Mayor Jordan:

This letter serves as your Official Notification to Proceed. A copy of the contract agreement booklet is enclosed for your records. Please retain this copy in the permanent files of the City of Fayetteville. This booklet contains the Application Guide that was used to prepare your grant application, the Management Guide that outlines a summary of the regulations and procedures for administering your grant project, and a copy of the signed contract.

Part of our responsibility in administering Arkansas's Outdoor Recreation Grant Program is to inform and remind you of the federal Land and Water Conservation Fund program regulations that you have agreed to abide by in this contract. Listed below are some of those major responsibilities. Please re-read the enclosed documents carefully. If you have any questions concerning this information, please contact Bryan Kellar, Director, Outdoor Recreation Grants Program, at (501) 682-1301.

1. The Project site must be retained and maintained for outdoor recreation in perpetuity. This means that the land and facilities within the project boundary cannot be converted to uses other than outdoor recreation (i.e., no public, civic or private buildings such as a city hall, fire station, chamber of commerce, community center, etc.).
2. If the site is converted to some other use, it will have to be replaced entirely at your own cost with land and facilities of equal value and usefulness. Should the need for conversion ever arise, suitable replacement property will have to be approved by the Secretary of the Interior through this office, prior to any action taking place.

The Honorable Lioneld Jordan
Page 2
September 14, 2009

3. All existing and future utility lines within the project boundary must be placed underground.
4. If you plan to add additional outdoor recreation facilities, please notify our office. Certain other facilities, such as local recreation centers may be eligible to be located within the project site. Please contact our office before making any improvements to the project site to determine what regulations apply.
5. A permanent LWCF/NCRGTF acknowledgment sign is required on all project sites. If, at any time, a new sign is needed, one is available "at cost" from this office.
6. If your project is locked at any time, you must post hours stating when the facility is open to the public. School-sponsored projects must display hours of public use.
7. All sites must comply with regulations under Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990, assuring access by the handicapped.
8. Your recreational facility must remain open to the general public and you must assure that no person is subjected to discrimination on the basis of race, color, or national origin.

Additionally, all grant recipients are required to follow the same bidding and purchasing procedures required by law of state agencies. These procedures are explained in the Management Guide which is part of the enclosed contract agreement booklet. I do not have the authority to waive or make exceptions to these procedures. Lately, several grantees have been denied grant reimbursements for failing to follow these procedures. Before advertising for bids or purchasing goods and services, make sure all procedures have been followed.

If I can provide you with any additional information, please feel free to contact me.

Sincerely,



Richard W. Davies
Executive Director

Enclosures

RESOLUTION NO. 227-09

A RESOLUTION TO APPROVE AN AGREEMENT BETWEEN THE CITY OF FAYETTEVILLE AND SWEETSER CONSTRUCTION, INC. FOR THE CONSTRUCTION OF DOC MASHBURN PARK IN THE AMOUNT OF \$64,199.00 PLUS A 15% CONTINGENCY OF \$9,630.00

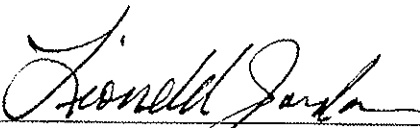
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF FAYETTEVILLE, ARKANSAS:

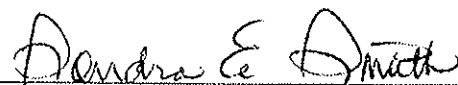
Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an agreement between the City of Fayetteville and Sweetser Construction, Inc. for the construction of Doc Mashburn Park in the amount of \$64,199.00 plus a 15% contingency of \$9,630.00.

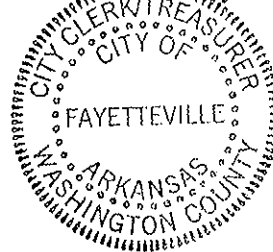
PASSED and APPROVED this 17th day of November, 2009.

APPROVED:

ATTEST:

By: 
LIONELD JORDAN, Mayor

By: 
SONDRA E. SMITH, City Clerk/Treasurer



City of Fayetteville
RFP 09-23, Construction of Doc Mashburn Playground
Proposal Form

The Proposer understands the City of Fayetteville reserves the right to reject any or all bids and to waive formalities deemed to be in the City's best interest.

Total price for this project shall not exceed \$73,000 which includes: required bonds and insurance; labor cost; equipment, materials and supplies; playground concrete sub-base and surface tiles with installation; playground equipment and installation; two benches with installation; site restoration; shipping; and all applicable sales tax. In addition, the "Price per Proposal Specifications" is to include FOB to actual park project site in Fayetteville, AR and sales tax as regulated by the Arkansas Department of Finance Administration. Failure to meet this requirement could result in your proposal being rejected.

PRICE PER PROPOSAL SPECIFICATIONS: \$ 73,000.00

CONTRACTOR'S NAME RJR Enterprises Inc.
CONTRACTOR'S LICENSE # 00A3500410
CONTACT PERSON Ryan Brown
TITLE Vice-President
ADDRESS 8041 N. 42nd St.
Rogers, AR 72756
TELEPHONE 479-936-1092 FAX 479-631-6574
EMAIL ADDRESS ryanbrown@nwarsjr.com
AUTHORIZED SIGNATURE [Signature]

All inclusive proposals must be submitted no later than Friday, December 4, 2009 at 2:00 PM, CST, to the City of Fayetteville, Purchasing Office, Room 306, 113 West Mountain Street, Fayetteville, Arkansas, 72701 in a sealed envelope marked "RFP 09-23, Construction of Doc Mashburn Playground." Each bidder will be required to meet or exceed the specifications attached. Any deviation must be noted with specifications attached to bid proposal. Questions related to the proposal process should be directed to Andrea Foren, City of Fayetteville Purchasing Division, (479) 575-8220, or by e-mail aforen@ci.fayetteville.ar.us.

A non-mandatory pre-proposal conference will be held on Friday, November 20, 2009 at 10:00 AM, CST at the actual job site at Doc Mashburn Park located at 1582 Fairlane Street. Please contact Carole Jones at 479-444-3472 if you need directions.

City of Fayetteville
RFP 09-23, Construction of Doc Mashburn Playground
Proposal Cost Breakdown

Note: Proposal may be rejected if all the information requested is not included in this package.

Project is estimated at \$73,000.

Concrete Sub-Base (4" Thickness) for Playground Surface Tiles: Complete in place per details (175 S.Y.)	\$	<u>5,500.00</u>
Playground Equipment for Ages 2 - 12: Complete in place (approx. 1,420 S.F.)	\$	<u>52,000.00</u>
Playground Surface Tiles: Complete in place per details - Sofsurfaces®SoftILE KrosLock® Interlocking Tiles - Plus Series or approved equivalent	\$	<u>14,000.00</u>
Two (2) - 6' Benches: Complete in place - Wabash Valley CY420S or approved equivalent	\$	<u>1,000.00</u>
Site Restoration: Includes 4" depth topsoil, Fescue seed and straw (0.10 Acres)	\$	<u>500.00</u>
TOTAL COST:	\$	<u>73,000.00</u>

RFP 09-23, Addendum 1



Date: Tuesday, November 24, 2009

To: All Prospective Vendors

From: Andrea Foren, CPPB – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: RFP 09-23, Construction of Doc Mashburn Playground

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Form of Proposal. Failure to do so may subject bidder to disqualification. Addendum shall be attached to the inside cover of the bidding documents, signed, and dated.

• **RFP 09-23, has the following modifications and clarifications:**

- 1.) Webcoat bench model number B6WBWINGLINESM is approved as an equal. Webcoat Products; P.O. Box 3160; McAlester, OK 74501; 1-800-505-5101; www.webcoat.com.
- 2.) The playground equipment shall be age appropriate for children ages **5-12** years. The requirement for equipment for children under the age of five has been eliminated.
- 3.) Attached are the minutes and sign-in sheet from the pre-proposal meeting that was held on November 20, 2009.

Acknowledge Addendum #1:

Printed Name: Ryan C. Brown

Signature: [Signature]

Title: Vice-President Date: 12/16/09

Company: RJR Enterprises Inc.

**Pre-Proposal Meeting
RFP #09-23, Construction of Doc Mashburn Playground
November 20, 2009**

Parks and Recreation

Project Manager

Carole Jones, P.E.

Ph: 444-3472

Parks and Recreation main line

Ph: 444-3471

Procedures

- Bonds (recorded at the County) and Insurance
- Necessary permits – grading permit; SWPPP – fees are waived for city projects and Project Manager will prepare applications
- Location of Underground Facilities (1-800-482-8998, Arkansas One-Call System, Inc.)

Copies of documents

- Owner will provide Contractor with a minimum of two sets of drawings and specifications.

Contract Time

- 60 days total contract
- 45 days for substantial completion
- 15 additional days for final completion
- Work days are Monday through Friday unless approved by Park Staff

Permits: Meet all state, local and federal requirements

- Construction Site Notice for SWPPP must be posted on site at all times. Contractor shall coordinate the construction of the playground slab with other construction activities in the park that are part of a separate bid. Construction of the playground slab will utilize the erosion control measures in place by others and will not be part of this bid.

Submittals

- Layout of playground equipment
- Concrete mix designs – colored concrete will be used on the exposed edges of the playground slab that are not covered by safety tiles. The color shall be approved by the Project Manager.
- Grass seed (tall Fescue blend)

Site-Visits and Project Milestones

- Construction entrance, tree protection fence/silt fence and concrete waste management must be in place prior to commencement of work!!! Construction of the playground slab will utilize the erosion control measures in place by others.
- Layout of playground area
- Rough grading including area for playground will be performed by others.
- Excavation for playground slab/foundation
- Construction of playground slab/foundation
- Assembly and installation of playground equipment and benches
- Finish grading and site restoration around playground area

ADA Requirements

All amenities shall be ADA accessible, including, but not limited to the following:

- Playground area and access

Work by Others

- The construction of other park amenities is under a separate contract and shall not be included in the proposal.



Construction of Doc Mashburn Playground
RFP #09-23
Pre-Proposal Meeting
10:00 AM Friday, November 20, 2009
Sign In Sheet



Name	Company	Phone	E-mail
1. Carole Jones	Fay. Parks & Rec	479-444-3472	cdjones@ci.fayetteville.ar.us
2. Susan Blust	Arkoma Playgrounds	443-0060	susan@arkoma.net
3. Ashley Corey	Arkoma Playgrounds	443-0060	ashley@arkoma.net
4. Wayne Davis	Miracle Inc	501-658-0132	wayne@miracle.net
5. Rusty Pender	PEOPLES LANDSCAPE	919-769-0580	rusty@peopleslandscape.com
6. Ryan Brown	RJR Ent.	479-936-1092	rbrown@rjr.com
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			
16.			
17.			
18.			
19.			
20.			
21.			
22.			

RFP 09-23, Addendum 2



Date: Monday, November 30, 2009

To: All Prospective Vendors

From: Andrea Foren, CPPB – 479.575.8220 – aforen@ci.fayetteville.ar.us

RE: RFP 09-23, Construction of Doc Mashburn Playground

This addendum is hereby made a part of the contract documents to the same extent as though it were originally included therein. Bidders should indicate their receipt of same in the appropriate blank of the Form of Proposal. Failure to do so may subject bidder to disqualification. Addendum shall be attached to the inside cover of the bidding documents, signed, and dated.

- **RFP 09-23, has the following modifications and clarifications:**

- 1.) The upright post size for the play equipment shall be 5" OD.

Acknowledge Addendum #2:

Printed Name: Ryan C. Brown

Signature: [Handwritten Signature]

Title: Vice-President Date: 12/16/09

Company: RJR Enterprises Inc.

CNA INSURANCE COMPANIES

BID BOND

KNOW ALL MEN BY THESE PRESENTS: That we RJR Enterprises, Inc

and Western Surety Company, Principal,
Surety, are held and firmly bound unto
City of Fayetteville, Arkansas, Oblige
in the sum of

5% Amount of Bid XXXXXXXXXXXXXXXXXXXXXXX00/100 Dollars (\$ 5% Amnt of bid)
for the payment of which we bind ourselves, our legal representatives, successors and assigns,
jointly and severally, firmly by these presents.

WHEREAS, Principal has submitted or is about to submit a proposal to Oblige on a contract
for RFP 09-23 Construction of Doc Mashburn Playground Mashburn Park
1582 Fairlane St Fayetteville, AR

NOW, THEREFORE, if the said contract be awarded to Principal and Principal shall, within
such time as may be specified, enter into the contract in writing and give such bond or bonds as
may be specified in the bidding or contract documents with surety acceptable to Oblige; or if
Principal shall fail to do so, pay to Oblige the damages which Oblige may suffer by reason of
such failure not exceeding the penalty of this bond, then this obligation shall be void; otherwise to
remain in full force and effect.

Signed, sealed and dated 12/4/09

RJR Enterprises, Inc

(Principal)

by

(Seal)

Western Surety Company

(Surety)

by

Christine Piker

Attorney-in-Fact

G-23054-C

CNA

For All the Commitments You Make

Western Surety Company

POWER OF ATTORNEY APPOINTING INDIVIDUAL ATTORNEY-IN-FACT

Know All Men By These Presents, That WESTERN SURETY COMPANY, a South Dakota corporation, is a duly organized and existing corporation having its principal office in the City of Sioux Falls, and State of South Dakota, and that it does by virtue of the signature and seal herein affixed hereby make, constitute and appoint

Brenda Lewis, Terri D Stuart, Roland W Julian, Diana Ball, Cecil Bridgers, Christine Piker, Donna Tito, James Secker, Bradley Bridgers, Individually

of Rogers, AR, its true and lawful Attorney(s)-in-Fact with full power and authority hereby conferred to sign, seal and execute for and on its behalf bonds, undertakings and other obligatory instruments of similar nature

- In Unlimited Amounts -

and to bind it thereby as fully and to the same extent as if such instruments were signed by a duly authorized officer of the corporation and all the acts of said Attorney, pursuant to the authority hereby given, are hereby ratified and confirmed.

This Power of Attorney is made and executed pursuant to and by authority of the By-Law printed on the reverse hercof, duly adopted, as indicated, by the shareholders of the corporation.

In Witness Whereof, WESTERN SURETY COMPANY has caused these presents to be signed by its Senior Vice President and its corporate seal to be hereto affixed on this 16th day of December, 2008.



WESTERN SURETY COMPANY

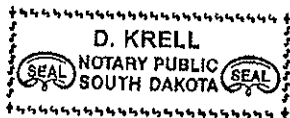
Paul T. Bruflat, Senior Vice President

State of South Dakota }
County of Minnehaha } ss

On this 16th day of December, 2008, before me personally came Paul T. Bruflat, to me known, who, being by me duly sworn, did depose and say: that he resides in the City of Sioux Falls, State of South Dakota; that he is the Senior Vice President of WESTERN SURETY COMPANY described in and which executed the above instrument; that he knows the seal of said corporation; that the seal affixed to the said instrument is such corporate seal; that it was so affixed pursuant to authority given by the Board of Directors of said corporation and that he signed his name thereto pursuant to like authority, and acknowledges same to be the act and deed of said corporation.

My commission expires

November 30, 2012



D. Krell, Notary Public

CERTIFICATE

I, L. Nelson, Assistant Secretary of WESTERN SURETY COMPANY do hereby certify that the Power of Attorney hereinabove set forth is still in force, and further certify that the By-Law of the corporation printed on the reverse hereof is still in force. In testimony whereof I have hereunto subscribed my name and affixed the seal of the said corporation this 4TH day of DECEMBER, 2009.



WESTERN SURETY COMPANY

L. Nelson, Assistant Secretary



Project:
Doc Mashburn Park

Project No.
LP533 - 40151201065 - 2
Drawn:
2009-12-04

Presented By:



ENGINEERING INTENT

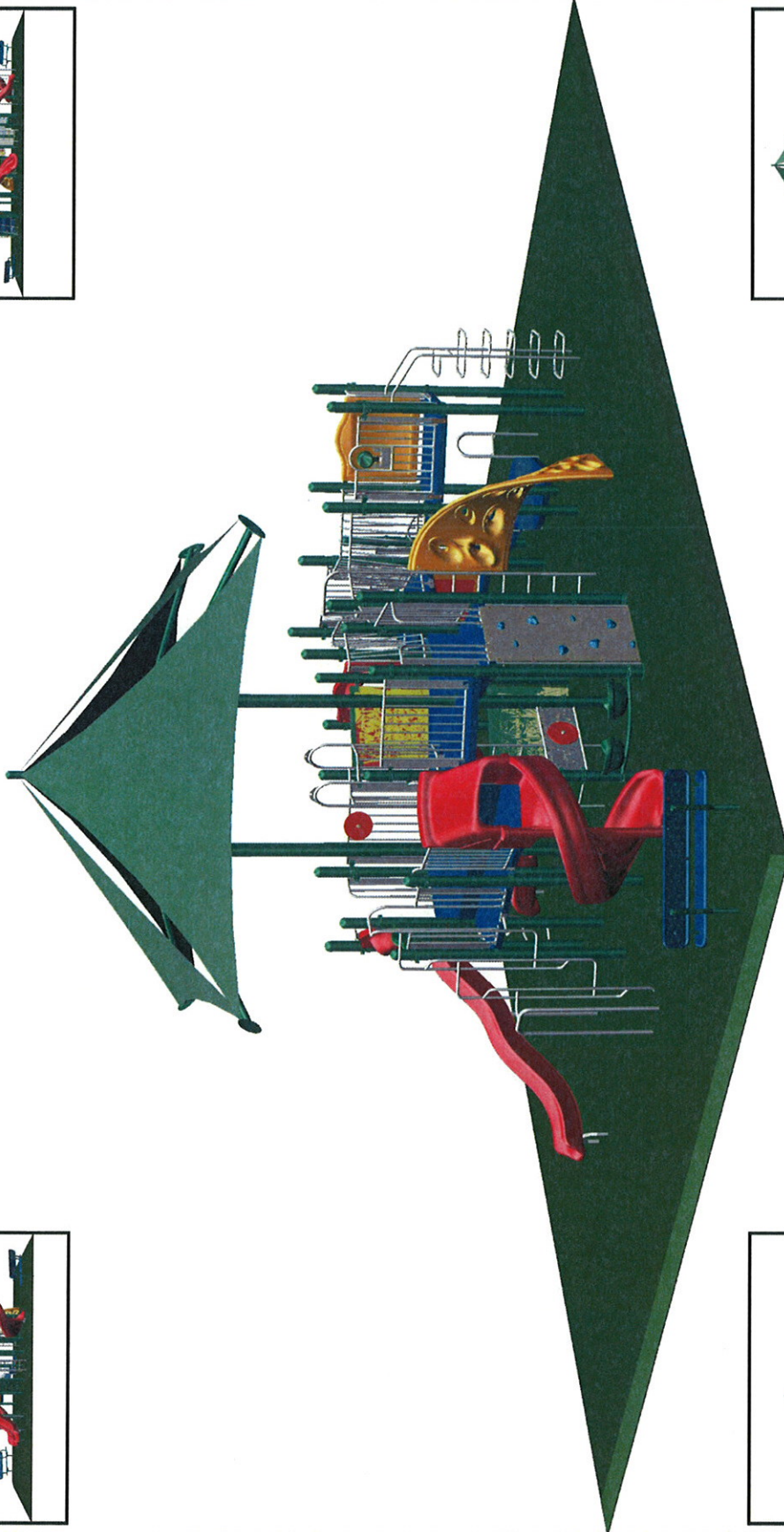
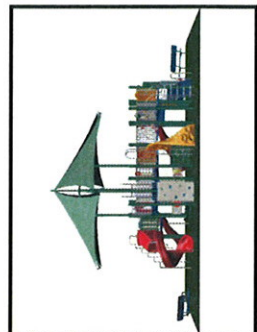
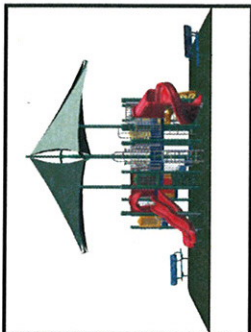
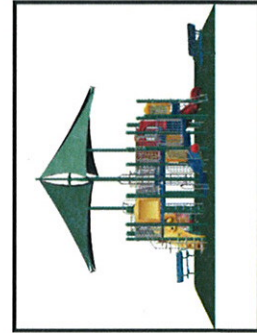
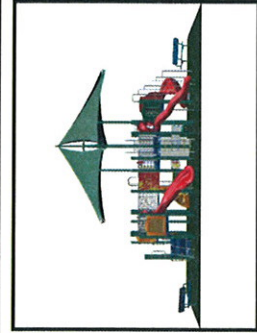
Ron Brown
Kyle Recreation
479-621-3939



This play equipment complies with the safety performance specifications of ASTM for children 5-12 years old. Not all equipment may be appropriate for all children. Supervision is required.



PlayPower LT Farmington, CT
800-325-8828 www.litps.com



Representative:
Ron Brown
Kyle Recreation
479-621-3939

Project: **Doc Mashburn Park**

Project No. LPP533_40151201065_2
 Drawn: 2009-12-04
 Drawn By: Ron Brown

PlayArea1	Product line: KdbBuilders
	Age group: 5-12
	Post type: Gully, 13ga./Plastic
	KB Accent Color: Speckle Gray
	KB Builder Post Color: Green
	KB Pbl/Cr/Tunnel Cr/Forest Green
	KB KB Roof Color: Kakadu Blue
	KB KB Surf/Post Color: Deep Red
	KB Vinyl color: Blue
	Laminated Color: On/Gr/Gr/Green
	Coloring Old: Plastic Color: Forest Green
	Legacy: Poly Cr/Blue
	Quantum Slide Cr/Deep Red
	Shade Fabric Color: Brunswick Green
	Shade Fabric Color: 2 Desert Sand
	Infinity 1 Plastic Cr/Deep Red
	Mount Option: 15 in. Surface Mount

Playground Layout Compliance:

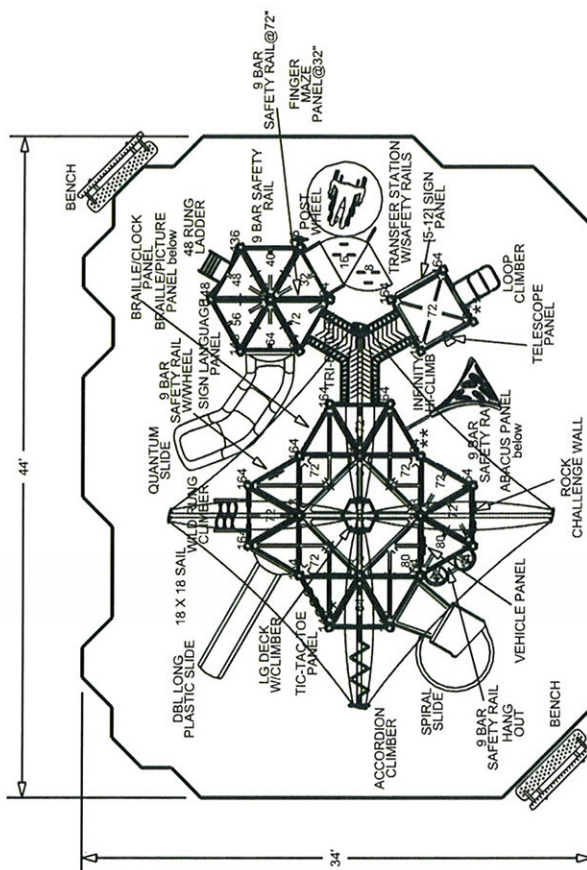
- ✓ Final Access Board Regulations
- ✓ CPSC Handbook for Public Safety
- ✓ ASTM F1487

This play equipment complies with the safety performance specifications of ASTM for children 5-12 years old. Not all equipment may be appropriate for all children. Supervision is required.

PlayPower LT Farmington, Inc.

One Iron Mountain Drive
Farmington, Missouri 63640
Phone: 1-800-325-8828
Fax: 573-756-0319
www.iltcps.com

A. 7
RJR Enterprises, Inc.
Page 23 of 50



Minimum recommended fallzone
Area: 1372 sq. feet
Perimeter: 145 feet

LEED points for
this structure

NOTES

Scale*: 1/8"=1'

- | | |
|---|--|
| <p>The Americans with Disabilities Act (ADA) may require that you make your park and/or playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.</p> <p>2F For playground equipment to be considered accessible, accessible surfacing must be utilized in applicable areas.</p> <p>3A All new playground design may not meet the proposed Access Board Regulations in regards to the appropriate number of ground level events, the actual playground may be in compliance when considering existing play components.</p> <p>4 All deck heights are measured from top of ground cover.</p> <p>5 F All absorbing ground cover is required on and around all play equipment.</p> <p>6 The minimum recommended fall zone around the entire playstructure is shown. This zone is to be free of all tripping or collision hazards (i.e. roots, rocks, border material, etc.).</p> <p>7 Age appropriate label locations are marked with a double asterisk (**).</p> <p>8 The ADA requires that all playground accessible when viewed in its entirety. Please consult your legal counsel to determine if the ADA applies to you.</p> <p>9 All ADA post lengths are identified by text showing the post lengths, i.e. 96 represents a 96 inch post.</p> | <p>16 Elevated Play Activities Total: 16 (8 req)</p> <p>- Accessible By Transfer: 16 (8 req)</p> <p>Ground Level Activity Type: 4 (3 req)</p> <p>Ground Level Activity Quantity: 5 (5 req)</p> <p>Scale for reference only. Use dimensions as shown.</p> |
|---|--|



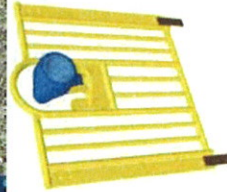
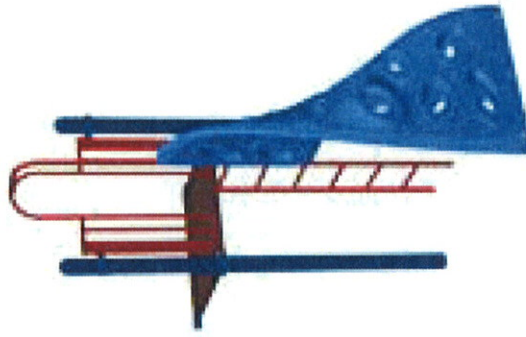
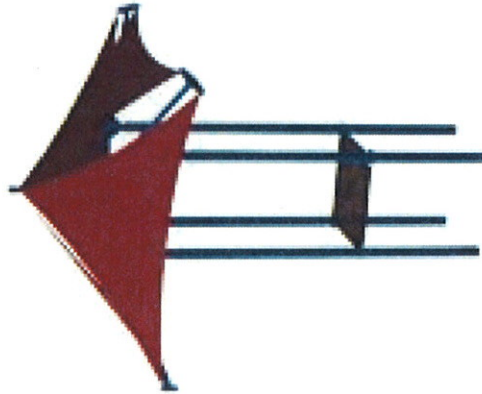
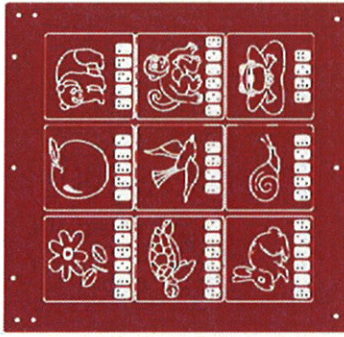
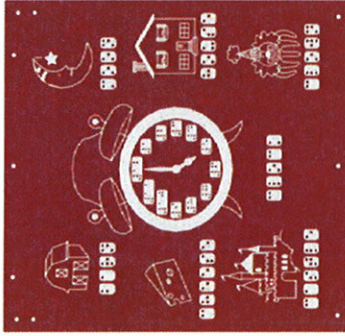
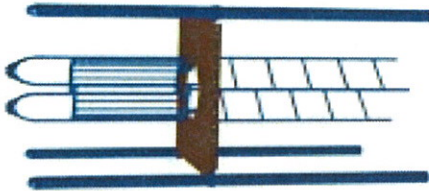
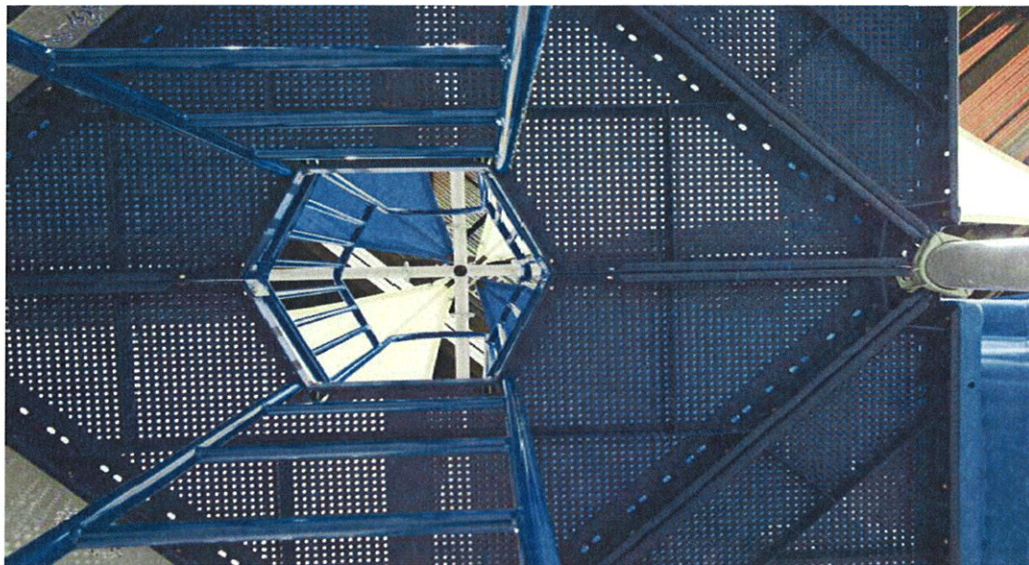
Doc Mashburn Park



RJR Enterprises, Inc.
804 N 42nd Street
Rogers, AR 72756
Phone: 479-621-5959
Fax: 479-621-5960
E-Mail: rjrevent01@cox.net

Ron Brown





RJR Enterprises, Inc
804 N 42nd Street
Rogers, AR 72756
Phone 479-621-9559
Fax 479-621-9560
E-Mail rjbrown01@cox.net

Ron Brown



Kyle Recreation
Inc.
Building Fun for the 4th & 5th

Doc Mashburn Park



PlayPower LT Farmington, Inc.
One Iron Mountain Drive
Farmington, MO 63640 USA
1-800-325-8828

ORDER FORM

For PPLT Inhouse Use Only

PlayArea 1

Product line: KidBuilders

Age group: 5-12

Post type: Galv. 13ga. / Plastic

Global defaults

KB Accent Color

Kid Builder Post Color

KB Pnl/Crwl Tunnel Clr

KB Roof Color

KB Sld/Float Stone Clr

KB Vinyl color

Laminate Color

Hang Out Plastic Color

Legacy Paint Clr

Legacy Poly Clr

Quantum Slide Clr

Indep.Shade Fabric Color

Shade Fabric Color 2

Infinity 1 Plastic Clr

Mount Option

Speckle Gray

Green

Forest Green

Kakadu Blue

Deep Red

Blue

Grn/Tn/Grn

Forest Green

Tan

Blue

Deep Red

Brunswick Green

Desert Sand

Deep Red

1.5 in. Surface Mount

Components

Part number	Description	Qty	Weight	Volume	Unit price	Total
200142416	KID TILE BEVEL F/59MM GRN	38	874.00	38.00	57.00	2166.00
200142420	KID TILE BEV. F/59MM GRN OUT-L-45	4	44.00	1.68	30.00	120.00
200142419	KID TILE BEV. F/59MM GRN OUT-R-45	4	44.00	1.68	30.00	120.00
200142415	KID TILE 63MM(2-1/2") X 610MM(24") GRN	414	10764.00	414.00	47.00	19458.00
200245768	ASSY RAIL MT.ALUM.STEER.WHL. RED	1	2.00	0.08	163.00	163.00
200007704	HDWR BAG F/CLAMP ELIMINATION (MM)	10	10.00	0.10	14.00	140.00
100001139	KB DK/DK PLATE 405MM/16"	1	27.00	0.40	113.00	113.00
100001127	KB LONG DK/DK PLATE 205MM/8"	3	75.00	1.14	105.00	315.00
100001134	KB DK/DK PLATE 203 MM/8"	7	112.00	1.54	102.00	714.00
200013798	KB 136" GALV POST WITH PLASTIC CAP	2	118.00	6.00	229.00	458.00
200201060	KB 213" GALV POST WITHOUT CAP CRIMPED	4	464.00	20.00	392.00	1568.00
200013810	KB 148" GALV POST WITH PLASTIC CAP	4	256.00	12.00	243.00	972.00
200013813	KB 4165/164" GALV POST WITH PLASTIC CAP	17	1207.00	68.00	271.00	4607.00
200200505	PANEL REACH ABACUS F/KB	1	45.00	2.00	781.00	781.00
200200503	PANEL REACH VEHICLE F/KB	1	60.00	2.00	666.00	666.00
200201099	ROCK CHALLENGE WALL 1829MM KB	1	137.00	12.00	1802.00	1802.00
200202333	KB PICTURE BRAILLE PANEL PTMT	1	45.00	1.00	630.00	630.00
200024848	PANEL FLT.TP. MAZE KB	1	41.00	6.00	499.00	499.00

12/4/2009

Project:LP533_40151201065_2

Page 1 of 4



PlayPower LT Farmington, Inc.
One Iron Mountain Drive
Farmington, MO 63640 USA
1-800-325-8828

ORDER FORM

For PPLT Inhouse Use Only

200202304	KB Pnl/Crwl Tunnel Clr = Tropical Yellow	1	30.00	3.00	599.00	599.00
200200468	KB HANG OUT	1	130.00	19.00	1165.00	1165.00
200122438	KB ACCORDION CLIMBER 1625MM(64") GROUND	1	380.00	190.00	3758.00	3758.00
200007045	SLIDE SPIRAL KB 1625/64 (2002)	1	52.00	10.00	860.00	860.00
200200073	PANEL ARCH T-T-T DKMT. KB	1	42.00	2.00	609.00	609.00
200007111	KB PANEL ARCH "SIGN LANGUAGE" DKMT	1	40.00	7.00	323.00	323.00
200202184	KB Pnl/Crwl Tunnel Clr = Tropical Yellow	1	114.00	41.00	800.00	800.00
200200847	PANEL SAFE PLAY 5-12 DKMT. KB	2	206.00	18.00	475.00	950.00
	KB Pnl/Crwl Tunnel Clr = Tropical Yellow					
200129609	KB WILD RUNG CLIMBER 72"	1	143.00	46.00	871.00	871.00
200014919	6' (1830mm) HERITAGE PARK BENCH W/BACK & ARM	1	54.00	5.00	431.00	431.00
200201043	Legacy Paint Clr = Green	1	156.00	52.00	1154.00	1154.00
200109865	CLIMBER LOOP 1830 MM/72" KB	4	200.00	24.00	326.00	1304.00
200200663	LADDER RUNG 1220 MM W/HAND LOOP KB	1	60.00	4.00	847.00	847.00
200202280	SLIDE WAVE F/KB 1830 MM/72"	1	45.00	1.00	630.00	630.00
	KBP SAFETY RAIL DKMT					
200200424	KB TELESCOPE PANEL DKMT	1	3.00	1.00	160.00	160.00
200201301	KB CLOCK BRAILLE PANEL	1	335.00	27.00	2079.00	2079.00
200200552	Laminate Color = Red/Ylw/Red	1	200.00	70.00	2850.00	2850.00
200201377	KB POST MOUNT PLASTIC STEERING WHEEL	1	600.00	195.00	6861.00	6861.00
	Shade Fabric Color 2 = Brunswick Green					
200006940	KB TRANSFER STATION 32" W/SFTY RAILS	3	495.00	45.00	1037.00	3111.00
200013896	KB QUANTUM SLIDE 64"(1625MM) ELBOW RGT	4	264.00	32.00	383.00	1532.00
200201081	SHADE BUILDER 18X18 SAIL 68" CENTERS	1	310.00	64.00	2663.00	2663.00
200202123	Deck Half Hex KB	1	235.00	132.00	1650.00	1650.00
	Deck 1/2 Square KB					
200114727	LARGE SQ DK W/RUNG CLIMB 80"	1	51.00	0.00	376.00	376.00
200013894	KB INFNTY HI-CLMB 72"(1830 MM)	9	531.00	63.00	451.00	4059.00
200013893	Infinity 1 Plastic Clr = Tropical Yellow	1	116.00	10.00	626.00	626.00
200202119	KBP SAFETY RAIL W/WHEEL MOUNT DKMT(2001	1	350.00	70.00	2695.00	2695.00
	Deck Triangle KB					
	Deck Square KB					
	KB TRI-BRIDGE TDV					

Additional Items

200104307	LABEL AGE APP. (5 TO 12 YRS.)	3	0.00	0.00	3.00	9.00
200111492	LABEL, IDENTIFICATION STAMPED W/RIVETS	1	0.00	0.00	0.00	0.00
200011008	CRATE,MED.14' L X 54.5" H	5	1925.00	0.00	0.00	0.00
200008193	TOOL BOX KID BUILDERS (MM)	2	6.00	0.72	0.00	0.00
200200530	KIT MAINTENANCE KB W/PAINT	1	10.00	1.00	0.00	0.00
200164519	MSDS BOOK	1	0.00	0.00	0.00	0.00
M00116022	WARNING LABEL 3 MESSAGES	3	0.00	0.00	0.00	0.00



PlayPower LT Farmington, Inc.
One Iron Mountain Drive
Farmington, MO 63640 USA
1-800-325-8828

ORDER FORM

For PPLT Inhouse Use Only

Parts By Other

600000001	concrete Pad	1	0.00	0.00	0.00	0.00
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Totals

Total Weight	21408.00 lbs
Total Volume	1720.34 ft ³
Equipment List:	\$78264.00
Discount Amount:	\$29740.32
Products Subtotal:	\$48523.68
Products by Other Subtotal:	\$0.00
Installation:	\$0.00
LandSoft Turf Installation:	\$0.00
Estimated Sales tax*:	\$4543.95
Freight:	\$600.00
Drop Ship Freight:	\$0.00
Order total:	\$53667.63

Make Purchase Orders Out To:
PlayPower LT Farmington, Inc.
Remit Purchase Orders To:
PlayPower LT Farmington, Inc.
Attention: Sales Administration
One Iron Mountain Drive
Farmington, Missouri, USA 63640
1-800-325-8828

Make Checks Payable To:
PlayPower LT Farmington, Inc.
Remit Checks To:
PlayPower LT Farmington, Inc.
C/O Accounts Receivable
6078 Paysphere Circle
Chicago, IL USA 60674

NOTE:

- * Applicable sales taxes will be confirmed once order and any tax certificates are received
- † Denotes drop ship item.
- Unloading, storage, installation, surfacing and site work are not included unless specifically noted on quotation.
- Not responsible for filter cloth, irrigation rerouting, grass damage, or checking for underground utilities.
- If installation is quoted, it is assumed that the site has been prepared and that any grade slope in any direction does not exceed 2%. In the event that unexpected soil conditions, such as subsurface rock, are encountered during installation, additional costs to the customer will be applicable.
- The acceptance signature below serves as authorization to order the items quoted and indicates acceptance of the prices listed. All terms are subject to credit approval.

COMMENTS:



PlayPower LT Farmington, Inc.
One Iron Mountain Drive
Farmington, MO 63640 USA
1-800-325-8828

ORDER FORM

For PPLT Inhouse Use Only

This playground contains 69.86% recycled content.
This playground qualifies for 2 LEED points

PRODUCT WARRANTY STATEMENT

Revised January 1, 2007



Full One-Year Warranty

PlayPower LT Farmington, Inc., (PPLT) warrants that if any product components fail due to defects in materials or workmanship, within one year from date of delivery, PPLT will repair or replace such defective components free of charge. In addition, the following limited warranties apply from date of delivery for the following PPLT products and components:

Limited 100-Year Warranty

On all KidBuilders® aluminum posts and steel clamps, under normal use and proper maintenance, against structural failure due to corrosion or deterioration from exposure to weather caused by defects in materials and workmanship.

Limited 100-Year Warranty

On KidBuilders, SkyBuilders™, PlayBuilders® and MaxPlay® steel posts and stainless steel hardware, under normal use and proper maintenance, against structural failure due to corrosion or deterioration from exposure to weather caused by defects in materials and workmanship.

Limited 50-Year Warranty

On the performance of LandSoft™ Rubber Mulch safety surfacing.

Limited 15-Year Warranty

On KidBuilders, SkyBuilders, PlayBuilders and MaxPlay main structures under normal use and proper maintenance against structural failure due to corrosion or deterioration from exposure to weather caused by defects in materials and workmanship. This warranty includes only the vinyl clad decks, rails, loops and rungs that comprise the main structure.

Limited 15-Year Warranty

On all KidBuilders, SkyBuilders, PlayBuilders and MaxPlay polyethylene slides and enclosures, plastic components and stainless steel slides under normal use and proper maintenance against structural failure caused by defects in materials and workmanship.

Limited 10-Year Warranty

On all ShadeBuilders™ steel frames under normal use and proper maintenance against failure due to corrosion, deterioration or faulty workmanship.

Limited 10-Year Warranty

On LandSoft™ Rubber Mulch color steadfastness.

Limited 8-Year Warranty

On the performance and appearance of LandSoft™ Synthetic Turf safety surfacing. Please contact your local representative for more information.

Limited 5-Year Warranty

On all ShadeBuilders™ fabric due to rot, UV deterioration (shades of red are limited to 3 years) or defective workmanship.

Limited 3-Year Warranty

On all Playground Sculptures and PlayCenter polyethylene slides, enclosures, main structure, decks, and plastic components against failure caused by defects in materials and workmanship.

Limited 3-Year Warranty

On KidTiles®, KidTimbers® Border Panels, RockTimbers™ Border Panels and all KidRiders® products (excluding spring assemblies) against structural failure due to defects in materials and workmanship.

The above mentioned warranties do not include any cosmetic issues, e.g., scratches, dents, marring, fading of colors and discoloration of wood due to weathering, and are valid only if the products are installed in conformity with the layout plan and/or installation instructions furnished by PPLT; have been maintained and inspected in accordance with PPLT's instructions; have not been subjected to misuse, negligence or accident; have not been subjected to addition of substitution of parts; and have not been modified, altered or repaired by persons other than PPLT or PPLT's designees. Labor and damage resulting from vandalism, abnormal use, incorrect installation, or lack of maintenance are not covered by this warranty.

Except as specifically stated herein, all warranties, express or implied, including but not limited to any implied warranty of MERCHANTABILITY or fitness for a particular purpose are hereby EXCLUDED. This warranty excludes any liability other than expressly stated including but not limited to any incidental or consequential damages.

Additional PPLT Policies

For information on warranty claim procedures, contact the nearest PPLT location (see back cover) or write to: PlayPower LT Farmington, Inc., P.O. Box 897, Farmington, Missouri 63640.

Pricing

Prices are subject to change without notice. All orders are subject to approval by PlayPower LT Farmington, Inc.'s, general office. Prices are F.O.B. Farmington, Missouri and do not include freight. Lease purchasing option is available through the Lease Program.

Specifications

Product specifications in this catalog were correct at the time of publication. However, PlayPower LT Farmington, Inc. has a history and policy of continuous product development and improvement and therefore reserves the right to improve, alter or discontinue specifications without notice.

Loss or Damage on Transit

A signed bill of lading is our receipt from a carrier that our shipment to you was complete and in good condition. Before you sign, please check this bill of lading carefully when the shipment reaches you to make sure there are no damages or shortages. Once the shipment leaves our plant, we are no longer responsible for any damage, loss or shortage.

Cancellations and Returns

Cancellations will be accepted upon written notification at our offices. Returns will be accepted only when freight charges are prepaid and we have expressly authorized the return. Parts not included are custom parts, as well as used or damaged parts. There will be a restocking fee for all returned orders and on cancelled orders.

Replacement Parts

For park and playground replacement parts, contact the nearest PPLT location (see back cover).



Look for the Boundless Playgrounds® logo that indicates a selected playground model meets Boundless Playgrounds performance criteria and is an exceptional barrier-free play environment that provides developmental advantage for children of all abilities. Boundless Playgrounds is the first national nonprofit organization dedicated to helping communities create playgrounds where children with and without disabilities can develop essential skills for life as they learn together through play. Playgrounds that meet Boundless Playgrounds' standards are sensory-rich, rigorous and challenging for everyone, in addition to featuring accommodations for children with physical, developmental, cognitive and sensory disabilities. The use of Boundless Playgrounds' logo signifies that PlayPower LT Farmington, Inc. has received written validation from Boundless Playgrounds that the models specified comply with Boundless Playgrounds performance criteria. Visit www.boundlessplaygrounds.org to register your project and receive additional tools and services to develop a Boundless™ Playground.

Boundless Playgrounds
45 Wintonbury Ave.
Bloomfield, CT 06002
Phone: 860-243-8315
Website: www.boundlessplaygrounds.org



1.0 PlayPower LT Farmington, Inc. (PPLT) kid tiles are guaranteed to be free of manufacturing defects in material and workmanship for 10 years ("Warranty Period"). If there are defects in material and workmanship during the Warranty Period, PlayPower LT Farmington, Inc. (PPLT) will replace or repair the mats, as described herein, at no cost to the owner/end-user. Should defects in material or workmanship be found, it is the owner's responsibility to contact PlayPower LT Farmington, Inc. (PPLT) through the point of purchase or directly; as described below. This warranty does not cover dissatisfaction, problems or other damage to the materials due to or as a result of:

- a) improper installations and/or improper maintenance;
- b) fading due to sunlight (Outdoor exposure, abrasions, and ultra-violet rays may cause normal change in the surface color and is not considered a defect under this warranty);
- c) shading (color variation) of individual pieces due to natural rubber variations;
- d) use of harsh and acidic chemicals, acidic foods and abrasive chemicals;
- e) water spotting, petroleum adhesives or floor sealants or abuse;
- f) color variation between samples and/or printed illustrations and actual product;
- g) wear or product degradation expected from the use or environment of installation;
- h) chewing, clawing or other animal destruction;
- i) exposure to chlorine, solvents, acids, or other harmful chemicals; or
- j) acts of negligence, misuse, or willful or accidental external influences including but not limited to, vandalism, riot, or acts of war.

* * *Proof of Purchase is Required * * *

1.1 The warranty is limited to the repair or replacement of products of PlayPower LT Farmington, Inc. (PPLT) which are shown to be defective. The owner/end-user agrees not to advance any claim for any other measure of damage or loss. PlayPower LT Farmington, Inc. (PPLT) shall not be liable for installation, disassembly, removal, disposal, return shipping, or other similar costs.

1.2 PlayPower LT Farmington, Inc. (PPLT) shall not be liable for any damage, loss or claim whatsoever unless:

1.2.1 The manufacturer is notified in writing within fifteen (15) days of any occurrence which might give rise to a claim;

1.2.2 The owner/end-user has obtained written authorization from PlayPower LT Farmington, Inc. (PPLT) prior to making any repairs or alterations on or through the surface which may affect the integrity of the materials;

1.2.3 PlayPower LT Farmington, Inc. (PPLT) is first permitted to inspect the allegedly defective product or cause of the alleged loss, damage or claim;

1.2.4 The material is installed according to the written instructions provided by PlayPower LT Farmington, Inc. (PPLT) Inc. and used only as intended by PlayPower LT Farmington, Inc. (PPLT).

1.3 If, after inspection, PlayPower LT Farmington, Inc. (PPLT) determines that there has been a material defect in the product within the Warranty Period described in Paragraph 1.0, the liability of PlayPower LT Farmington, Inc. (PPLT) to either: (a) delivery of repair or replacement material for the impacted area, or (b) credit to be applied toward the purchase of new material. The value of either remedy shall be pro-rated upon the remaining months of unexpired warranty as determined by the manufacturer. The maximum pro-rated value of either remedy shall be pro-rated upon the remaining months of unexpired warranty as determined by the manufacturer. The maximum pro-rated value of either remedy shall in no case exceed the original purchase price.

Limitation of Warranty:

1. THERE IS NO WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PRUPOSE, NOR ANY OTHER WARRANTIES WHICH EXTEND BEYOND THE DESCRIPTION ON THE FACE HEREOF
2. PLAYPOWER LT FARMINGTON, INC. (PPLT) SHALL NOT BE LIABLE FOR ANY INCIDENTAL, CONSEQUENTIAL OR OTHER DAMAGES.
3. THE REMEDIES STATED HEREIN ARE THE SOLE AND EXCLUSIVE REMEDIES FOR ANY CLAIM OR DAMAGES.
4. NO AGENT OF REPRESENTATIVE OF PLAYPOWER LT FARMINGTON, INC. (PPLT) HAS ANY EXPRESS OR IMPLIED AUTHORITY TO MAKE ANY REPRESENTATION, PROMISE OR GUARANTEE NOT STATED HEREIN

Disclaimer:

Recycled rubber, as with any recycled product, can vary. Tolerances in thickness and width have been made as stringent as is possible, but some variance is to be expected. Rubber's nature is to expand and contract with changes in Temperature and humidity.

PlayPower LT Farmington, Inc. (PPLT) kid tiles are not to be used in any manner or for any purpose not expressly identified by PlayPower LT Farmington, Inc. (PPLT).

MARSH		CERTIFICATE OF INSURANCE		CERTIFICATE NUMBER CHB-001176535-09	
PRODUCER Marsh USA Inc. 701 Market Street, Suite 1100 St. Louis, MO 63101-1830 Attn: slouis.certrequest@marsh.com 212-948-0811			THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER OTHER THAN THOSE PROVIDED IN THE POLICY. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES DESCRIBED HEREIN.		
INSURED PlayPower, Inc. Miracle Recreation Equipment Company, Soft Play, LLC. E-Z Dock, Inc., PlayPower Export, Inc. Kid Play, Inc. HAGS Playground, PlayPower LT Farmington, Inc. 13620 East Reese Boulevard, Suite 300 Huntersville, NC 28078			COMPANIES AFFORDING COVERAGE COMPANY A Liberty Mutual Insurance Company COMPANY B Liberty Mutual Fire Insurance Company COMPANY C Commerce and Industry Ins Co COMPANY D Wausau Underwriters Ins Co		
COVERAGES THIS IS TO CERTIFY THAT POLICIES OF INSURANCE DESCRIBED HEREIN HAVE BEEN ISSUED TO THE INSURED NAMED HEREIN FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THE CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, CONDITIONS AND EXCLUSIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.					
CO LTR	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY ☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS MADE ☒ OCCUR ☐ OWNERS & CONTRACTORS PROT ☒ SIR \$500,000 ☒ Per Location Aggregate Applies	EB1641004540028	07/01/08	07/01/09	GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMPROP AGG \$ 5,000,000 PERSONAL & ADV INJURY \$ 1,000,000 EACH OCCURRENCE \$ 1,000,000 FIRE DAMAGE (Any one fire) \$ 1,000,000 MED EXP (Any one person) \$ N/A
B	AUTOMOBILE LIABILITY ☒ ANY AUTO ☒ ALL OWNED AUTOS ☒ SCHEDULED AUTOS ☒ HIRED AUTOS ☒ NON-OWNED AUTOS ☒ \$1000 Comprehensive Ded. ☒ \$1000 Collision Ded.	AS2641004540058	07/01/08	07/01/09	COMBINED SINGLE LIMIT \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE \$
	GARAGE LIABILITY ☐ ANY AUTO				AUTO ONLY - EA ACCIDENT \$ OTHER THAN AUTO ONLY: \$ EACH ACCIDENT \$ AGGREGATE \$
C	EXCESS LIABILITY ☒ UMBRELLA FORM OTHER THAN UMBRELLA FORM	BE9574493	07/01/08	07/01/09	EACH OCCURRENCE \$ 5,000,000 AGGREGATE \$ 5,000,000 SIR \$ 10,000
D	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY THE PROPRIETOR/PARTNER/EXECUTIVE OFFICERS ARE: ☒ INCL ☐ EXCL	WCJ-Z91-534635-038	07/01/08	07/01/09	EL EACH ACCIDENT \$ 1,000,000 EL DISEASE-POLICY LIMIT \$ 1,000,000 EL DISEASE-EACH EMPLOYEE \$ 1,000,000
DESCRIPTION OF OPERATIONS/LOCATIONS/VEHICLES/SPECIAL ITEMS Re: PlayPower LT Farmington, Inc., formerly known as Little Tikes Commercial Play Systems. Subject to policy terms, conditions & exclusions, Kyle Recreation is included as Additional Insured to the above General Liability policy, only as required by contract, as respects the supply of playground equipment.					
CERTIFICATE HOLDER Kyle Recreation Attn: Kim Kyle 8570 Cantrell Road Little Rock, AR 72227			CANCELLATION SHOULD ANY OF THE POLICIES DESCRIBED HEREIN BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE INSURER AFFORDING COVERAGE WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED HEREIN, BUT FAILURE TO MAIL SUCH NOTICE SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER AFFORDING COVERAGE, ITS AGENTS OR REPRESENTATIVES, OR THE ISSUER OF THIS CERTIFICATE. AUTHORIZED REPRESENTATIVE of Marsh USA Inc. BY: Alfred A. Petrosino <i>Alfred A. Petrosino</i>		
			VALID AS OF: 07/01/08		

A Division of
Newell Rubbermaid



commercial play systems

One Iron Mountain Drive
P.O. Box 897
Farmington, MO 63640-0897
(573) 756-4591
Fax: (573) 756-0319

February 20, 2003

Subject: U.S. Consumer Product Safety Commissions (CPSC), ASTM F 1487
Safety Performance Specification Standard, IPEMA Certification and
The Americans with Disabilities Act

Little Tikes Commercial Play Systems is committed to providing challenging and safe playground equipment for children of all ages around the world. We fully support the CPSC's Handbook for Public Playground Safety guidelines and to the best of our professional knowledge; Little Tikes Commercial Play Systems currently meets and/or exceeds all pertinent recommendations of the guidelines.

With the concern for the children's safety, Little Tikes Commercial is fully committed to support the continued development of the ASTM F1487 Standard Consumer Safety Performance Specification for Playground Equipment for Public Use.

In the interest of public playground safety, IPEMA (International Play Equipment Manufacturers Association) provides a 3rd Party Certification program whereby a designated independent laboratory validates a manufacturer's certification of compliance to the ASTM F1487 Standard. Little Tikes Commercial Play System's products have been validated by IPEMA and are certified to ASTM F1487.

In addition complying with the guidelines and standards, Little Tikes Commercial Play System designs its play equipment and playground layouts to the requirements of the ADA (Americans with Disabilities) Final Rule.

Sincerely,

K. Michael Hayward
Little Tikes Commercial Play Systems Inc.



DET NORSKE VERITAS

MANAGEMENT SYSTEM CERTIFICATE

Certificate No. 31563-2008-AE-USA-ANAB

This is to certify that

Play Power LT Farmington, Inc.

at

1 Iron Mountain Drive, Framington, MO 63640 USA

has been found to conform to the Management System Standard:

ISO 14001:2004

This Certificate is valid for the following product or service ranges:

**THE DESIGN, MANUFACTURING, DISTRIBUTION, INSTALLATION, AND
SERVICING OF COMMERCIAL PLAYGROUND SYSTEMS.**

Initial Certification date:

July 17, 2008

This Certificate is valid until:

July 17, 2011

*The audit has been performed under the
supervision of*

Chandran Ilango
Lead Auditor



Place and date:

Houston, Texas, August 01, 2008

for the Accredited Unit:

**DET NORSKE VERITAS
CERTIFICATION INC., HOUSTON TEXAS**

Rudy Frueboes
Management Representative

Lack of fulfilment of conditions as set out in the Certification Agreement may render this Certificate invalid.



DET NORSKE VERITAS

STATEMENT OF CONFORMITY

Certificate No. 31564-2008-HSO-USA-ANAB

This is to certify that

Play Power LT Farmington, Inc.

at

1 Iron Mountain Drive, Farmington, MO 63640 USA

has been found to conform to the standard:

**OHSAS Occupational Health and Safety
Assessment Series 18001:1999 Edition**

This statement is valid for the following products/service ranges:

**THE DESIGN, MANUFACTURING, DISTRIBUTION, INSTALLATION, AND
SERVICING OF COMMERCIAL PLAYGROUND SYSTEMS.**

Initial issue date:

July 17, 2008

This statement is valid until:

July 17, 2011

*The audit has been performed under the
supervision of*

Chandran Ilango
Lead Auditor



Place and date:

Houston, Texas, August 01, 2008

for the Accredited Unit:

DET NORSKE VERITAS
CERTIFICATION INC., HOUSTON TEXAS


Rudy Frueboes

Management Representative

PICK A COLOR, ANY COLOR



deep red



magenta



yellow



brown



sport red



orange



tropical yellow



tan



sport green



forest green



teal



kakadu blue



blue



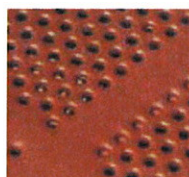
purple



warm granite

Vinyl: Decks, Steps, Ramps and Bridges: Available in both large (27MM) and small (7.5MM) holes.

small (7.5MM)

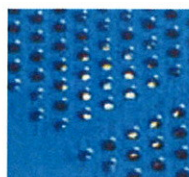


large (27MM)

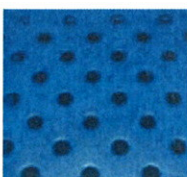


brown

small (7.5MM)



large (27MM)



blue

Rope Colors



blue-red net



infinity web-red

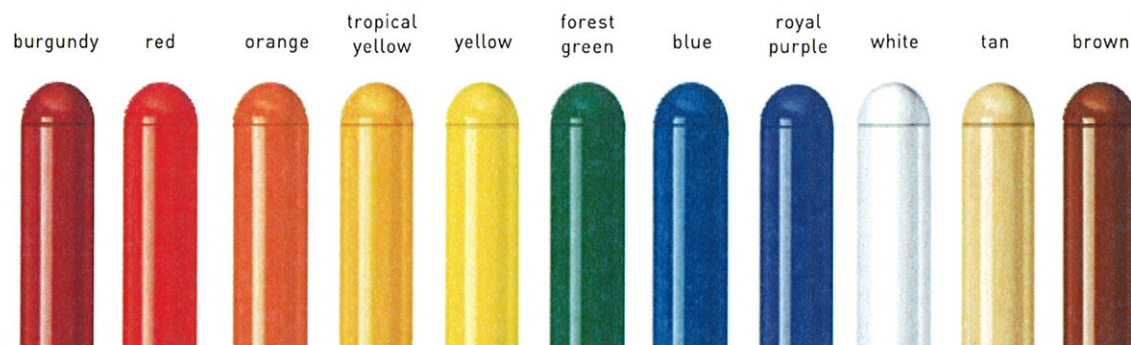


tan-green net



matrix-blue

Post and Accents: Posts, overhead events, rails, rungs, and supports are finished with a two-stage primer finishing system available in 11 standard colors shown below or from a variety of custom colors. *See your local sales rep for custom color options and availability.



With 15 standard color options for slides, panel and roofs, and another 11 for posts, every playground can be a post modern masterpiece. We encourage you to accentuate your play space with bold strokes. Or, if you'd rather, opt for one of 10 recommended color combination palettes.



To maximize the fun for your budget, the MaxPlay® line is designed in three color schemes:



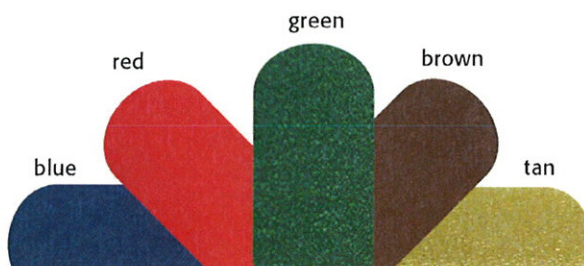
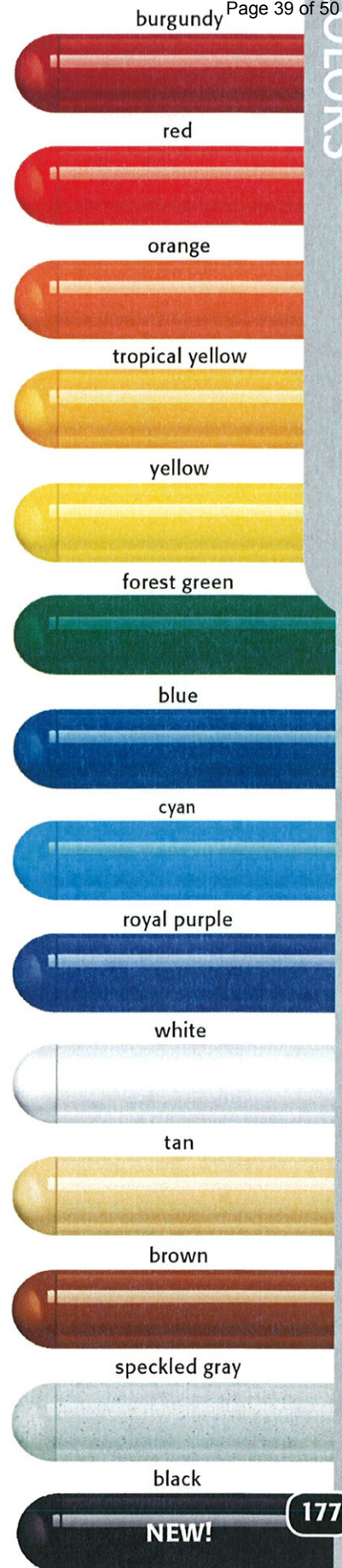
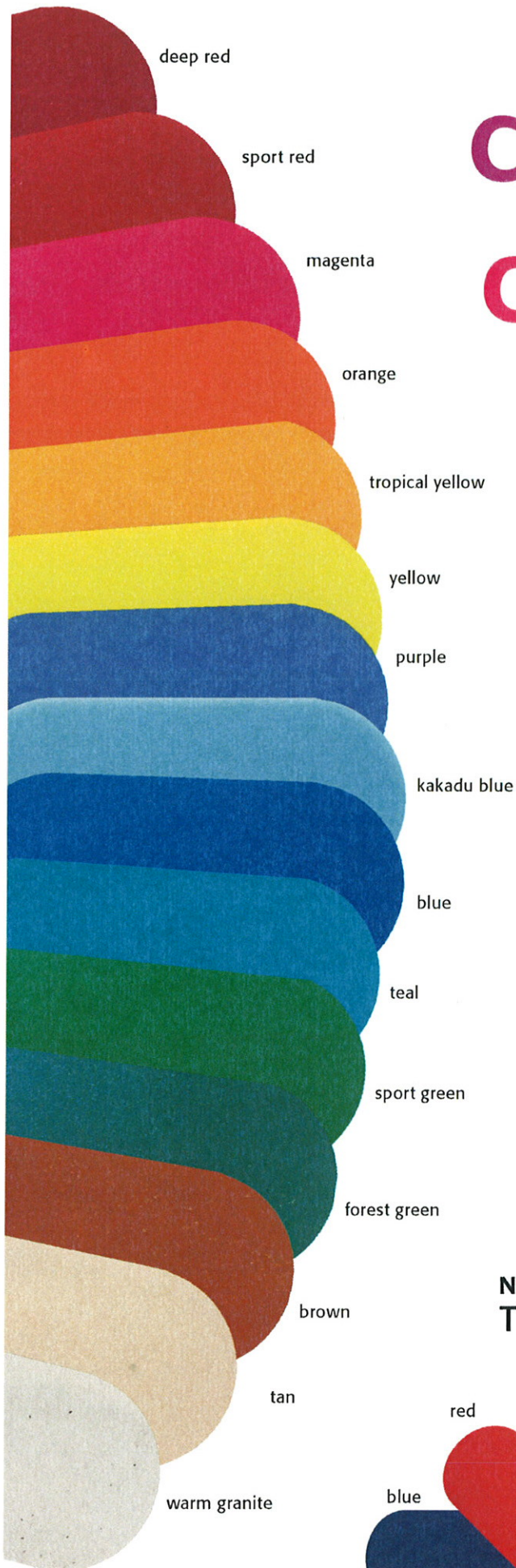
PICK A COLOR, ANY COLOR

Plastic Colors

Post & Accents

See your local sales rep for custom color options.

NEW! Tike Coat PE



License No. 0093500410

State of Arkansas
Contractors Licensing Board

RJR ENTERPRISES, INC.
804 N 42ND ST
ROGERS, AR 72756

RJR ENTERPRISES, INC.

This is to Certify That _____

is duly licensed under the provisions of Act 150 of the 1965 Acts as amended and is entitled to practice Contracting in the State of Arkansas within the following classification:

BUILDING

RESIDENTIAL BUILDER

SPECIALTY

Institutional & Kitchen Equipment

Remodeling, Renovations, Restoration,
Alterations

with the following suggested bid limit \$1,750,000

from June 12, 2009 until April 30, 2010

when this Certificate expires.

Witness our hands of the Board, dated at North Little Rock, Arkansas:



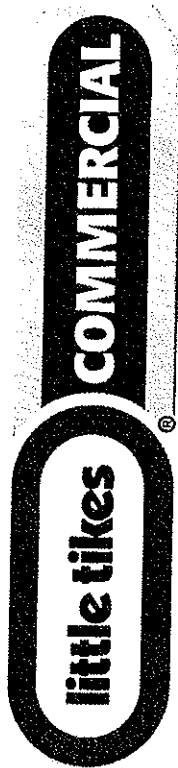
Ray [Signature]

CHAIRMAN

John B. [Signature]

SECRETARY

June 12, 2009

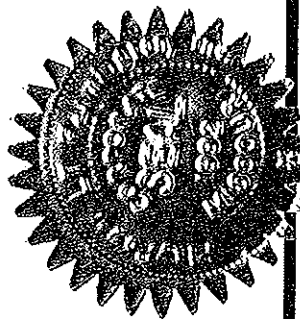


Playgrounds **Fun & Easy!**TM
CERTIFICATE
OF

FACTORY INSTALLATION CERTIFICATION

RJRENTERPRISES, INC.
Rogers, Arkansas

Has successfully completed the requirements to be recognized as a
PlayPower LT Farmington, Inc Factory Certified Installer



January 2009

Tammy Guggenberger
Tammy Guggenberger
Vice President, Operations



CERTIFICATE OF LIABILITY INSURANCE

OP ID CP
RJREN-1A. 7
RJR Enterprises, Inc.
DATE (MM/DD/YYYY)
Page 42 of 50
11/20/09

PRODUCER

Rogers Insurance Agency
P.O. Box 2048
Rogers AR 72757-2048
Phone: 479-636-4551**THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW.**

INSURED

RJR Enterprises, Inc.
804 North 42nd Street
Rogers AR 72756

INSURERS AFFORDING COVERAGE

NAIC

INSURER A:	The Harleysville Insurance Co	23582
INSURER B:	Harleysville Mutual Ins. Co.	14168
INSURER C:	American Home Assurance	19380
INSURER D:		
INSURER E:		

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR ADD'L LTR INSRD	TYPE OF INSURANCE	POLICY NUMBER	POLICY EFFECTIVE DATE (MM/DD/YYYY)	POLICY EXPIRATION DATE (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY				EACH OCCURRENCE \$ 1,000,000
	☒ COMMERCIAL GENERAL LIABILITY	GL4J9678	07/01/09	07/01/10	DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000
	☐ CLAIMS MADE ☒ OCCUR				MED EXP (Any one person) \$ 5,000
	☒ Additional Insd	GL4J9678	07/01/09	07/01/10	PERSONAL & ADV INJURY \$ 1,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER:				GENERAL AGGREGATE \$ 2,000,000
	☐ POLICY ☐ PRO-JECT ☐ LOC				PRODUCTS - COMP/OP AGG \$ 2,000,000
B	AUTOMOBILE LIABILITY				COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO	BA4J9678	07/01/09	07/01/10	BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS				BODILY INJURY (Per accident) \$
	☐ SCHEDULED AUTOS				PROPERTY DAMAGE (Per accident) \$
B	☒ HIRED AUTOS	BA4J9678	07/01/09	07/01/10	
B	☒ NON-OWNED AUTOS	BA4J9678	07/01/09	07/01/10	
B	Comp Ded \$500	BAJ9678	07/01/09	07/01/10	
B	Collision Ded\$500	BAJ9678	07/01/09	07/01/10	
	GARAGE LIABILITY				AUTO ONLY - EA ACCIDENT \$
	☐ ANY AUTO				OTHER THAN EA ACC \$
					AUTO ONLY: AGG \$
A	EXCESS / UMBRELLA LIABILITY				EACH OCCURRENCE \$ 1,000,000
	☒ OCCUR ☐ CLAIMS MADE	BE4J9678	07/01/09	07/01/10	AGGREGATE \$ 1,000,000
	☐ DEDUCTIBLE				\$
	☒ RETENTION \$ 0				\$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY				☒ WC STATU-TORY LIMITS ☒ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	WC005708892	09/14/09	09/14/10	E.L. EACH ACCIDENT \$ 1,000,000
	If yes, describe under SPECIAL PROVISIONS below				E.L. DISEASE - EA EMPLOYEE \$ 1,000,000
	OTHER				E.L. DISEASE - POLICY LIMIT \$ 1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS

CERTIFICATE HOLDER

XXXXXX-1

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 10 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

IMPORTANT

If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

DISCLAIMER

This Certificate of Insurance does not constitute a contract between the issuing insurer(s), authorized representative or producer, and the certificate holder, nor does it affirmatively or negatively amend, extend or alter the coverage afforded by the policies listed thereon.



Member ID#
2009-0706

Certificate of Playground Contractor Qualification

This certificate validates that the company below is listed as a Qualified Playground Contractor and a Member of the NPCAI and has the necessary requirements to conduct business. The member below agrees to support and promote the International Playground Contractors Association.

R.J.R. ENTERPRISES, INC.

ROGERS, ARKANSAS

The above named contractor has the proper licensing to conduct business in the following states:

State	License #	Additional States	Expires
AR#	#00935001410	KS, MO, OK	7-30-2010

Karen H. Spears

7/10/2009

Karen H. Spears NPCAI Chairman

Date

Sylvia A. Salazar

7/10/2009

Sylvia A. Salazar, NPCAI Executive Director

Date



City of Fayetteville, Arkansas

RFP 09-23, Construction of Doc Mashburn Playground

This contract executed this ____ day of _____, 2010, shall be between the City of Fayetteville, Arkansas, located at 113 W Mountain, Fayetteville, Arkansas, 72701 and RJR Enterprises, Inc. located at 804 North 42nd Street, Rogers, Arkansas 72756.

In consideration of the mutual covenants contained herein, the parties agree as follows:

1. RJR Enterprises, 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 as stated in RJR Enterprises, Inc. proposal, and in accordance with specifications attached hereto and made a part hereof under RFP# 09-23, all included herein as if spelled out word for word.
2. Total cost for the project is \$73,000.
3. The City of Fayetteville shall pay for completion of the project based on prices indicated in RJR Enterprises, Inc. proposal. Payments will be made after approval and acceptance of work and submission of invoices. Payments will be made approximately 30 days after receipt of invoice.
4. The Work for the Construction of Doc Mashburn Playground shall be substantially completed within 45 consecutive calendar days from issuance of Notice to Proceed and completed and ready for final payment 15 consecutive calendar days thereafter.
5. Liquidated Damages. CITY OF FAYETTEVILLE and RJR Enterprises, Inc. recognize that time is of the essence and that CITY OF FAYETTEVILLE will suffer financial loss if the Work is not completed within the times specified in paragraph 4 above. They also recognize the delays, expense and difficulties involved in proving the actual loss suffered by CITY OF FAYETTEVILLE if the Work is not completed on time. Accordingly, instead of requiring any such proof, CITY OF FAYETTEVILLE and RJR Enterprises, Inc. agree that as liquidated damages for delay (but not as a penalty) RJR Enterprises, Inc. shall pay CITY OF FAYETTEVILLE Two hundred and fifty dollars (\$250.00) for each day that expires after the time specified in paragraph 4 for Substantial Completion until the Work is substantially complete. After Substantial Completion, if RJR Enterprises, Inc. shall neglect, refuse or fail to complete the remaining Work within the time specified in paragraph 4 for completion and readiness for final payment or any proper extension thereof granted by CITY OF FAYETTEVILLE, CONTRACTOR shall pay CITY OF FAYETTEVILLE Two hundred and fifty

dollars (\$250.00) for each day that expires after the time specified in paragraph 4 for completion and readiness for final payment.

6. The Contract documents which comprise the contract between the City of Fayetteville and RJR Enterprises, Inc. consist of this Contract and the following documents attached hereto, and made a part hereof:
 - A. Form identified as RFP# 09-23 with the specifications and conditions typed thereon.
 - B. Construction Drawings entitled Construction of Doc Mashburn Playground (sheets 1 through 5).
 - C. RJR Enterprises, Inc. proposal.
 - D. The Notice to Prospective Proposers.
7. These Contract documents constitute the entire agreement between the City of Fayetteville and RJR Enterprises, Inc. and may be modified only by a duly executed written instrument signed by the City of Fayetteville and RJR Enterprises, Inc.
8. RJR Enterprises, Inc. shall not assign its duties under the terms of this agreement.
9. RJR Enterprises, 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 RJR Enterprises, Inc.'s 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.
10. RJR Enterprises, 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, RJR Enterprises, 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.
 1. Workmen's Compensation:
Statutory Amount
 2. Comprehensive General & Automobile Insurance:
\$500,000 for each accident

3. Bodily Injury Liability:
\$500,000 for each accident
4. Property Damage Liability:
\$500,000 aggregate

The premiums for all insurance required herein shall be paid by RJR Enterprises, Inc.

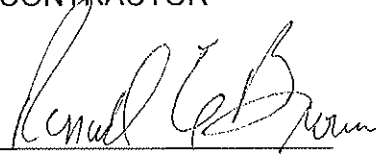
11. RJR Enterprises, Inc. to furnish proof of licensure as required by all local and state agencies.
12. This contract may be terminated by the City of Fayetteville or RJR Enterprises, Inc. with 10 days written notice.
13. Freedom of Information Act: City of Fayetteville contracts and documents prepared 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.
14. 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 Fayetteville City Council **in advance** of the change in scope, cost or fees.
15. Jurisdiction: Legal jurisdiction to resolve any disputes must be **Arkansas** with **Arkansas law** applying to the case.
16. Arbitration/Mediation: We will not agree to be forced to mediate or arbitrate any dispute.
17. Interest charges for late payments by the City: The City of Fayetteville does NOT agree to any interest or penalty for "untimely" payments.

WITNESS OUR HANDS THIS _____ DAY OF _____, 2010.

CITY OF FAYETTEVILLE:
FAYETTEVILLE, ARKANSAS

CONTRACTOR

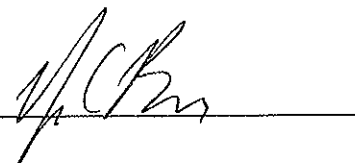
By: _____
Mayor Lioneld Jordan

By: 

[CORPORATE SEAL]

[CORPORATE SEAL]

Attest _____
Sondra Smith, City Clerk

*Attest 

* If a Corporation, attest by the Secretary.

Address for giving notices
City of Fayetteville
113 W. Mountain Street
Fayetteville, AR 72701

Address for giving notices
RJR Enterprises, Inc.
804 North 42nd Street
Rogers, Arkansas 72756

City Of Fayetteville - Purchase Order (PO) Request										Requisition No.:	Date:
(Not a Purchase Order) All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions) All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us										P.O Number:	Expected Delivery Date:
Vendor #:		Vendor Name:		Fob Point:		RJR Enterprises, Inc.		Mail Yes: ☐	No: ☐	Quotes Attached Yes: ☐	No: ☐
Address:		City:		State:		Zip Code:		Ship to code:		Division Head Approval:	
804 North 42nd Street		Rogers		Arkansas		72756		3003		472	
Requester:		Requester's Employee #:		Account Numbers		Project/Subproject #		Inventory #		Fixed Asset #	
Carole Jones, Park Planner		3003		2250.9255.5806.00		02013.0901/02013.0801					
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost						
1	Construction of Doc Mashburn Playground	1	1	LS	\$73,000.00						
2					\$0.00						
3					\$0.00						
4					\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
Shipping/Handling			Lot		\$0.00						
Special Instructions:											
Tax is included in the bid price.											
Subtotal:						\$73,000.00					
Tax:											
Total:						\$73,000.00					

Approvals:		Purchasing Manager: _____	
Mayor: _____	Department Director: <i>Carole Jones</i>	IT Manager: _____	
Finance & Internal Services Director: _____	Budget Manager: _____	Other: _____	
Dispatch Manager: _____	Utilities Manager: _____		

City of Fayetteville Staff Review Form

A. 8
Arkansas Department of Parks
and Tourism Grant
Page 1 of 14

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

1/5/2010

City Council Meeting Date
Agenda Items Only

Alison Jumper aj
Submitted By

Park Planning
Division

Parks and Recreation
Department

Action Required:

Resolution approving Parks and Recreation to submit an General Improvements Funds grant application to the Arkansas Department of Parks and Tourism Outdoor Recreation Grants Program in the amount of \$160,000 for the development of Bryce Davis Park.

\$ -

\$ 395,016.00

Neighborhood Park Development

Category / Project Budget

Program Category / Project Name

2250.9255.5806.00

Account Number

\$ 183,423.90

Funds Used to Date

Parks Development

Program / Project Category Name

02013.0802

Project Number

\$ 211,592.10

Remaining Balance

Parks Development/PLDO (NW)

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Connie Branton 12-7-09
Department Director Date

Previous Ordinance or Resolution # _____

Ch. Bally 12-9-09
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Belen 12-10-2009
Finance and Internal Services Director Date

Received in City
Clerk's Office



Don Man 12-10-09
Chief of Staff Date

Received in
Mayor's Office



Donnell Jaylon 12/11/09
Mayor Date

Comments: This grant request does not require matching funds. Attached sample resolution created by Arkansas Parks and Tourism must be used.



www.accessfayetteville.org

THE CITY OF FAYETTEVILLE, ARKANSAS
DEPARTMENT CORRESPONDENCE

CITY COUNCIL AGENDA MEMO

To: Mayor Lioneld Jordan and City Council

Thru: Don Marr, Chief of Staff
Connie Edmonston, Parks and Recreation Director *C.E.*

From: Alison Jumper, Park Planner *AJ*

Date: December 7, 2009

Subject: Resolution to apply for General Improvement Funds grant

PROPOSAL:

The 87th General Assembly passed acts making General Improvement Funds available for certain park and recreation projects. Act 893 targets communities and appropriates \$160,000 to the Arkansas Department of Parks and Tourism to be payable from the General Improvement Fund or its successor fund or fund accounts for grants for the construction, renovation, maintenance and purchase of equipment for parks and recreation facilities.

Bryce Davis Park master plan was approved and chosen by Parks and Recreation Advisory Board on July 6th to be the project for the Arkansas Parks and Tourism Outdoor Recreation Grant application; however this project was not selected to be funded by the Arkansas Parks and Tourism.

Park improvements are being made in phases as funding allows with a restroom currently under construction. The next phase will include the addition of dog park with a pavilion, walking paths, drinking fountain and tree plantings. Procter and Gamble donated \$30,000 towards the development of the dog park and construction is anticipated to begin in early 2010. A future phase of the park will include the addition of a parking lot, large pavilion, vegetated labyrinth, walking paths, fishing pier and picnic areas.

The grant application must include detailed budgets, location map, photographs of the site and additional support material such as plans, specifications and bid documents.

RECOMMENDATION:

Parks and Recreation requests City Council approval of a resolution to authorize the City to apply for \$160,000 from the General Improvement Funds through the Arkansas Parks and Tourism Outdoor Recreation Grants Program for the development of Bryce Davis Park.

BUDGET IMPACT:

This grant application is for \$160,000 and does not require matching funds; however funding is available in the project to supplement the improvements. There are no additional requirements of the grant.

Currently, Bryce Davis park project has \$395,000 budgeted for 2009 and \$50,000 is being requested in the 2010. The restroom is currently under construction with a contract amount of \$175,584 with a balance of \$211,592 in the project for future improvements. Additionally, \$30,000 has been donated by Procter and Gamble for the dog park and two pavilions have been donated by Ozark Natural Foods for the park at an estimated value of \$75,000.

Attachments:

General Improvement Fund Request for Proposals
Bryce Davis Park Master Plan

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO APPLY
TO THE ARKANSAS DEPARTMENT OF PARKS AND
TOURISM FOR A GENERAL IMPROVEMENT FUND GRANT
IN THE AMOUNT OF \$160,000.00 FOR IMPROVEMENTS TO
BRYCE DAVIS PARK

WHEREAS, the City of Fayetteville recognizes the need to provide public recreation facilities for its citizens and visitors; and

WHEREAS, the City wishes to apply for general improvement funds through the Arkansas Department of Parks and Tourism to provide programs, maintain, or fund improvements at Bryce Davis Park; and

WHEREAS, the Mayor and City Council understand that if granted funds for park development, the City must account for fund expenditures and complete the project prior to June 30, 2011; and

WHEREAS, the City of Fayetteville will sign a contract agreeing to provide necessary resources to maintain Bryce Davis Park and its facilities for a period of fifteen (15) years;

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 authorizes the Mayor to submit an application for a general improvement fund grant in the amount of \$160,000.00 to the Arkansas Department of Parks and Tourism for improvements Bryce Davis Park.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



**DEPARTMENT OF
PARKS & TOURISM**

1 Capitol Mall
Little Rock, AR 72201
501-682-7777
Arkansas.com

History Commission
501-682-6900 (V/TT)
Ark-ives.com

Keep Arkansas
Beautiful Division
501-682-3507
KeepArkansasBeautiful.com

Personnel Section
501-682-7742 (V/TT)

State Parks Division
501-682-1191 (V/TT)
ArkansasStateParks.com

Tourism Division
501-682-7777 (V/TT)

**Mike Beebe
GOVERNOR**

Richard W. Davies
EXECUTIVE DIRECTOR

**STATE PARKS,
RECREATION
& TRAVEL
COMMISSION**

Danny Ford
CHAIRMAN

Montine McNulty
VICE-CHAIRMAN

Steve Arrison

Bill Barnes

Jay Bunyard

Jim Gaston

Darin Gray

Debra Haak

Bob Knight

Billy Lindsey

Mike Mills

Thomas Schueck

Ness Sechrest

Jim Shamburger

Cindy Smith

DIVISION DIRECTORS

Cynthia Dunlap
ADMINISTRATION

Greg Bufts
STATE PARKS

Joe David Rice
TOURISM

Nancy Clark
GREAT RIVER ROAD

Dr. Wendy Richler
HISTORY COMMISSION

Robert Phelps
KEEP ARKANSAS
BEAUTIFUL

AN EQUAL
OPPORTUNITY/
AFFIRMATIVE ACTION/
AMERICANS WITH
DISABILITIES ACT
EMPLOYER

Arkansas®

THE NATURAL STATE

RECEIVED

NOV 30 2009

CITY OF FAYETTEVILLE
MAYOR'S OFFICE

November 25, 2009

Dear Prospective Applicant:

During Arkansas's last legislative session the 87th General Assembly passed acts making General Improvement Funds available for certain park and recreation projects. Attached is an application for those of you that wish to apply for this funding. *Act 893* is targeted at communities. *Act 1149* is targeted at cities and counties. And, *Act 1084* is targeted at golf facilities. If you choose to apply for these funds, please specify in item D. of the attached application which project line item(s) will be requested from which Act.

There are no requirements for a local match for these funds. I am certain competition will be intense for these limited funds. Please keep your project descriptions brief and to the point. These applications are due in my office by 5:00 p.m. January 22, 2010. You must submit them to the following address or deliver them to my office in person.

Outdoor Recreation Grants Program
c/o Arkansas State Parks
One Capitol Mall
Little Rock, Arkansas 72201
Phone (501) 682-1301

We look forward to working with you. If you have any questions, please feel free to contact me at (501) 682-1301.

Sincerely,

A handwritten signature in black ink, appearing to read "Bryan Kellar".

Bryan Kellar, Director
Outdoor Recreation Grants Program

Enclosure

Requests for Proposals for Funds Made Available by the 87th Arkansas Legislature through the General Improvement Fund

The Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Section is soliciting written funding request proposals for funds made available by the 87th Session Arkansas Legislature's General Improvement Fund. Funds may be requested by Arkansas cities of the first and second class or counties for the purposes enumerated below. These funds will be granted and require no matching share, although can be used for matching purposes for other state and/or federal grants. Available funds may be granted to one or more grantees.

Request proposals for funds will be evaluated and funding recommendations will be made by the Outdoor Recreation Grants Advisory Committee. Recommendations will be submitted to the Executive Director of the Arkansas Department of Parks and Tourism for approval. Announcements of grant awards will be made by letter and by a general statewide news release. Warrants for approved projects will be mailed immediately following the announcements of grant awards. Unsuccessful proposal applicants will be notified immediately following the announcements of grant awards by the Arkansas Department of Parks and Tourism's Outdoor Recreation Grants Program Section.

Request proposals for funds must include:

1. Proposals must be in the Arkansas Department of Parks and Tourism's Office Friday January 22, 2010, 5:00 p.m.
2. A city map locating proposed project site must be attached to the proposal.
3. Photographs of the proposed project site and other support material will be helpful to assist the Outdoor Recreation Grants Advisory Committee
4. If project is in an existing park, attach a site development plan to the proposal.
5. Proposals will be evaluated by the Outdoor Recreation Grants Advisory Committee based on brief but thorough answers to the questions on the following forms and any additional information you provide to support your request.

Grantees will be required to complete a General Improvement Fund Expenditure Report and sign it certifying the accurate expenditure of funds. The expenditure report is due to the Department of Parks and Tourism within 10 working days after the end of each calendar year. A final expenditure report is due 30 days after the final expenditure is made.

*Act 893 Section 1. COMMUNITY GRANTS - There is hereby appropriated, to the Department of Parks and Tourism, to be payable from the General Improvement Fund or its successor fund or fund accounts, the following: (A) For grants for construction, renovation, maintenance and purchase of equipment for parks and recreation facilities, the sum of.....\$160,000
Primary Sponsor Joint Budget Committee*

Act 1149 Section 1. COMMUNITY GRANTS - There is hereby appropriated, to the Department of Parks and Tourism, to be payable from the General Improvement Fund or its successor fund or fund accounts, the following: (A) For grants to cities and counties for maintenance and operations, construction and personal services for community recreation activities, ball parks, sports complexes and parks, the sum of\$20,000.

*Act 1084 Section 1 Appropriation. There is hereby appropriated, to the Department of Finance and Administration- Dispersing Officer, to be payable from the General Improvement Fund or its successor fund or fund accounts, the following:
(A) For a grant to learning facilities and educational programs that promote skill building, physical fitness, character development and life enhancing values for children through the game of golf, the sum of\$100,000.*

D. Describe the proposed project. Include enough details to allow those evaluating the project and its components, to understand how it is to be completed. Describe building dimensions, style, general building materials, major branded products and other major expenses.

E. Project Justification: Why does your area need these facilities?

F. Can the major elements of this funding request be prioritized. If so, list the priorities in order.

G. If funding of the entire project is not recommended, what is the minimum amount required to make this a viable project ?

Detailed Cost Estimate

City Name: _____ Date _____

[illegible]

Project Location Map

(Place an "X" on the map locating your proposed project)



Arkansas
THE NATURAL STATE

RESOLUTION No. _____

WHEREAS, _____, Arkansas recognizes the need to provide public recreation facilities for its' local citizens and visitors; and

WHEREAS, the City/County wishes to apply for General Improvement Funds through the Arkansas Department of Parks and Tourism to provide programs, maintain, or fund improvements at the following park or location:

_____; and

WHEREAS, the Mayor and the City Council / County Judge and Quorum Court understands that if granted funds for park development, they must account for fund expenditures and complete the project prior to June 30, 2011; and

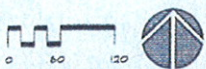
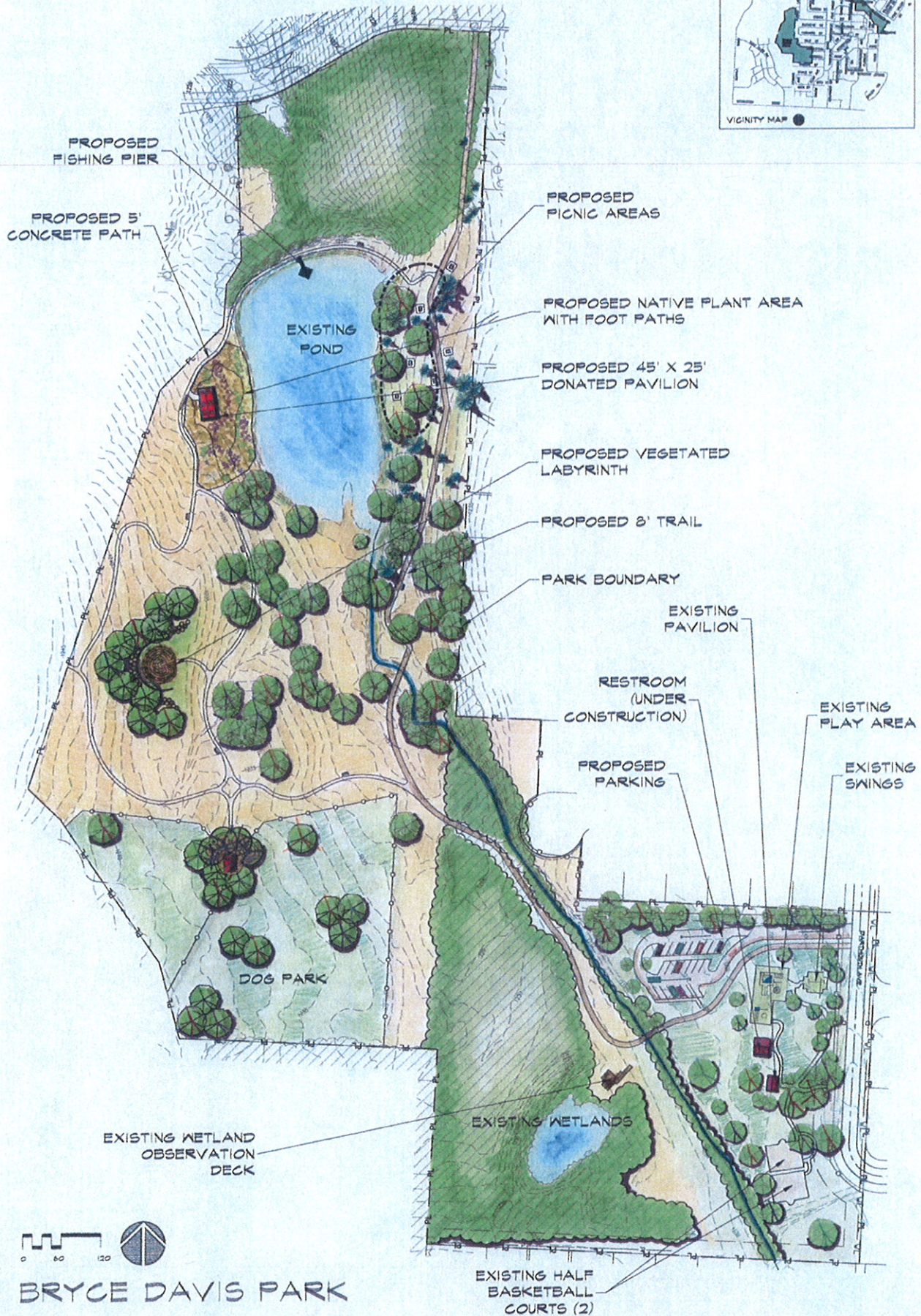
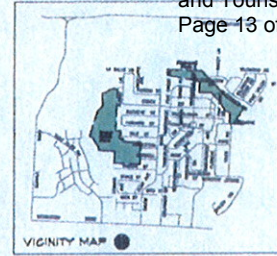
WHEREAS, _____, Arkansas will sign a contract agreeing to provide the necessary resources to maintain this park and facilities for a period of 15 years;

NOW, THEREFORE, BE IT RESOLVED the City Council / Quorum Court of _____, Arkansas hereby authorizes the Mayor / County Judge to submit an application for grant funding to the Arkansas Department of Parks and Tourism.

Passed this _____ day of _____, 20__

APPROVED: Mayor/County Judge

Clerk



BRYCE DAVIS PARK

City of Fayetteville Staff Review Form

A. 9
Arkansas Recreation Trails Grant
Page 1 of 14

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

1/5/2010

City Council Meeting Date
Agenda Items Only

Matt Mihalevich

Submitted By

Engineering

Division

Development Services

Department

Action Required:

A resolution approving an Agreement of Understanding with the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$116,534 in federal-aid funds for the construction of Oak Ridge Trail; and approving a budget adjustment in the amount of \$145,668.

\$ 29,134.00

Cost of this request

\$ 1,434,381.00

Category / Project Budget

Trail Development

Program Category / Project Name

4470.9470.5814.05

Account Number

\$ 962,054.00

Funds Used to Date

Transportation Improvements

Program / Project Category Name

02016.1001

Project Number

\$ 472,327.00

Remaining Balance

Sales Tax Capital Improvements

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

William C. B...
Department Director

12-17-2009
Date

Previous Ordinance or Resolution # 111-09

Original Contract Date:

Ch. Kelly
City Attorney

12-17-09
Date

Original Contract Number:

Paul A. Beebe
Finance and Internal Services Director

12-22-2009
Date

Received in City
Clerk's Office



Don Man
Chief of Staff

12-21-09
Date

Received in
Mayor's Office



David Jordan
Mayor

12-22-09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director
Chris Brown, City Engineer 

From: Matt Mihalevich, Trails Coordinator

Date: December 16th, 2009

Subject: Oak Ridge Trail Agreement of Understanding
Agenda Item for the January 5th, 2010 City Council Meeting

PROPOSAL:

In June of 2009, the City applied for the Arkansas Recreational Trails Grant for the Oak Ridge Trail in collaboration with the University of Arkansas. Plans for the Oak Ridge Trail were developed by the University of Arkansas and the trail is shown on their trail master plan to be constructed along the southern edge of campus connecting Frisco Trail west to Razorback Stadium. In 2008 the University applied for a portion of this trail through the Recreational Trails Grant Program, but was unsuccessful. This year, based on feedback from the Arkansas Highway and Transportation Department, the University of Arkansas agreed to partner with the City of Fayetteville and apply for the 2009 Recreational Trails Grant together and have been successful in receiving \$116,534 in federal-aid funds.

The Oak Ridge Trail is proposed to begin at the intersection of Center Street and Frisco Trail where it will head west along the north side of Center Street within the existing 50 foot right of way. In order to accommodate the 10' wide concrete trail and avoid numerous obstacles including the historic stone retaining wall of the Evergreen Cemetery, the existing 30 foot lanes will need to be narrowed to 24 feet for two 12 foot lanes. From Hill Avenue to Duncan Avenue, the trail will join a section of newly completed trail built by the University of Arkansas as part of the Duncan Avenue Apartments. From the intersection of Center and Duncan, the trail will continue along the north side of Center Street to Harmon Avenue, where an unused right of way of Center Street is an ideal location for the trail to continue around the hill to end at a sidewalk near Garland Ave, just south of Yocum Hall. The unused right of way is not planned for a road and is not identified on the Master Street Plan.

The University of Arkansas has agreed to partner with the City for the 2009 Recreational Trails Grant funding and has offered to provide half of the required 20% matching funds, which equals \$14,567. The University will also provide any necessary easements for the trail on property they own. See attached letter.

The grant requires there only be one applicant so the City will be the primary sponsor and will be responsible for the 20% match. The University will then provide their 10% of matching funds directly to the City. The

grant allows in-kind services to count toward the matching funds so the work from City in-house transportation crews and the University physical plant workers can be credited toward the 20% match.

RECOMMENDATION:

Staff requests a resolution approving an Agreement of Understanding between the City of Fayetteville and the Arkansas State Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$116,534 in federal-aid funds; and approving a budget adjustment in the amount of \$145,668 for the construction of the Oak Ridge Trail connecting Frisco Trail west to the University of Arkansas Campus. A willingness to apply for this grant was approved on May 19th of 2009 by resolution 111-09.

BUDGET IMPACT:

The terms of this grant require a local sponsor or municipality to provide funding for 20% of the total project cost, or \$29,133.60. Upon receipt of an official Notice to Proceed from the Arkansas Highway and Transportation Department, the project will be reimbursable at a rate of 80%, which for this project would be a total reimbursement of \$116,534.00. Sufficient funding for the City's portion of this project has been budgeted for 2010 in the Trail Development Project, within the Sales Tax Capital Improvement Fund. The University of Arkansas will then provide at least \$14,566.80 to the City as their 10% matching funds.

Summary of the Recreational Trails Grant awards to the City of Fayetteville:

- 1997 Recreational Trails Grant (040271) - **\$20,000** - Three trailhead kiosks at Lake Fayetteville Status: Complete
- 2002 Recreational Trails Grant (040401)- **\$51,247** - Used for the Lake Fayetteville Spillway Bridge Status: Complete
- 2003 Recreational Trails Grant (040425) - **\$20,000** - Was combined with the 2002 funds into one project and used for the Lake Fayetteville Spillway Bridge Status: Complete
- 2007 Recreational Trails Grant (040507) - **\$33,600** - Project underway to replace and existing narrow trail bridge on Mud Creek Trail and bring the trail into compliance with ADA. Status: Near Completion
- 2008 Recreational Trails Grant (040530) - **\$60,000** - Project to extend Mud Creek Trail under and across the Old Missouri Road to connect to Sweetbriar Drive. Status: Final Design.

RESOLUTION NO. _____

A RESOLUTION APPROVING AN AGREEMENT OF UNDERSTANDING WITH THE ARKANSAS HIGHWAY AND TRANSPORTATION DEPARTMENT FOR THE ACCEPTANCE OF AN ARKANSAS RECREATIONAL TRAILS GRANT TO UTILIZE \$116,534.00 IN FEDERAL-AID FUNDS FOR THE CONSTRUCTION OF OAK RIDGE TRAIL; AND APPROVING A BUDGET ADJUSTMENT IN THE AMOUNT OF \$145,668.00.

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 an Agreement of Understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$116,534.00 in federal-aid funds for the construction of Oak Ridge Trail.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a Budget Adjustment in the amount of \$145,668.00 to recognize the grant revenue.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 9
Arkansas Recreation Trails Grant
Page 5 of 14

Budget Year	Department: Project Accounting	Request Date	Adjustment Number
2010	Division: Citywide	1/5/2010	
	Program: Sales Tax Capital Improvements		

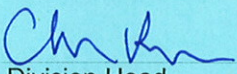
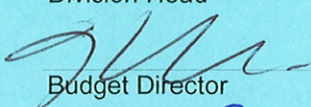
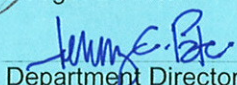
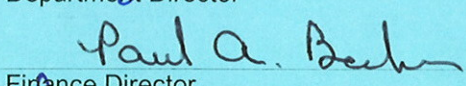
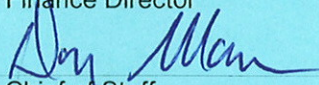
JUSTIFICATION TO INCREASE PROJECT / ITEM:

Funding is for the construction of Oak Ridge Trail from Frisco Trail west along Center Street to Pomfret Hall utilizing \$116,534 in federal-aid funds. The University of Arkansas has agreed to partner with the City to provide half of the required 20% matching funds and 50% of the additional cost if the project exceeds the amount funded by the grant.

JUSTIFICATION TO DECREASE PROJECT / ITEM (OR RECOGNIZING REVENUE):

This adjustment recognizes State Grant Revenue and Payments By Property Owners. The remaining \$14,567 is budgeted in the Trail Development project.

Account Name	Account Number	Increase Budget	Decrease Budget	Project.Sub Number
Trails	4470.9470.5814.05	145,668		02016 . 1001
State Grants - Capital	4470.0947.4302.00		116,534	02016 . 1001
Payments by Property Owners	4470.0947.4420.00		14,567	02016 . 1001
Trails	4470.9470.5814.05		14,567	02016 . 1
				.
				.
TOTAL		<u>145,668</u>	<u>145,668</u>	

 Division Head	12/17/09 Date	Requested By John Nelson kspringer
 Budget Director	12-18-09 Date	Budget & Research Use Only Type: A B C <u>D</u> E
 Department Director	12-17-2009 Date	Description: _____ 0
 Finance Director	12-21-2009 Date	General Ledger Date
 Chief of Staff	12-21-09 Date	Posted to General Ledger Initial _____ Date _____
Mayor	Date	Posted to Project Accounting Initial _____ Date _____

AGREEMENT OF UNDERSTANDING

BETWEEN

CITY OF FAYETTEVILLE

AND

THE ARKANSAS STATE HIGHWAY AND TRANSPORTATION DEPARTMENT

In Cooperation with the
U. S. Department of Transportation
Federal Highway Administration

RELATIVE TO

Implementation of Job 040558, Oak Ridge Trail (hereinafter called "Project"), as a recreational trail development or improvement project.

WHEREAS, the Arkansas State Highway Commission has made available 80% Federal-aid funds for certain recreational trail projects; and

WHEREAS, the City of Fayetteville (hereinafter called "Sponsor") has expressed its desire to use Federal-aid funds for an eligible project; and

WHEREAS, funding participation for each phase of the project will be as follows subject to a limit of \$116,534 maximum Federal-aid approved for the project:

	<u>Federal %</u>	<u>Sponsor %</u>
Project Design:	-0-	100%
Utilities/Right of Way:	-0-	100%
Project Inspection:	-0-	100%
Project Construction:	80%	20% ;and

WHEREAS, the Sponsor knows of no legal impediments to the completion of the project; and

WHEREAS, it is specifically agreed between the parties executing this agreement that it is not intended by any of the provisions of any part of the agreement to create the public or any member thereof a third party beneficiary hereunder or to authorize anyone not a party to this agreement to maintain a suit or action for injuries or damage of any nature pursuant to the terms or provisions of this agreement; and

WHEREAS, the Sponsor understands that the Arkansas State Highway and Transportation Department (hereinafter called "Department") will require the Sponsor to adhere to the General Requirements for Recipients and Sub-recipients Concerning Disadvantaged Business Enterprises as stated on Attachment A; and

IT IS HEREBY AGREED that the Sponsor and the Department, in cooperation with the Federal Highway Administration, will participate in a cooperative program for implementation of the Project and will accept the responsibilities and assigned duties as described hereinafter.

THE SPONSOR WILL:

1. Indemnify and hold harmless the Arkansas State Highway Commission, the Department, its officers and employees from any and all claims, lawsuits, judgments, damages, costs, expenses, and losses, including those arising from claims before the Arkansas Claims Commission or lawsuits brought in any other legal forum, sustained on account of the operations or actions of the Sponsor, including any act of omission, neglect or misconduct of said Sponsor. Further, the Sponsor shall take no action to compromise the immunity from civil suits afforded the State of Arkansas, the State Highway Commission, Arkansas Code § 19-10-305, or the 11th Amendment of the United States Constitution. This obligation of indemnification shall survive the termination or expiration of this Agreement.
2. Request review from the Arkansas Historic Preservation Program (AHPP) (See Attachment B). Then, forward AHPP's approval to the Department.
3. Comply with provisions of the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, Title VI of the Civil Rights Act of 1964, FHWA Recreational Trails Program Guidance, and any other Federal, State, and/or local laws, rules and/or regulations.

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head - EEO/DBE (ADA/504/Title VI Coordinator), P. O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.

4. **Refrain from any Project construction for which the Sponsor expects monetary reimbursement until a Notice to Proceed is received from the Department.**
5. Be responsible for its portion of the total project cost, which will include project design, construction, construction inspection services, appraisal and acquisition of right-of-way, relocation services (when required), and adjustment of all man-made improvements, including utilities.
6. Provide a copy of the registered deed or an appropriate certification stating the Sponsor's clear and unencumbered title to any right-of-way to be used for the project (See Attachment C).
7. Grant the right of access to Sponsor's records pertinent to this project and the right to audit by the Department and Federal Highway Administration officials. Be responsible for the inspection and certification of all work in accordance with the plans and specifications for the Project and to retain all records relating to such inspections, certifications, any billing statements, and any other files necessary to document the performance and completion of the work. A statement in writing must be submitted to the Department when the Project is completed. The Sponsor shall retain **all records for three years** upon completion of the project. in accordance with the requirements of

49 CFR, Subtitle A, Part 18, Subpart C, Section 18.42 – (See Attachment D for retention and access requirements for records). The date of completion of the project will be construed as the check date of the final payment submitted to the Sponsor by the Department.

8. If the project is to be advertised, for bids, it must be done in accordance with State and Federal procedures as shown in Attachment E.
9. Prepare plans, specifications, and a cost estimate for construction. These plans will be reviewed by the Department at the Pre-Construction Conference and these records need to be maintained by the Sponsor for three years after the completion date of the project. A registered licensed professional engineer, architect, or landscape architect must sign the plans and specifications for the project for any project over \$25,000. For any project under \$25,000, the Sponsor's legal representative must countersign the plans. (See Attachment F for certification letter to be sent to the Department).
10. Submit a certification letter (Attachment G), including all items noted, to the Department when requesting authority to begin construction on the project.
11. Be responsible for 100% of any and all expenditures which are declared non-participating in Federal funds, including awards by the State Claims Commission.
12. Be responsible for 100% of all project costs incurred should the project not be completed as specified. Repay to the Department the Federal share of the cost of any portion of this Project if the Federal Highway Administration removes Federal participation due to actions of the Sponsor, its agents, its employees, or its assigns, or the Sponsor's consultants or their agents. Such actions shall include, but are not limited to, Federal non-participation arising from problems with design plans, construction, change orders, construction inspection, or contractor payment procedures.
13. Retain total, direct control over the Project throughout the life of the improvements and **not, without prior written approval from the Department:**
 - sell, transfer, or otherwise abandon any portion of the Project;
 - change the intended use of the project as stated in the approved Project application;
 - make significant alterations to any improvements constructed with Federal-aid funds; or
 - cease maintenance or operation of the project due to the Project's obsolescence.
14. Be responsible for satisfactory maintenance and operation of all improvements and for adopting regulations and ordinances as necessary to ensure this. Failure to adequately maintain and operate the project in accordance with Federal-aid requirements may result in the Sponsor's repayment of Federal funds and may result in the withholding of future Federal-aid funds. The Sponsor understands and agrees that the Department may cause necessary funds to be withheld from the Sponsor's gasoline tax allotment should the Sponsor fail to pay to the Department any required funds, fail to complete the project as specified, or fail to adequately maintain or operate the project.
15. Promptly notify the Department if the project is rendered unfit for continued use by natural disaster or other cause.
16. Repay all Federal funds if this is determined necessary for any reason.

17. Complete all documentation necessary to obtain environmental, archeological, wetland and other clearances and transmit all necessary documentation pertaining to these clearances to the Department.
18. Construct the Project in accordance to plans and specifications that were developed by the Sponsor, or the Sponsor's representative, and were reviewed and approved by the Department prior to the issuance of the Notice to Proceed.
19. Notify the Department upon completion of various phases of the work in order that a Department representative may review the project before any payments for such work are made to the Contractor. Once the Sponsor makes payments to suppliers and visible progress has been made toward the completion of the Project an on-site inspection of the Project may be requested by the Sponsor. No reimbursement will be made by the Department without an on-site inspection of the Project.
20. Provide the Department with all necessary documentation including a resolution of support from the Sponsor's governing body, approval from the State Historic Preservation Officer, proof of ownership, plans and specifications, and permits or rulings from the U.S. Army Corps of Engineers, U.S. Fish and Wildlife Service, Environmental Protection Agency, or other applicable agencies within one calendar year of the date this Agreement of Understanding is signed by the Director of the Arkansas State Highway and Transportation Department. Extensions will not be granted without good cause and must be requested in writing to the Department. Funding for a project failing to provide this documentation will be withdrawn and will be allocated to other eligible recreational trail projects.

THE DEPARTMENT WILL:

1. Be responsible for administering Federal-aid funds and for project approval and acceptance.
2. Review and approve environmental, archeological, wetland, or other necessary clearances.
3. Review plans and specifications for the Project.
4. Advise the Sponsor when to proceed with construction of the Project.
5. Review and approve any necessary change orders for Project eligibility, regardless of funding source.
6. Visually verify (insofar as is reasonably possible) that the work meets contract requirements before reimbursement is made to the Sponsor.
7. Reimburse the Sponsor for all legitimate, documented costs in accordance with the final executed contract.

IT IS FURTHER AGREED that should the Sponsor fail to fulfill its responsibilities and assigned duties as related in this Agreement, such failure may disqualify the Sponsor from receiving future Federal-aid funds administered by the Department.

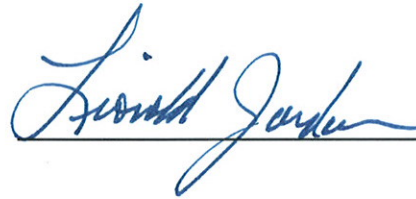
IT IS FURTHER AGREED that should the Sponsor fail to pay to the Department any required funds due for implementation of the project or fail to complete the project as specified in this Agreement or fail to adequately maintain or operate the project, the Sponsor hereby authorizes the Director of the Department of Finance and Administration to transfer from any of the Sponsor's State funds to the Department's RRA account such sums as the Director of Highways and Transportation shall certify as due the Department under terms of this Agreement.

IN WITNESS WHEREOF, the parties thereto have executed this Agreement on this _____
day of _____, 20____.

ARKANSAS STATE HIGHWAY
AND TRANSPORTATION DEPARTMENT

CITY OF FAYETTEVILLE

Dan Flowers
Director of Highways and Transportation



Arkansas State Highway and Transportation Department

Notice of Nondiscrimination

The Arkansas State Highway and Transportation (Department) complies with the Americans with Disabilities Act of 1990, Section 504 of the Rehabilitation Act of 1973, Title VI of the Civil Rights Act of 1964 and other federal equal opportunity laws and therefore does not discriminate on the basis of race, sex, color, age, national origin, religion or disability, in admission or access to and treatment in Department programs and activities, as well as the Department's hiring or employment practices. Complaints of alleged discrimination and inquiries regarding the Department's nondiscrimination policies may be directed to James B. Moore, Jr., Section Head-EEO/DBE (ADA/504/Title VI Coordinator), P.O. Box 2261, Little Rock, AR 72203, (501) 569-2298, (Voice/TTY 711), or the following email address: james.moore@arkansashighways.com.

This notice is available from the ADA/504/Title VI Coordinator in large print, on audiotape and in Braille.



Office of the Chancellor

May 4, 2009

425 Administration Building
Fayetteville, Arkansas 72701
(479) 575-4148
FAX (479) 575-2361

The Honorable Lioneld Jordan
Mayor
City of Fayetteville
113 W. Mountain
Fayetteville, AR 72701

Dear Mayor:

The University of Arkansas agrees to partner with the City for the 2009 Recreational Trails Grant funding and will provide half of the required 20% matching funds required to receive the grant. The University will also provide any necessary easements for the trail on property we own.

The grant requires there only be one applicant so the City will be the primary sponsor and will be responsible for the 20% match from the local sponsor or municipality. We also understand that the terms of this grant require a local sponsor or municipality to provide funding for 20% of the \$185,000 total project cost, or \$37,000.00. The University will then provide our 10% of matching funds directly to the City. The grant allows in-kind services to count toward the matching funds so the work from City in-house transportation crews and the University Facilities Management workers can be credited toward the 20% match.

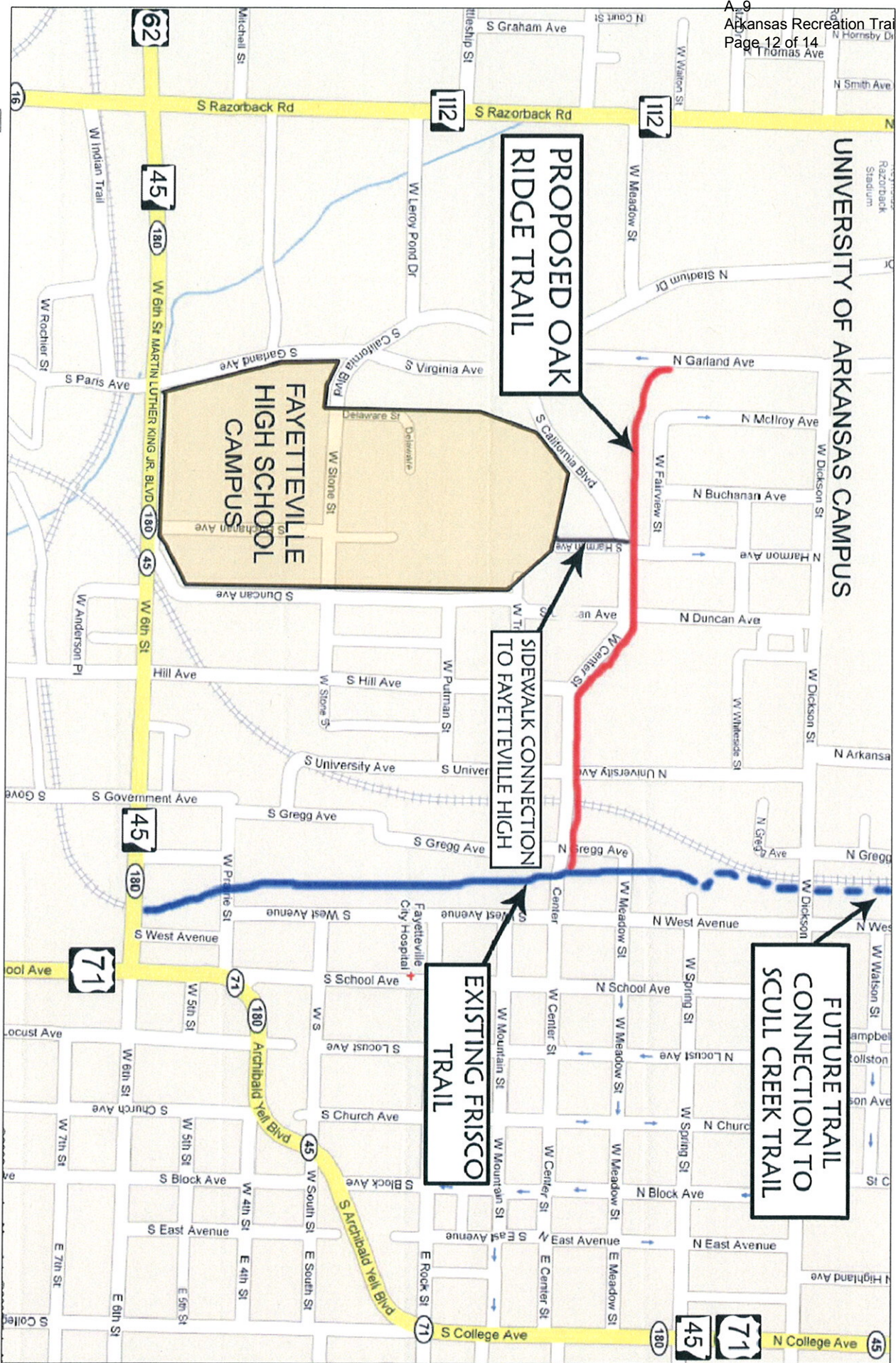
The Oak Ridge Trail will provide a safe, alternative transportation connection from Frisco Trail to the University of Arkansas and Fayetteville High School.

Thank you for your thoughtful consideration of this project. The University of Arkansas very much appreciates your leadership and support.

Sincerely,



G. David Gearhart
Chancellor

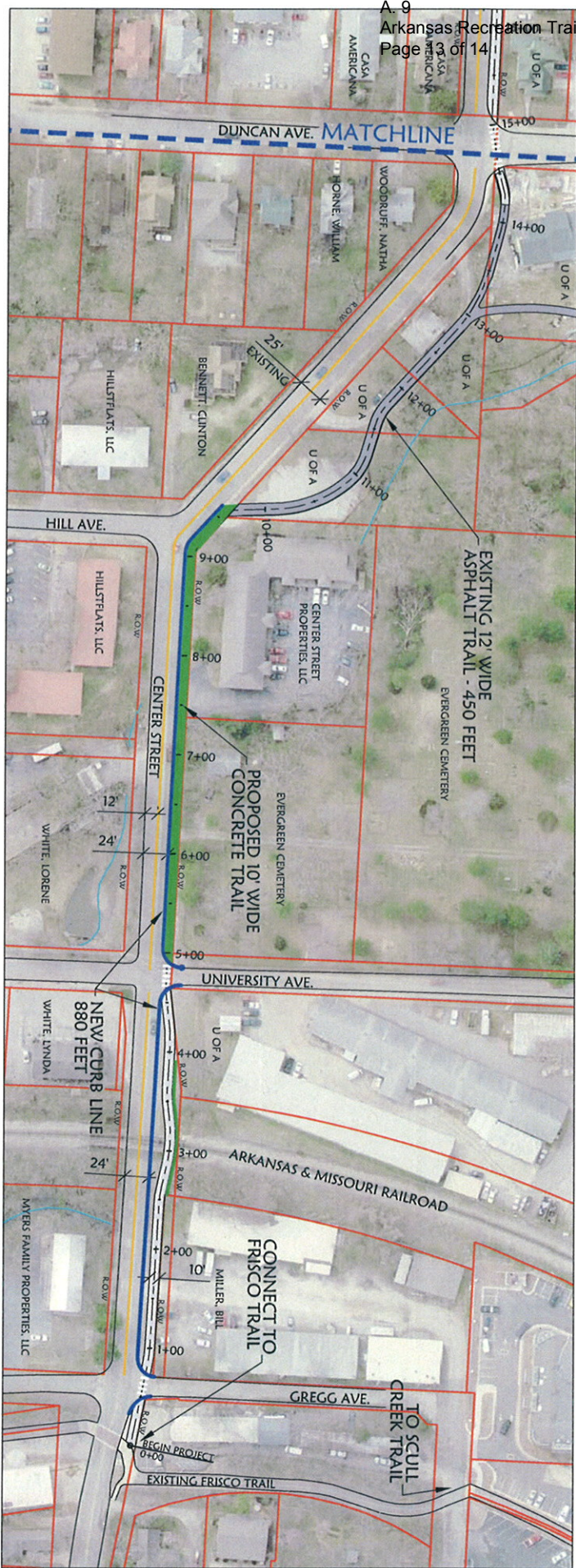


Oak Ridge Trail

VICINITY MAP
Recreational Trails Grant

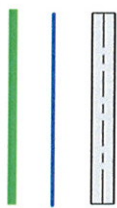
Engineering Division
113 W. Mountain
Fayetteville, AR 72701
479-575-8206
May 2009





LEGEND

CONCRETE TRAIL RELOCATED CURB RETAINING WALL

UNIVERSITY OF
ARKANSAS

Oak Ridge Trail

Recreational Trails Grant

Total Trail Length - 0.5 Miles

May 2009

Engineering Division
113 W. Mountain
Fayetteville, AR 72701
479-575-8206



City of Fayetteville Staff Review Form

A. 10
A & P Commission
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

1-5-2010

City Council Meeting Date
Agenda Items Only

Shelly Turberville

Submitted By

Accounting

Division

Finance

Department

Action Required:

To renew the contract with the Advertising and Promotion Commission.

2008 Revenues 43,429.04

\$

-

Cost of this request

Category / Project Budget

Program Category / Project Name

1010.0001.4400.00

\$

-

Account Number

Funds Used to Date

Program / Project Category Name

\$

-

Project Number

Remaining Balance

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Paul a. Bunker

Department Director

12-22-2009

Date

Previous Ordinance or Resolution #

[Signature]

City Attorney

12-22-04

Date

Original Contract Date:

Original Contract Number:

Paul a. Bunker

Finance and Internal Services Director

12-23-2009

Date

Received in City
Clerk's Office

ENTERED

12/22/09

Chief of Staff

Date

Received in
Mayor's Office

ENTERED

12/22/09

Mayor

Date

Comments:

TO: Lioneld Jordan, Mayor

FROM: Shelly Turberville, Accounting Manager 

THRU: Paul Becker, Finance Director P.B.

DATE: December 21, 2009

RE: Renew Agreement with A&P Commission to collect its 1% HMR tax

The existing Agreement with the A&P Commission is up for renewal. The last Agreement was signed February 7, 2006. This Agreement covered a two year time period and automatically renewed for an additional two years unless either party notified the other in writing prior to the expiration of the agreement.

The City of Fayetteville's agreement with the A&P commission was established to compensate the City of Fayetteville for the collection and reporting of the HMR taxes. The City of Fayetteville received a total of \$43,429.04 in 2008 for the 2% collection fee stated in the agreement.

The City of Fayetteville needs to have a new agreement by February 7, 2010.

RESOLUTION NO. _____

A RESOLUTION TO APPROVE AN AGREEMENT WITH
THE FAYETTEVILLE ADVERTISING AND PROMOTION
COMMISSION TO FURNISH COLLECTION AND
ACCOUNTING SERVICES FOR THE HOTEL, MOTEL,
AND RESTAURANT TAXES COLLECTED FOR THE A & P
COMMISSION

WHEREAS, the City of Fayetteville has long collected the Hotel, Motel and Restaurant
tax for the A & P Commission for a fee of 2% of such collections.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves
the attached Agreement with the Fayetteville Advertising and Promotion Commission to furnish
collection and accounting services for the Hotel, Motel and Restaurant taxes for 2% of the
amount collected.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

AGREEMENT

This Agreement, made and entered into this 5th day of January, 2010, by and between the City of Fayetteville, Arkansas, a municipal corporation, and the Fayetteville Advertising and Promotion (A&P) Commission.

WITNESSETH, IN CONSIDERATION of mutual promises of the parties contained herein and other good and valuable consideration, the parties agree as follows:

1. This agreement shall remain in full force and effect for an initial term of two years from the above date. Upon completion of the initial term, this agreement will automatically be renewed for an additional two year term unless either party notifies the other party in writing prior to the expiration of the initial term that no renewal is desired.

2. The A&P Commission agrees to pay 2% of the A&P portion of the Hotel, Motel, Restaurant (HMR) taxes collected by the City in consideration of the following duties and obligations to be performed by the City:

- a. Provide reporting forms and handle all communications with the tax remitters concerning the HMR tax;
- b. Receive tax reports and remittances from the tax remitters;
- c. Check tax reports for accuracy and timely reporting;
- d. Invoice tax remitters for underpaid taxes and/or penalties and interest if applicable;
- e. Perform collection efforts in accordance with established procedures as described in Exhibit "A";
- f. Disburse funds to Bond Trustees for debt service on outstanding bonds supported by the A&P Commission's portion of the HMR taxes;
- g. Provide a monthly accounting of all revenues collected for the previous month and remit the collections less the bond payments and collection fees to the A&P Commission by the 15th of the month;
- h. Invest funds not needed for immediate expenditures as part of the City's pooled investments and allocate interest on the basis of percentage of ownership in the pool.

3. The City of Fayetteville and the Fayetteville Advertising and Promotion Commission agree to work collaboratively to develop necessary rules and regulations to implement Sections 35.26 and 35.27 of the Code of Fayetteville.

4. Neither party may assign any of its rights or obligations under this agreement, without the express written consent of the other.

5. The parties agree and understand that this Agreement is exclusive of any and all other agreements, and that it in no way alters, amends or abridges any rights, obligations or duties of the parties contained in such agreements.

6. A waiver by either party of any of the terms or conditions herein shall be limited to that particular instance, and shall not be construed as a general waiver of any other breaches by either party.

7. This Agreement constitutes the entire understanding of the parties, and no modification or variation of the terms of this agreement shall be valid unless made in writing and signed by the duly authorized agents of the City and the A&P Commission.

IN WITNESS WHEREOF, the City of Fayetteville and the Advertising and Promotion Commission have executed this Agreement on or as of the date first written above.

**FAYETTEVILLE
ADVERTISING & PROMOTION
COMMISSION**

**CITY OF
FAYETTEVILLE,
ARKANSAS**

By: _____
TIM FREEMAN, Chairman

By: _____
LIONELD JORDAN, Mayor

Attest:

Attest:

By: _____
Marilyn Heifner, Executive Director

By: _____
Sondra E. Smith, City Clerk/Treasurer

Exhibit "A"

HMR COLLECTION PROCEDURES

ACCOUNTING DIVISION

At the end of each month, after balancing collections with General Ledger accounts:

1. Analyze listing of payments received for the year to determine which establishments are delinquent.
2. Prepare a list of all establishments that are delinquent. If an establishment has had to be prosecuted within the last two years, immediately refer to the City Prosecutor. Indicate on the list if the delinquent establishment also has an alcoholic beverage permit. If an establishment has a private club or an on premises consumption permit, also indicate if they are delinquent in their supplement beverage tax payments.
3. Send notices to all establishments that are delinquent in their HMR remittances. This notice shall advise each establishment of the date (21 days after notice mailed) delinquent taxes must be paid to avoid referring the case to the City Prosecutor.
4. If delinquent taxes are not paid by the stated date, refer the case to the City Prosecutor's Office.

CITY PROSECUTOR'S OFFICE

5. Upon receipt of the delinquent HMR file, the City Prosecutor may send a letter/notice that charges will be filed unless delinquent taxes are paid within thirty (or fewer) days. Prosecutions should commence within sixty or fewer days from the initial delinquency discovered by the Accounting Department.

City of Fayetteville Staff Review Form

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 1 of 46

City Council Agenda Items
and
Contracts, Leases or Agreements

12/15/2009

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

R-PZD 09-3439: (Oakbrooke Phase III, 361): Submitted by Tracy K. Hoskins for property located within Oakbrooke Phases I and II. The property is zoned R-PZD, Residential Planned Zoning District and contains approximately 28.62 acres. The request is for Zoning and land use approval of an R-PZD with 174 residential units and 12,000 sq. ft. of nonresidential space.

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 ☐

Jesse C. Peto
Department Director

11-25-09
Date

Previous Ordinance or Resolution #

minor changes in memo to Ordinance rec'd.

Original Contract Date:

[Signature]
City Attorney

11-30-09
Date

Original Contract Number:

Paul A. Behm
Finance and Internal Services Director

11-30-2009
Date

Received in City
Clerk's Office



[Signature]
Chief of Staff

12-1-09
Date

Received in
Mayor's Office



Lionel Jordan
Mayor

12/1/09
Date

Comments:

Revised January 15, 2009

Left on the first reading of the 12/15/09 CC mtg.



City Council Meeting Date:
December 15, 2009

City Council Agenda Memo

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director

From: Jesse Fulcher, Current Planner

Date: November 24, 2009

Subject: Residential Planned Zoning District for Oakbrooke Phase III (R-PZD 09-3439)

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Oakbrooke Phase III, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a 174 attached and detached residential dwelling units and 12,000 sq. ft. of nonresidential space on 28.62 acres, a density of 6 units per acre.

BACKGROUND

The boundary of the subject PZD is proposed to encompass all but 3.76 acres of the previously approved Oakbrooke Subdivision Phases I and II, which were approved by the Fayetteville City Council in 2005. The property contains approximately 28.62 acres of the overall 32.38 acres of the original Oakbrooke development; the portion that lies outside of the current PZD will retain its approval status, restrictions and conditions from the original PZD. All infrastructure has been installed to serve the original development and the owner has received final plat approval for both phases; however, only Phase II has been filed in order to build homes. The owner has started construction on several houses within Phase II, which would be incorporated into the proposed development.

DISCUSSION

Neighboring residents attended both of the Planning Commission meetings at which this project was considered to listen and provide comments. Minutes from the first meeting are included in your packet. The Planning Commission voted 5-1-0 in favor of this request on November 23, 2009 (Commissioner Zant voting 'no'). Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report. You will note in

conditions 1 and 2 that the Planning Commission and staff have differing recommendations. Ultimately, the City Council always determines the conditions of approval appropriate for a Planned Zoning District, if it is approved.

BUDGET IMPACT

None

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 09-3439, OAKBROOKE PHASE III, LOCATED WITHIN OAKBROOKE PHASE I AND OAKBROOKE PHASE II; CONTAINING APPROXIMATELY 29 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

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

From R-PZD 05-1463 Oakbrooke Phase I and R-PZD 05-1555 Oakbrooke Phase II to R-PZD 09-3439 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all above requirements of the master plan and conditions of approval have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

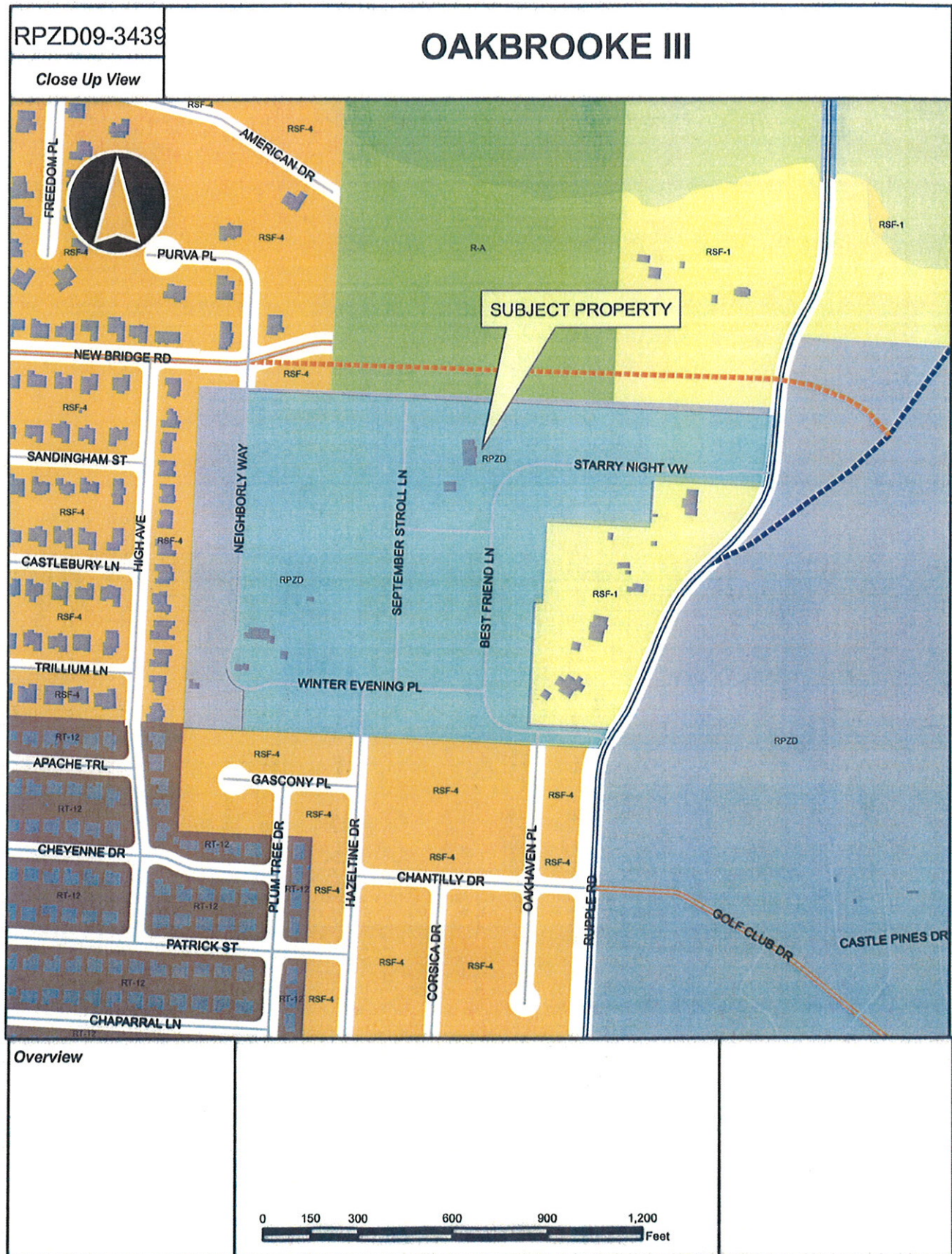
By: _____
SONDRA E. SMITH, City Clerk/Treasurer

EXHIBIT "B"
R-PZD 09-3439

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF THE FRACTIONAL SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID EIGHTY ACRE TRACT AND RUNNING THENCE N02°17'42"E 1069.16', THENCE S87°49'42"E 428.22', THENCE S87°09'15"E 1404.23', THENCE S08°18'00"W 225.89', THENCE N87°00'35"W 354.57', THENCE S02°48'25"W 146.65', THENCE N87°10'22"W 327.79', THENCE S02°50'14"W 253.09', THENCE N87°22'17"W 28.37', THENCE S02°49'27"W 389.76', THENCE S87°10'42"E 254.30', THENCE S25°22'44"W 64.97', THENCE N87°10'42"W 1319.64' TO THE POINT OF BEGINNING, CONTAINING 32.39 ACRES, MORE OR LESS. LESS AND EXCEPT: A PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF THE FRACTIONAL SECTION 1, TOWNSHIP 16 NORTH, RANGE 31 WEST, WASHINGTON COUNTY, ARKANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO-WIT: BEGINNING AT THE SOUTHWEST CORNER OF SAID EIGHTY ACRE TRACT AND RUNNING THENCE N02°17'42"E 1069.16', THENCE S87°49'42"E 151.00', THENCE S02°17'42"W 770.91', THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 150.00' FOR A CHORD BEARING AND DISTANCE OF S15°24'32"W 68.07', THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 75.00' FOR A CHORD BEARING AND DISTANCE OF S22°21'58"E 116.39', THENCE S02°17'42"W 128.20', THENCE N87°10'42"W 184.13' TO THE POINT OF BEGINNING, CONTAINING 3.77 ACRES MORE OR LESS. CONTAINING IN ALL 28.62 ACRES MORE OR LESS; SUBJECT TO EASEMENTS AND RIGHTS-OF-WAY OF RECORD, IF ANY.

EXHIBIT "A"

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
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**November 9, 2009
Planning Commission Minutes
Oakbrooke Phase III (09-3439)**

R-PZD 09-3439: Residential Planned Zoning District (OAKBROOKE III, T.K. HOSKINS 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASES I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.59 acres. The request is for zoning and land use approval of an R-PZD with 177 residential units and 12,000 sq. ft. of nonresidential space.

Jesse Fulcher, Current Planner, gave the staff report describing the previously approved Oakbrook Subdivision and the proposal for a new PZD on this site for residential and mixed use. Staff recommended that the request be tabled until the November 23rd meeting date to allow the applicant additional time to clarify planning area 5 and make other requested revisions to the plan.

Tracy Hoskins, property owner, discussed their request and stated that he hopes they won't be tabled. He referenced new zoning criteria that they are proposing and was distributed to the Planning Commissioners at this meeting.

Jim Ramsey, applicant's architect, gave a PowerPoint presentation. He discussed the background and setting of the site, the concepts for their traditional neighborhood. He went over all of the proposed neighborhoods in the Master Plan, describing in detail their plan for mixed use, integrated variety of lot sizes, and that they did not want to repeat designs throughout the development, and that each lot would be specifically designed.

Public Comment:

Paul Johnson, president of Bridgeport Neighborhood Property Owner's Association, discussed that his neighborhood is not opposed to the style, but the size of the homes in the development. He is opposed to any homes below 1,400 square feet. He is opposed to rental property and smaller homes encourage rentals. He is not opposed to density but is opposed to less than 1,400 square feet. He discussed that crime and higher density are related. His neighborhood has had multiple calls of breaks-ins of cars and homes. He also discussed vehicles speeding in his neighborhood. We rarely see small homes that are high quality. Infill that protects existing development is appropriate.

Gilbert Belk, 2009 North Purva Place, discussed that appraisal values have gone down in the 1.5 years since he has purchased his home. He wasn't aware when he bought his house that the property proposed to be developed tonight was not a part of Bridgeport.

Jack Langford, who lives on Ruppel Road adjacent to this development, discussed concern with the size of the dwellings. He is concerned with 2-3 family dwellings and the community store that would be adjacent to his house. The applicant has kept this site clean. He asks the Planning Commission to keep the existing permitted plan.

Tom Fetner, lives in Bridgeport on High Avenue, stated concerns with row houses except where they were already permitted, and asked the Planning Commission to stay with the previously approved plan.

(Inaudible), lives on Purva Place, discussed that this property is beautiful right now and this development will hurt vegetation and asked for those issues to be considered.

Chuck Lewis, resident of Bridgeport, stated concern with any homes under 1,400 square feet.

(Inaudible), lives on American Drive, discussed that the transition from Bridgeport to this neighborhood is very great. Rental property and shops with this development do not make sense. He discussed rental homes, parties, and parking on the street. Please stick to the approved plan.

Pam Henson, lives in Bridgeport, discussed agreement with all of the other comments. She stated that the four existing houses being built are okay. She expressed concerns that the developer is changing this so much and the neighborhood has not been involved. On September 9, 2005, Alderman Lioneld Jordan made a motion to have a minimum of 1,400 square feet for residences in the Oakbrooke neighborhood. She discussed that there is already a lot of rental property in the area including the Links at Fayetteville across the street. We don't need smaller rentals in the area. Traffic on Wedington is an issue. She doesn't think this fits in this area.

Ivory Collin, Bridgeport, discussed that the proposal to have apartments above shops works in New York but not around here. She discussed the development at Futrall and I-540 that have not been rented with this concept. She expressed concern with this development.

Steve Davis, lives in Washington-Willow, discussed that he has actually worked for Tracy (Hoskins) in the past and the quality of Tracy's developments have improved over the years. As one member of the public referenced, he takes care of his property. The quality of this development will be good.

No further comment was presented.

Commissioner Myres discussed that she thinks they should follow staff's recommendation and table this item and also to make sure all other issues have been addressed.

Commissioner Zant discussed that he thinks this is a nice looking development. It would help to see the previous development to compare with this proposal.

Commissioner Winston discussed that this is potentially a great development with very innovative ideas. The neighbors could benefit with a neighborhood meeting. He thinks there is a general misunderstanding of the neighbors and what the applicant is proposing, based on the comments heard at the meeting tonight. He also discussed that he would recommend seeing the previous PZD approval so he could compare to the current proposal.

Commissioner Honchell asked about minimum square footage for homes and project phasing.

Tracy Hoskins, applicant, discussed that they are not proposing a minimum square footage and that the anticipated project phasing is approximately 5 years.

Commissioner Honchell asked what the minimum square footage of homes in surrounding areas are for comparison purposes.

Garner discussed that the City does not regulate square footages of homes and it would be very difficult for staff to determine. However, minimum lot size is regulated and could be determined.

Kit Williams, City Attorney, clarified that as the proposed project is a PZD a minimum square footage of homes can be required.

Commissioner Trumbo discussed that this plan is consistent with the principals in City Plan 2025 and that there will be a demand for this type of development in the future. If we don't plan for this now and do these types of developments, the city will continue to be developed as in the past with RSF-4 zoning and single family homes spread out everywhere. He discussed that he will not be in favor of attached units in this development being adjacent to detached units outside of this development. He is not in favor of home occupation throughout the development. The overall density is approximately 6.5 units per acre which is appropriate.

Motion:

Commissioner Kennedy made a motion to table this item until the next Planning Commission meeting on November 23, 2009. **Commissioner Zant** seconded the motion. **Upon roll call the motion to table passed with a vote of 6-0-0.**

**November 23, 2009
Planning Commission Minutes
Oakbrooke Phase III (09-3439)**

New Business:

R-PZD 09-3439: Residential Planned Zoning District (OAKBROOKE III, T.K. HOSKINS 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASES I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.59 acres. The request is for zoning and land use approval of an R-PZD with 174 residential units and 12,000 sq. ft. of nonresidential space.

Jesse Fulcher, Current Planner, gave the staff report, discussing the previous review of the project and comments. Staff recommended forwarding the project with several modifications to the plan as noted in the conditions of approval.

Tracy Hoskins, applicant, discussed the project and the neighborhood meeting that took place since the last Planning Commission meeting.

Public Comment:

Tom Fetner asked if the project could be rezoned, or a new PZD applied for in the future if this PZD was approved. Was concerned with the number of vacant lots in the area.

James Davis discussed concerns with the development turning into rental property, size of the houses and small lots sizes.

No further public comment was presented.

Commissioner Lack asked staff to address the public's questions.

Andrew Garner, Senior Planner, stated that the property could be rezoned in the future, as is the case for all properties.

Commissioner Honchell asked if the 1,400 sq. ft. required by the previous Bill of Assurance would conflict with the requirements of the proposed project.

Fulcher stated that the 1,400 sq. ft. limitation would only apply to the 17 lots that would remain under the zoning approval of Oakbrooke Phases I and II, and that this restriction would not apply to the proposed Phase III.

Commissioner Honchell asked if Use Unit 24, Home Occupations was already approved for all lots in Oakbrooke.

Fulcher, stated that home occupations were permitted on all lots within Oakbrook I and II.

Kit Williams, City Attorney, stated that the 1,400 sq. ft. house size requirement was offered by the applicant with Oakbrooke I and II.

Commissioner Winston asked the applicant if condition of approval #1 (maximum buildable area) would affect the development proposal, and if the limit on the maximum fence height in Planning Area 2 would be a problem.

Hoskins stated that the requested maximum buildable area was less than the previously approved project. Stated that a higher fence would be appreciated in the back yards of the homes.

Fulcher described staff's position on limiting the fence height to 3'.

Hoskins stated that limiting the fence height in front would be fine, but that allowing a standard fence along the sides and back yard would be preferred. Fences could be restricted to no greater than 3' until the fence is at least 10' behind the front façade.

Commissioners Kennedy stated that the sign regulations recommended by staff in Planning Area 5 were too restrictive. Would prefer to see the commercial uses removed if they aren't allowed to property advertise.

Hoskins stated that he was okay with monument style sign, but needed the sign allowances as proposed in the booklet.

Commissioners Kennedy discussed several R-O developments that struggle due restrictions on sign size.

Commissioners Lack stated that the Planning Area 5 was more like a residential office district, which is why it is appropriate in this setting, so the signs should be smaller than a commercial district. Use Unit 24, Home Occupations should be limited to a conditional use and not a use by right. Is the applicant okay with staff's recommendation on Planning Area 3?

Hoskins stated that the number of attached units in Planning Area 3 were reduced once based on staff's concerns. Still requesting the lots as noted for attached housing.

Commissioners Cabe asked about staff's recommendation and the applicant's request on the maximum buildable area for each planning area.

Hoskins stated that they could reduce the maximum buildable area to 65% in Planning Areas 1 and 3, and to 70% in Planning Areas 2 and 4.

Commissioners Zant stated there appears to be lots of changes occurring at the meeting and too many open-ended conditions. Wish that staff and applicant could agree upon all conditions.

Motion:

Condition of Approval #1: Commissioner Cabe made a motion to approve the condition with a 65% buildable area in Planning Areas 1 and 3 and a 70% buildable area in Planning Areas 2 and 4.

Commissioner Winston seconded the motion. **Upon roll call the motion passed with a vote of 5-1-0 (Commissioner Zant voting “no”).**

Condition of Approval #2: Commissioner Winston made a motion to approve the condition as recommended by staff. **Commissioner Kennedy** seconded the motion. **Upon roll call the motion passed with a vote of 5-1-0 (Commissioner Zant voting “no”).**

Condition of Approval #3: Commissioner Winston made a motion to approve the variance as proposed by the applicant. **Commissioner Kennedy** seconded the motion. **Upon roll call the motion passed with a vote of 4-2-0 (Commissioner Zant and Cabe voting “no”).**

Commissioner Winston made a motion to forward the project to the City Council with all conditions of approval as amended. **Commissioner Cabe** seconded the motion. **Upon roll call the motion passed with a vote of 5-1-0 (Commissioner Zant voting “no”).**

**Conditions of Approval
Oakbrooke Phase III (09-3439)**

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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R-PZD 09-3439
(Oakbrooke Phase III)
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Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *The Planning Commission voted to allow a maximum buildable area of 65% for Planning Areas 1 and 3, and 70% for Planning Areas 2 and 4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. Projecting signs shall be permitted in accordance with Chapter 174.11. *The Planning Commission voted to allow signage as proposed by the applicant.*
3. Use Unit 24, Home Occupations, shall not be permitted as a use by right, but may be permitted as a conditional use in any planning area, subject to Planning Commission approval.
4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. This requirement can not be varied by the Planning Commission or City Council. Therefore, the applicant shall remove this use unit from all planning areas. A note may be included in each planning area stating that accessory dwelling units may be permitted in accordance with Chapter 164.19 of the Unified Development Code.
5. PA-2. The following design requirements shall be required for Planning Area 2 in addition to the architectural standards presented in the project booklet:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be two stories.
 - c. As shown on the conceptual site plan, all units shall have a primary entry, and/or covered porch oriented to the common open space, or walkway connecting to the common open space. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - d. The development shall include a variety of building styles, features, colors and site design elements. Dwellings with the same combination of features shall not be located adjacent to each other. Identical elements shall not be repeated in more than three (3) of the cottages.
 - e. Each unit shall have a covered porch with a minimum depth of 6' and area of 60 sq. ft.
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height except where the fence is located at least 10' from the front façade of the house.
6. PA-3. The number of attached units shall be limited to Lots 1-14 and 44-51, with the dwelling types on these lots restricted to single, two, or three family townhouses. The note stating "no more than 5 units attached" shall be removed. All other lots in PA-3 shall be limited to detached single-family dwellings.
7. PA-4. Only detached single-family units shall be permitted on Lots 1-11 and 21-25. Attached housing, in a townhouse form, shall be restricted to Lots 12-20.

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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B. 1
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8. PA-5. The minimum buildable street frontage along Ruppel Rd. shall be increased to 40%.
9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses, such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.
19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
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21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
23. The following revisions shall be made prior to the project being placed on the City Council agenda:
 - a. Booklet. Page 2. Update PA-5 in the conceptual site plan to match current proposal.
 - b. Booklet. Page 4. The timeframes to begin and complete construction for each phase need to be clarified utilizing language similar to that listed in Chapter 166.20. The language currently used is contradictory and allows open-ended time frames for developing PA-5. Examples below:
 - a) All permits necessary to complete construction for Phase I shall be obtained within one year from City Council approval of the PZD. Final plat approval shall be obtained within two years of preliminary plat approval.
 - b) All permits necessary to complete construction of Phase V shall be obtained within five years from City Council approval of the PZD. A final Certificate of Occupancy shall be obtained within two years of the building permit approval.
 - c. Booklet. Page 7. Per comments above, remove Use Unit 24 and update buildable area.
 - d. Booklet. Page 8. Per comments above (if approved), remove Use Units 9, 10, 24 and 41, and update buildable area.
 - e. Booklet. Page 11. Per comments above (if approved), remove reference to 5 attached units, reduce attached units to Lots 1-14 and 44-51, remove Use Units 24 and 41, and update buildable area.
 - f. Booklet. Page 12. Per comments above (if approved), remove Use Units 24 and 41.
 - g. Booklet. Page 14. Per comments above (if approved), remove Use Unit 41, reduce build-to zone along Ruppel (by ordinance parking is prohibited in a build-to zone), remove setback comment for zero lot line and garages, since this is no longer proposed in the planning area, change minimum buildable area to minimum buildable street frontage, and increase percentage along Ruppel to 40%.
 - h. Booklet. Page 16. Make all applicable changes to the zoning comparison chart.
 - i. Plats. Page 1. Update legal description.
 - j. Plats. Page 3. Complete land use table.
 - k. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - l. Any common area proposed to be on a separate lot will need a separate lot number at the time of preliminary plat review.
 - m. The PZD booklet and plats shall be updated to reflect the lot numbering attached hereto and titled "Lot Numbering." These revisions, along with all other required

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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revisions shall be completed and submitted (three copies of the booklet and plats) to the Planning Division after City Council approval of the project.

Urban Forester Conditions of Approval:

24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

29. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
30. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
31. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to signing the final plat.
32. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning

**PLANNING COMMISSION RECOMMENDED
CONDITIONS OF APPROVAL:**

R-PZD 09-3439

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B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
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Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.

36. Prior to the issuance of a building permit the following is required:

- a. Grading and drainage permits
- b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
- c. Separate easement plat for this project that shall include the tree preservation area.
- d. Project Disk with all final revisions
- e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

**STAFF RECOMMENDED CONDITIONS OF APPROVAL DIFFERING
FROM PLANNING COMMISSION RECOMMENDATION:**

R-PZD 09-3439

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(Oakbrooke Phase III)
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Conditions of Approval for R-PZD 09-3439 (Oakbrooke Phase III)

1. City Council determination of zoning criteria: building area. *In all of the residential planning areas, the applicant is proposing a high intensity of building area (the square footage of a lot covered by the first floor of any building), much more intense than is permitted within any other residential districts within the City. These range, as proposed, from 70-75%, which leaves very little unoccupied greenspace. Staff does not feel that these percentages are necessary and recommends the buildable area maximum levels be reduced to 60% for Planning Areas 1-4.*
2. City Council determination of the applicant's request to allow monument signs and wall signs in Planning Area 5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. *Commercial businesses that may locate in PA-5 need to advertise; however, signs need to be of an appropriate scale given the location of this property in a predominantly residential area. Staff cannot support the ability to install 150 sq. ft. wall signs, or a 75 sq. ft. monument sign. Staff recommends that wall signs be permitted in accordance with the Residential Office zoning district, which allows two 16 sq. ft. wall signs per business, and the maximum size of the one monument sign be limited to 50 sq. ft. Projecting signs shall be permitted in accordance with Chapter 174.11.*

Staff Report
Oakbrooke Phase III (09-3439)



PC Meeting November 23, 2009

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(Oakbrooke Phase III)
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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, Development Services Director
DATE: ~~November 16, 2009~~ Updated November 24, 2009

R-PZD 09-3439: Residential Planned Zoning District (OAKBROOKE III, T.K. HOSKINS 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASES I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 28.62 acres. The request is for zoning and land use approval of an R-PZD with 174 residential units and 12,000 sq. ft. of nonresidential space.

Planner: Jesse Fulcher

Findings:

Background: The first public review for this project was on November 9, 2009. Members of the public voiced concerns with the size of the homes, occupancy (rental vs. owner occupied), affect on property values, attached dwellings, type of businesses in mixed use area, traffic problems, compatibility with neighboring developments and that the developer already has approval to build a predominantly single-family neighborhood with a Bill of Assurance requiring homes to be at least 1,400 sq. ft.

The Planning Commission voted unanimously to table the request to the November 23, 2009 meeting, and requested additional information from Planning Staff, including; 1) site plans comparing the original Oakbrooke project with the current proposal; and 2) a map showing adjacent developments and land uses. Additional maps and site plans have been added to the end of the staff report.

Many of the questions and comments from the meeting were related to occupancy of the proposed dwellings and minimum house sizes. To clarify, the City of Fayetteville does not regulate the occupancy type of any residence, so all units within the City may be offered for rent, for sale, or for lease. Additionally, the City of Fayetteville does not have ordinances that allow the City to regulate or mandate a particular house size, so long as the maximum building area on a lot is not exceeded. The 1,400 sq. ft. house size currently required within Oakbrooke I and II was offered by the owner through a Bill of Assurance, which the Fayetteville City Council accepted as part of the original project approval. The City did not require the original Bill of Assurance, nor can the City request a Bill of Assurance.

Property Description: The subject development is proposed to be located within the previously approved Oakbrooke Subdivision Phases I and II, which were approved by the Fayetteville City Council in 2005. The property contains approximately 28.62 acres of the overall 32.38 acres of the

original Oakbrooke development. All infrastructure has been installed to serve the original development and the owner has received final plat approval for both phases; however, only Phase II has been filed. The owner has started constructed on several houses within Phase II, which would be incorporated into the proposed development. Surrounding land use and zoning are listed in *Table 1*.

Table 1
Surrounding Land Use and Zoning

Direction from Site	Land Use	Zoning
North	Residential and Undeveloped	R-A, RSF-1, RSF-4
South	Residential	RSF-1, RSF-4
East	Golf course and Residential	R-PZD 07-2452
West	Residential	RSF-4

Proposal: The request is for rezoning and land use approval for a residential subdivision containing 174 attached and detached residential units and 12,000 sq. ft. of nonresidential space. A preliminary and final plat would be required if the development is approved. A large scale development will likely be necessary for areas of the development containing multi-family and nonresidential uses.

Adjacent Master Street Plan Streets: Ruppel Road (Principal Arterial Parkway), New Bridge Road (Collector Street), platted streets within Oakbrooke Phase I and II

Access and connectivity: All interior streets have been constructed, and were dedicated with the filing of Phase II of Oakbrook Subdivision. The applicant is proposing several alleys to provide rear access to many of the units. Alley design will be reviewed at the time of preliminary plat review and/or large scale development.

Right-of-way to be dedicated: All interior streets have been constructed and were dedicated with the filing of Oakbrooke Phase II. Right-of-way in the amount of 45' from centerline was also dedicated for Ruppel Road. However, Ruppel Road is now designated as a Principal Arterial Parkway, which requires right-of-way dedication in the amount of 53.5' from centerline. Therefore, an additional 8.5' of right-of-way will be dedicated with Oakbrook Phase III.

Phasing: As shown on the phasing plan in the project booklet, the applicant is proposing to develop Oakbrooke Phase III in five separate phases. Staff has requested additional information to be consistent with the current ordinance requirements regarding expiration of permits.

Parks: The Park and Recreation Advisory Board (PRAB) recommended on August 6, 2007 to accept money in-lieu of land for this project.

Water & Sewer: Water and sewer lines have been installed to serve Oakbrooke Phases I and II. Main extensions required by the new development proposal will be evaluated at the time of development review. Any new lot created will be required to have proper access and utilities, at the time of development.

Tree Preservation: Tree preservation will be reviewed at the time of development.

Public Comment: City staff has spoken with several surrounding property owners about the proposed development. One letter from an adjoining property owner has been received, objecting to the proposal. Notification was delivered to property owners within 100' of the PZD boundary and

two signs were posted on the site indicating the public hearing date. Staff has also included comments from the November 9, 2009 Planning Commission meeting at the beginning of the staff report.

Recommendation: Staff finds that the development form and land uses presented in the project proposal are consistent with the City's adopted policies and the goals of City Plan 2025, including a variety of housing types and lot sizes, and nonresidential uses at corner locations. Staff also finds that the density and housing types presented are compatible with surrounding properties. Therefore, staff recommends **forwarding R-PZD 09-3439** to the City Council. However, staff's recommendation for approval is contingent on the following conditions and revisions:

Conditions of Approval:

1. Planning Commission determination of zoning criteria: building area. *In all of the residential planning areas, the applicant is proposing a high intensity of building area (the square footage of a lot covered by the first floor of any building), much more intense than is permitted within any other residential districts within the City. These range, as proposed, from 70-75%, which leaves very little unoccupied greenspace. Staff does not feel that these percentages are necessary and recommends the buildable area maximum levels be reduced to 60% for Planning Areas 1-4.*

11/23/09: THE PLANNING COMMISSION RECOMMENDED THE FOLLOWING MAXIMUM BUILDABLE AREAS: 65% FOR PLANNING AREAS 1 AND 3, 70% FOR PLANNING AREAS 2 AND 4. PLANNING AREA 5 WAS UNCHANGED.

2. Planning Commission determination of allowing Use Unit 24, Home Occupations, as a use by right in all zoning districts. *Staff does not recommend in favor of allowing home occupations without further review by the Planning Commission to ensure that residents aren't negatively impacted by nonresidential uses. In general, staff has been supportive of most home occupations, when given the opportunity to review the request and include conditions to safeguard neighboring properties and tenants. Staff would request this same opportunity within this development. No other residential districts within the City permit Home Occupations as a use by right.*

11/23/09: THE PLANNING COMMISSION FOUND IN FAVOR OF STAFF'S RECOMMENDATION. USE UNIT 24 SHALL BE LISTED AS A CONDITIONAL USE IN ALL PLANNING AREAS.

3. Planning Commission determination of the applicant's request to allow monument signs and wall signs in PA-5 subject to commercial zoning district regulations, which permits up to a 75 sq. ft. monument sign and a 150 sq. ft. wall sign per business per wall. *Commercial businesses that may locate in PA-5 need to advertise; however, signs need to be of an appropriate scale given the location of this property in a predominantly residential area. Staff cannot support the ability to install 150 sq. ft. wall signs, or a 75 sq. ft. monument sign. Staff recommends that wall signs be permitted in accordance with the Residential Office zoning district, which allows two 16 sq. ft. wall signs per business, and the maximum size of the one monument sign be limited to 50 sq. ft.*

11/23/09: THE PLANNING COMMISSION RECOMMENDED IN FAVOR OF THE APPLICANT'S REQUEST, ALLOWING SIGNAGE IN CONFORMANCE WITH THE

4. Use Unit 41, Accessory Dwellings Units. Accessory dwelling units may only be permitted on lots containing at least 5,000 sq. ft. This requirement can not be varied by the Planning Commission or City Council. Therefore, the applicant shall remove this use unit from all planning areas. A note may be included in each planning area stating that accessory dwelling units may be permitted in accordance with Chapter 164.19 of the Unified Development Code.
5. PA-2. Staff is supportive of a "cottage development" design with the following additional conditions:
 - a. All units shall be detached single-family dwellings.
 - b. Maximum height shall be two stories.
 - c. As shown on the conceptual site plan, all units shall have a primary entry, and/or covered porch oriented to the common open space, or walkway connecting to the common open space. The common open space shall be provided generally as shown, with dimensions of approximately 130' x 130'.
 - d. The development shall include a variety of building styles, features, colors and site design elements. Dwellings with the same combination of features shall not be located adjacent to each other. Identical elements shall not be repeated in more than three (3) of the cottages.
 - e. Each unit shall have a covered porch with a minimum depth of 6' and area of 60 sq. ft.
 - f. At least 300 sq. ft. of private, contiguous open space adjacent to each dwelling unit shall be provided with a minimum dimension of 10'.
 - g. No fence shall exceed three feet in height. THE PLANNING COMMISSION AMENDED THIS CONDITION, ALLOWING FENCES GREATER THAN 3' IN HEIGHT ONLY WHEN LOCATED FURTHER THAN 10' FROM THE FRONT FAÇADE OF THE HOUSE.

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S RECOMMENDATION WITH THE EXCEPTION OF (3g) AS NOTED ABOVE.

6. PA-3. Staff is supportive of the number of lots and dwellings proposed for this planning area; however, staff can not support the number of lots on which attached units may be permitted. Staff recommends that the number of attached units be limited to Lots 1-14 and 44-51, with the dwelling types on these lots restricted to single, two, or three family townhouses. The note stating "no more than 5 units attached" shall be removed. All other lots in PA-3 shall be limited to detached single-family dwellings.

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S RECOMMENDATION.

7. PA-4. Only detached single-family units shall be permitted on Lots 1-11 and 21-25. Attached housing, in a townhouse form, shall be restricted to Lots 12-20.

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S

RECOMMENDATION.

8. PA-5. Staff is supportive of the mixed use planning area as long as the minimum buildable street frontage along Ruppel Rd. is increased to 40% ~~and the maximum sign size is reduced as discussed in condition of approval #3.~~

11/23/09: THE PLANNING COMMISSION VOTED IN FAVOR OF STAFF'S RECOMMENDATION FOR BUILDING FRONTAGE, BUT ALLOWED SIGNS TO BE PERMITTED AS REQUESTED BY THE APPLICANT.

9. Street improvements. All interior streets have been constructed; however, street improvements, or payment in-lieu of improvements along Ruppel Road shall include those determined necessary by the Planning Commission, based upon the actual development proposed. All alleys and common driveways serving more than two dwelling units shall be constructed in compliance with the City's street design standards.
10. The applicant shall dedicate additional right-of-way for Ruppel Road and right-of-way for all public alleys at the time of final plat, or large scale development approval.
11. This project is required to obtain all construction and building permits and complete construction of each phase in accordance with the phasing table listed in the project booklet. A one-year extension may be approved for each phase, subject to the criteria in UDC Chapter 166 for extensions.
12. All sidewalks not previously installed shall be constructed in conformance with current City street standards.
13. All alley widths are subject to approval by the Fayetteville Fire and Solid Waste Divisions and adopted Street Design Standards. Alley construction will be reviewed at the time of development. A minimum of 20' clear of any structure (fence, building, wall, etc.) shall be provided along all alleys utilizing residential trash service to provide adequate room for a trash truck and arm to pick up residential trash carts.
14. All curb-cuts, including driveways, alleys, etc. shall be constructed in compliance with the Access Management Standards. Individual driveway widths shall be determined by Chapter 172.11(H).
15. Vehicles accessing parking spaces and garages off of an alley, or other access point, shall provide sufficient space for a 90-degree turning movement. This typically requires 24'; however, staff will evaluate access at the time of development.
16. Screening between residential and nonresidential developments shall be reviewed at the time of development.
17. A minimum of 5' of greenspace shall be required between all parking lots and adjoining property lines.
18. All common property shall be owned and maintained by the Property Owners Association. Development of these properties shall be limited to accessory type uses,

such as gazebos, benches, mail kiosks, picnic tables, sidewalks, gardens, landscaping, etc., subject to approval by the City Planning Division.

19. Parks fees shall be determined at the time of development review. Fees shall be due prior to signing the final plat or building permit approval, depending on the development proposal.
20. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements.
21. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Additionally, the development shall be held to the "architectural controls" described in the project booklet. Building elevations will be reviewed at the time of building permit. All homes shall be designed with a "front façade" facing onto adjacent public streets, when present. All non-residential buildings or mixed use buildings shall adhere to Commercial Design Standards. All multi-family buildings shall adhere to Urban Residential Design Standards.
22. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
23. The following revisions shall be made prior to the project being placed on the City Council agenda:
 - a. Booklet. Page 2. Update PA-5 in the conceptual site plan to match current proposal.
 - b. Booklet. Page 4. The timeframes to begin and complete construction for each phase need to be clarified utilizing language similar to that listed in Chapter 166.20. The language currently used is contradictory and allows open-ended time frames for developing PA-5. Examples below:
 - i. All permits necessary to complete construction for Phase I shall be obtained within one year from City Council approval of the PZD. Final plat approval shall be obtained within two years of preliminary plat approval.
 - ii. All permits necessary to complete construction of Phase V shall be obtained within five years from City Council approval of the PZD. A final Certificate of Occupancy shall be obtained within two years of the building permit approval.
 - c. Booklet. Page 7. Per comments above, remove Use Unit 24 and update buildable area.
 - d. Booklet. Page 8. Per comments above (if approved), remove Use Units 9, 10, 24 and 41, and update buildable area.
 - e. Booklet. Page 11. Per comments above (if approved), remove reference to 5 attached units, reduce attached units to Lots 1-14 and 44-51, remove Use Units 24 and 41, and update buildable area.
 - f. Booklet. Page 12. Per comments above (if approved), remove Use Units 24 and

- 41.
- g. Booklet. Page 14. Per comments above (if approved), remove Use Unit 41, reduce build-to zone along Ruppel (by ordinance parking is prohibited in a build-to zone), remove setback comment for zero lot line and garages, since this is no longer proposed in the planning area, change minimum buildable area to minimum buildable street frontage, and increase percentage along Ruppel to 40%.
 - h. Booklet. Page 16. Make all applicable changes to the zoning comparison chart.
 - i. Plats. Page 1. Update legal description.
 - j. Plats. Page 3. Complete land use table.
 - k. Plats. Page 3. The use table needs to include a subtotal of all planning areas. Additionally, the table needs to correctly list the uses for each planning area and the correct number of lots.
 - l. Any common area proposed to be on a separate lot will need a separate lot number at the time of preliminary plat review.
 - m. The PZD booklet and plats shall be updated to reflect the lot numbering attached hereto and titled "Lot Numbering." These revisions, along with all other required revisions shall be completed and submitted (three copies of the booklet and plats) to the Planning Division after City Council approval of the project.

Urban Forester Conditions of Approval:

- 24. Street trees are required to be planted every 30', except for single-family lots where one tree is required per lot. All trees shall be 2-inch large species.
- 25. Prior to signing the final plat, a written description of the method(s) and time frame the project will utilize to track development of each single-family lot to ensure the required trees are planted and their longevity of health assured, shall be submitted.
- 26. A 3-year bond, letter of credit, or check shall be required for all trees planted before signing the final plat, or approving a building permit for a large scale development. A three-year maintenance bond, letter of credit, or check shall be required prior to approval of a final Certificate of Occupancy.
- 27. Tree canopy required to be preserved shall be placed within a Tree Preservation Easement and dedicated by final plat or easement plat.
- 28. Before construction plan approval, the landscape plan must be stamped by a licensed landscape architect with the state of Arkansas.

Standard Conditions of Approval:

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

31. Signs indicating the future extension of right-of-way shall be posted at the end of all street stub-outs prior to signing the final plat.
32. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
33. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
34. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
35. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit. Only one-family and two-family units are exempt from this ordinance.
36. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☐ Tabled ☒ Forwarded to C.C. ☐ Denied

Motion: **Winston**

Second: **Cabe**

Vote: **5-1-0** (Zant voted no)

Meeting Date: **November 23, 2009**

Comments: _____

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

Signature

Date

Sec. 166.06. Planned Zoning Districts (PZD)

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds many aspects of the development proposal to be consistent with the Unified Development Code and City Plan 2025. The future land use map designates the property as a City Neighborhood Area, which is characterized by a denser, primarily residential urban fabric with a wide range of residential building types, including single-family, side-yard and rowhouses. These areas also recognize mixed and low-intensity nonresidential uses, usually confined to corner locations. The applicant is proposing a variety of housing types and lot sizes, and some employment opportunities within a single development, while also attempting to maintain a level of compatibility and harmony with surrounding land uses. The development maintains the existing tree preservation area, required by Oakbrook I and II, and provides additional greenspace for residents of the development.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be in compliance with all applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: Infrastructure for this property has already been installed as required with Oakbrooke Phase I and II. However, the increase in lots, dwellings and nonresidential space will require the applicant to improve and/or extend additional infrastructure.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: The development is still proposed to be predominantly residential, with the exception of one planning area adjacent to Ruppel Road. In general, the proposal could be compatible with surrounding residential land uses; however, the scale and number of attached units, in staff's opinion, is too great to achieve an appropriate level of compatibility at this time.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: Public streets and utilities have already been constructed to serve future development on this property. Therefore, the land is suitable for the intended use and compatible with the natural environment.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will certainly increase the amount of traffic on surrounding streets; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area. The site has direct access to Ruppel Road, which was recently expanded to a three-lane boulevard. Additionally, Mt. Comfort Road, which is just north of the site is currently being expanded to a four-lane road way from Ruppel to I-540.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The applicant has provided the majority of information required in the booklet and plats. However, staff does not feel that the development regulations could be accurately enforced at the time of development, due to a lack of detail and information.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

Sec. 161.29 Planned Zoning District

(A) Purpose. The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;
- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.

- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: The applicant is proposing a variety of housing types and lot sizes, and some employment opportunities within a single development, while also attempting to maintain a level of compatibility and harmony with surrounding land uses. The development maintains the existing tree preservation area, required by Oakbrook I and II, and provides additional greenspace for residents of the development.

(B) **Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan and development standards.

(C) *R – PZD, Residential Planned Zoning District.*

- (1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezone. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
 - (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
 - (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
 - (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
 - (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.

- (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: As noted herein, the development proposal encourages a variety of residential land uses, which in general are arranged in an orderly manner. The subject property is surrounded by various densities of residential land uses and for the most part the project proposes land uses which are compatible with these surrounding properties.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.
- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be at least fifty-one percent of the gross floor area within the development.

(F) ***Bulk and area regulations***

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.
- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.
- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.
- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: A proposed density of approximately 6.25 units/acre can be compatible with the surrounding properties if the building scale and type are similar. Many areas of the proposed development are appropriate based on adjacent land uses; however, the building area proposed for the various planning areas, which average approximately 70% of the lot area, are too high based on the land use.

Required Findings for Rezoning Request.

FINDINGS OF THE STAFF

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

Finding: Staff finds many aspects of the development proposal to be consistent with the City's land use planning objectives, principles and policies. The future land use map designates the property as a City Neighborhood Area, which is characterized by a denser, primarily residential urban fabric with a wide range of residential building types, including single-family, side-yard and rowhouses. These areas also recognize mixed and low-intensity nonresidential uses, usually confined to corner locations. The applicant is proposing a variety of housing types and lot sizes, and some employment opportunities within a single development, while also attempting to maintain a level of compatibility and harmony with surrounding land uses. Staff, in general, supports the variety of housing and the nonresidential uses along Ruppel Road being proposed with the reduction in the number of attached units in PA-2 and PA-3.

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

Finding: The property is currently zoned for the development of Oakbrook I and II, which will permit a maximum of 109 dwelling units. The rezoning request is justified based on the desire of the applicant to provide a different development form than what was original approved.

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

Finding: The proposed rezoning would result in an increase from 109 dwellings units to 194 dwelling units and 12,000 sq. ft. of nonresidential space, as proposed by the applicant. The increase in dwellings units and nonresidential space will certainly alter the population density; however, it is not expected to increase undesirably increase the load on public services. Increased load on public services were taken into consideration and recommendations from the Engineering, Fire, and Police Departments are included in this report.

4. If there are reasons why the proposed zoning should not be approved in view of considerations under b (1) through (4) above, a determination as to whether the proposed zoning is justified and/or necessitated by peculiar circumstances such as:
 - a. It would be impractical to use the land for any of the uses permitted under its existing zoning classifications;

- b. There are extenuating circumstances which justify the rezoning even though there are reasons under b (1) through (4) above why the proposed zoning is not desirable.

Finding: N/A

DEPARTMENTAL CORRESPONDENCE

Date 10/13/09

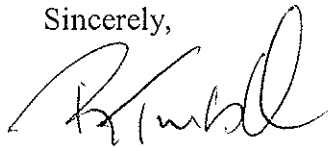
Jeremy Pate
Zoning and Development Director
City of Fayetteville
113 W. Mountain
Fayetteville, Arkansas 72701

Dear Director Pate,

This document is in response to the request for a determination of whether the proposed R-PZD 09-3439; Oakbrooke III / Tracy Hoskins, 361): submitted by Tracy K. Hoskins for property located within Oakbrooke Phase I & II, would substantially alter the population density and thereby undesirably increase the load on public services and create an appreciable increase in traffic danger and congestion. The property contains approximately 21.50 acres.

It is the opinion of the Fayetteville Police Department that this R-PZD will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This R-PZD will not create an appreciable increase in traffic danger and congestion.

Sincerely,



Lieutenant R. Turberville
Fayetteville Police Department



The City of Fayetteville Fire Department

303 W. Center St. Fayetteville, AR. 72701

Phone (479) 575-8365

Fax (479) 575-0471

B. 1

R-PZD 09-3439

(Oakbrooke Phase III)

Page 38 of 46

To: Jesse Fulcher
From: Captain Mark Stevens
Date: November 4, 2009
Re: R-PZD 09-3439

This development will be protected by Engine 7 located at 835 N. Ruppel Road. It is approximately 1 mile from the station with an anticipated response time of 3 minutes to the beginning of the development.

The Fire Department anticipates 31 (20 EMS - 11 Fire/Other) calls for service each year after the development is completed and maximum build-out has occurred. Typically, this type of development usually takes 12 - 18 months, after the development is started, before maximum build-out and the service impact to occur.

The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Captain Mark Stevens
Fayetteville Fire Department

Honor, Commitment, Courage;
Our people make the difference!

4. R-PZD 09-3439: Planned Zoning District (OAKBROOKE III, TRACY HOSKINS, 361): Submitted by TRACY K. HOSKINS for property located WITHIN OAKBROOKE PHASE I AND II. The property is zoned R-PZD, RESIDENTIAL PLANNED ZONING DISTRICT and contains approximately 21.50 acres. The request is for review of an R-PZD, Residential Planned Zoning District, for Zoning and Land Use only.

Planner: Jesse Fulcher

Public water is available to the property. There are 8" public mains located throughout this property. New public mains may need to be extended depending on the proposed lot layout to avoid services crossing new property lines.

Sanitary sewer is available to the site. There are 8" public mains located throughout this property. New public mains may need to be extended depending on the proposed lot layout to avoid services crossing new property lines.

The site has access to Ruppel Road. Ruppel Road is partially improved boulevard section in this area. The east half has been fully improved by the recent Links development from this property south to Wedington. The west half is paved one way southbound without curb, gutter and sidewalks. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

6. RZN 09-3442: (KIMBROUGH/FUGITT/805W. BEL AIR, 366): Submitted by KIM FUGITT for property located at 805 W. BEL AIR DRIVE. The property is zoned RSF-4, SINGLE FAMILY, 4 UNITS PER ACRE and contains approximately 0.02 acres. The request is to rezone the subject property to RSF-8, Residential Single Family, 8 units per acre.
Planner: Dara Sanders

Public water is available to the property. There is a 6" public main located across Bel Air from this property. Public water may need to be extended through the property to provide domestic and fire flow for any proposed development.

Sanitary sewer is available to the site. There is a 6" public main located at the rear of this property and a 15" main located in Leveret Street. Public mains may need to be extended through the property to serve any proposed development.

The site has access to Bel Air and Leverett. Bel Air and Leverett are two lane paved city street in this location. Street improvements will be evaluated with development submittal.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain



September 17, 2009

Oakbrooke is a 32+/- acre sustainable community along the west side of Ruppel Road, north of Highway 16 west, and south of Mt Comfort Road. Paradigm Development Enterprises, Inc., of Fayetteville will handle the design and development of the revised Oakbrooke project.

It has always been our desire to create an authentic neighborhood of traditional American architecture, offering a variety of housing options to a variety of residents. Larger homes for growing families will be intermingled with more modest homes for those on a tighter budget; younger families; civil servants who protect our families; the teachers who educate our families; and those ready for a more simple way of life, having raised their families. The Oakbrooke community is the first legitimate inclusion of "homes within reach" that aren't segregated by class, income level, or social background.

Just as the surrounding developments, Oakbrooke is primarily a single family residential neighborhood of attached and detached homes. However, Oakbrooke will strive for character which is lacking in many developments. By not using stock plans but specifically designing each home for each lot, Oakbrooke strives to raise the standard of residential development in the Ruppel Road area.

Our goal is to create a sustainable neighborhood of viable housing options that will stand the test of time...

- Reduce public costs by making more efficient use of infrastructure
- Protect the environment through reduced land consumption, preservation of on-site environmental features, and reduced automobile travel
- Increase public safety and welfare through street design that results in slower driver speeds and reduced accidents, injuries and fatalities
- Foster community through attractive streets and public spaces that create opportunities for encounters and gatherings
- Promote sustainable development that meets the needs of the present without compromising the ability of future generations to meet their own needs
- Create a sense of "place" in an authentic "community"

Oakbrooke 3 is a redesign of portions of the constructed Oakbrooke Community. Short of the addition of some additional utility services, all necessary infrastructures have been constructed to accommodate the redesign. Revisions to the original PZD will give the opportunity to offer high quality, more "affordable" homes on somewhat smaller lots including Cottages, Town Homes, and Courtyard or Patio Homes. Larger lots are adjusted and divided to provide more affordable, more easily maintained, compact lots, and provide opportunities for additional common greenspace and highly landscaped elements, public gardens and places for neighbors to gather.

With the proposed redesign, the community store currently located on lots 52 thru 54 is moved to a more appropriate area along the reconstructed Ruppel Road, directly across from The Links apartment and golf course project; and as per the CityPlan 2025, it takes on more of a Mixed Use character. In turn, the homes once slated for this area will be appropriately relocated further away from what will soon become a highly traveled divided arterial road.

All roads lead home in Oakbrooke. There are no permanent "dead end" streets, and friendly access is given to all areas. Connectivity is supplied to all surrounding developments, both existing and future. The constructed, but temporary cul-de-sac at the north end of September Stroll is a direct connection to future development to the north. Intersections and streets are designed to be as convenient to pedestrians as they are to automobiles. Sidewalks are located on both sides on the street to allow interaction among friends and provide safe passage for children and other pedestrians. Spaces for public gardens and landscaping will be included to create community pride among neighbors and to help establish a sense of "place" and "arrival". Custom signage and lighting will help establish the individual character of Oakbrooke. No additional public streets will need to be constructed.

We appreciate your concern and completely share your desire to continually improve Fayetteville.

Tracy K. Hoskins

Tracy K. Hoskins
Paradigm Development
3155 North College, Suite 201

**RESPONSE TO THE PROPOSED REVISION TO THE PREVIOUSLY
APPROVED RPZD 05-1463, OAKBROOKE SUB-DIVISION**

B. 1
R-PZD 09-3439
(Oakbrooke Phase III)
Page 41 of 46

Date: 11.02.09

To whom it may concern:

Upon review of the proposed revisions I have come to the conclusion that the revision for the previously approved RPZD 05-1463 is unacceptable.

My family and I live at 1893 N Ruppel Rd. We purchased our home on Ruppel Rd. in 2007. At the time of purchase we reviewed what plans were available for Oakbrooke Subdivision and we agreed to purchase the property at 1893 N Ruppel Rd. with an understanding of the current Oakbrooke plans. The current plan provides for single-family dwellings to the west and north of our property.

We do not need to list what the revision entails but we must state our objections and why. The revision has the potential to double or triple the number of residents near our home. This would double or triple the noise and traffic. The revision places the "Mixed Use" area directly across the street to the north of our home. When we purchased in 2007 we knew that we would eventually have neighbors behind us to the west and across the street to the north but we did not expect our neighbors to be businesses or multi-family dwellings approximately 100 ft. from our door. The close proximity of multi-family dwellings, businesses, and the added number of potential dwellings will definitely infringe on our privacy.

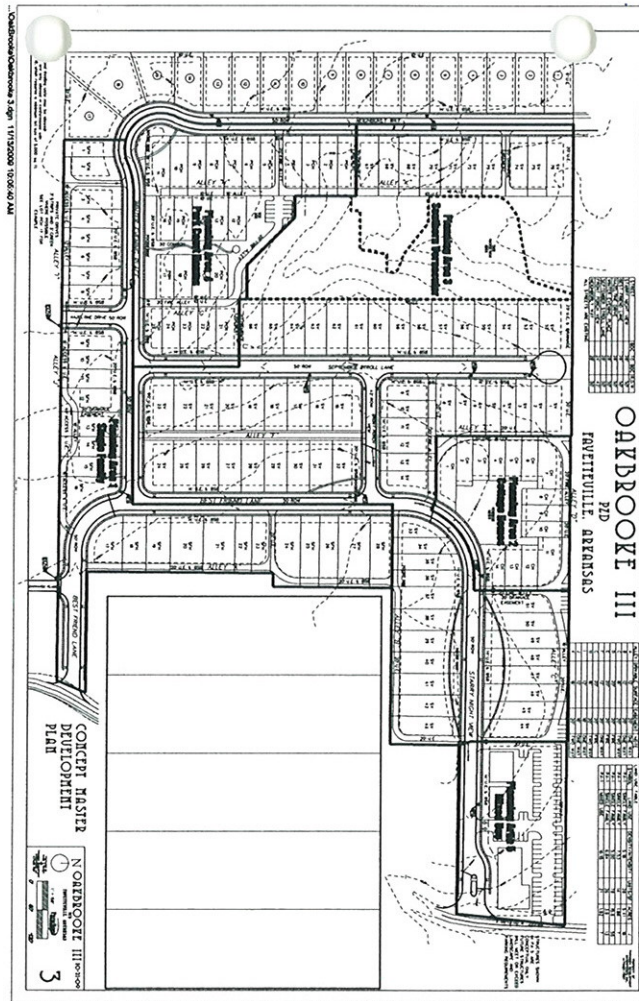
We realize this is a business deal. Under the current economic conditions smaller more affordable lots and homes have a more favorable purchase price and may be easier to sell. New larger homes built close to Ruppel Rd. with its current and future changes may sit awhile before they find their way off of the market. The revision is one sided at best. The revision favors the developer without considering the impact of property values to current residents on adjoining properties.

When we purchased our property Paradigm Development had an approved plan. My assumption is that at that time Paradigm had agreed to the current plan. We saw the plan and agreed that we could work with that plan as a neighbor. We cannot agree to the revision. It is unacceptable and we believe Paradigm Development should be held to their original and current plan.

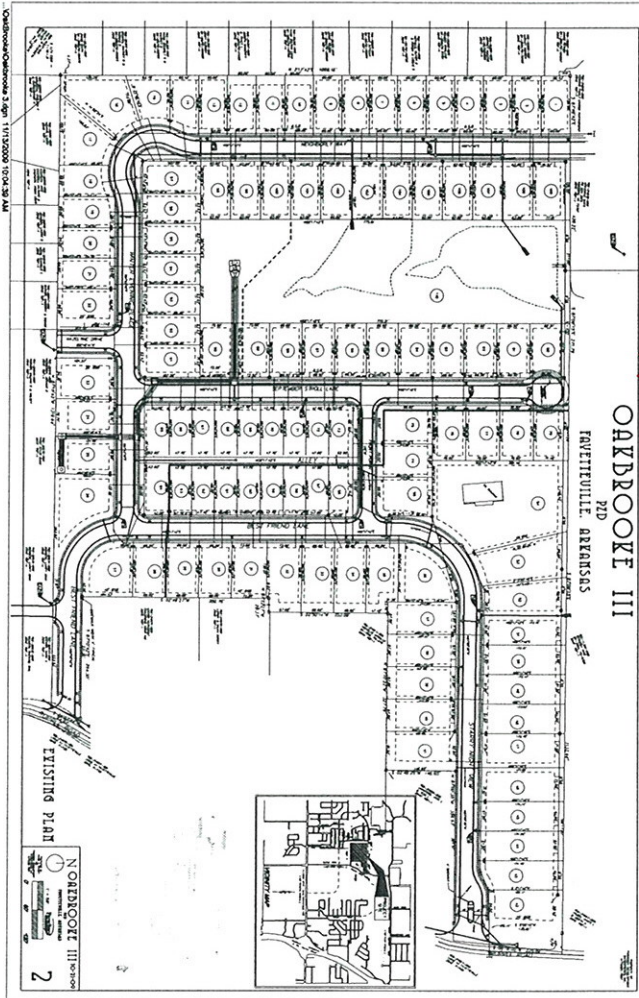
Regards,
Jack Lankford
479.233.0933



Proposed Oakbrooke III



Approved Oakbrooke I & II

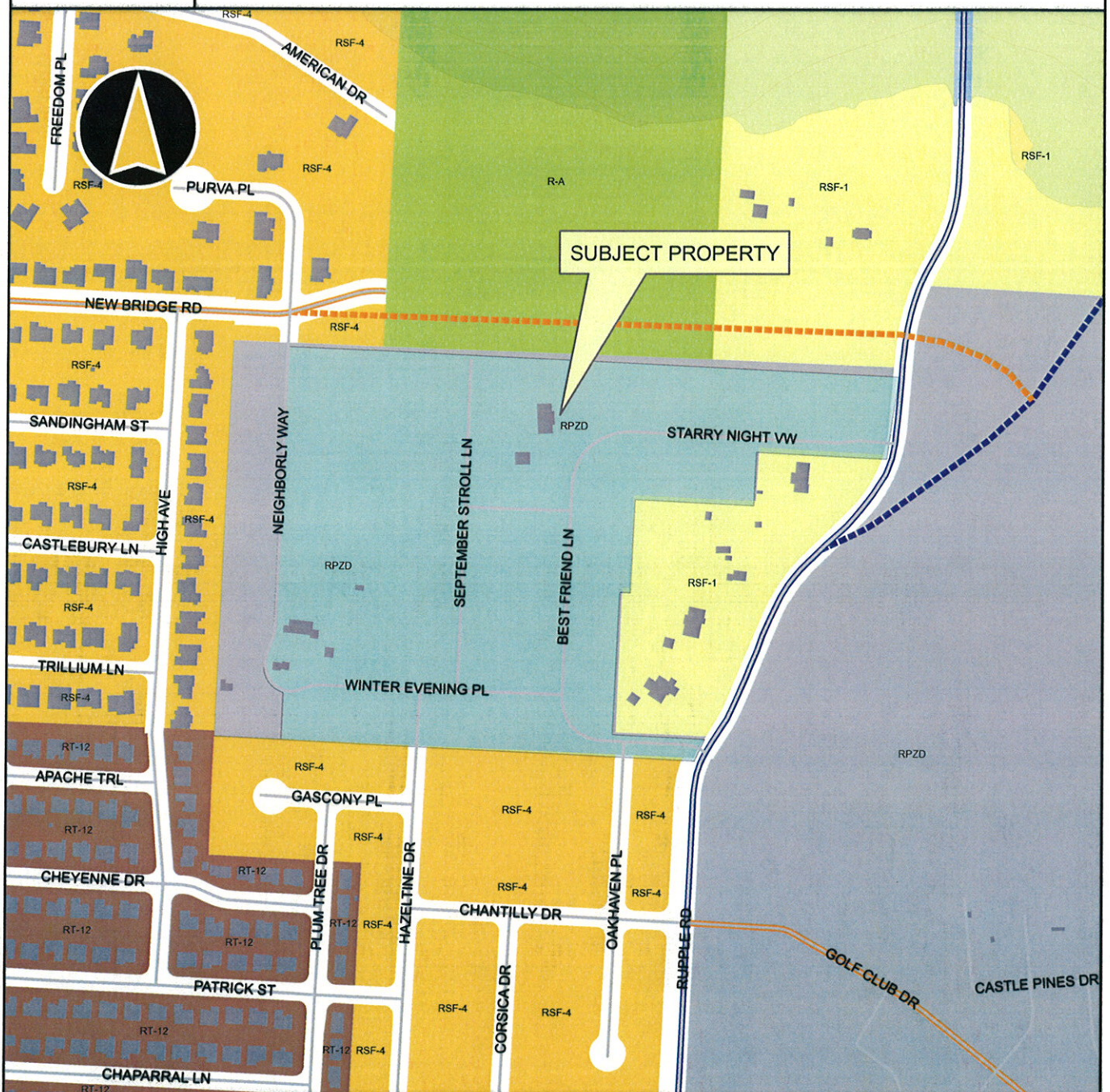




RPZD09-3439

OAKBROOKE III

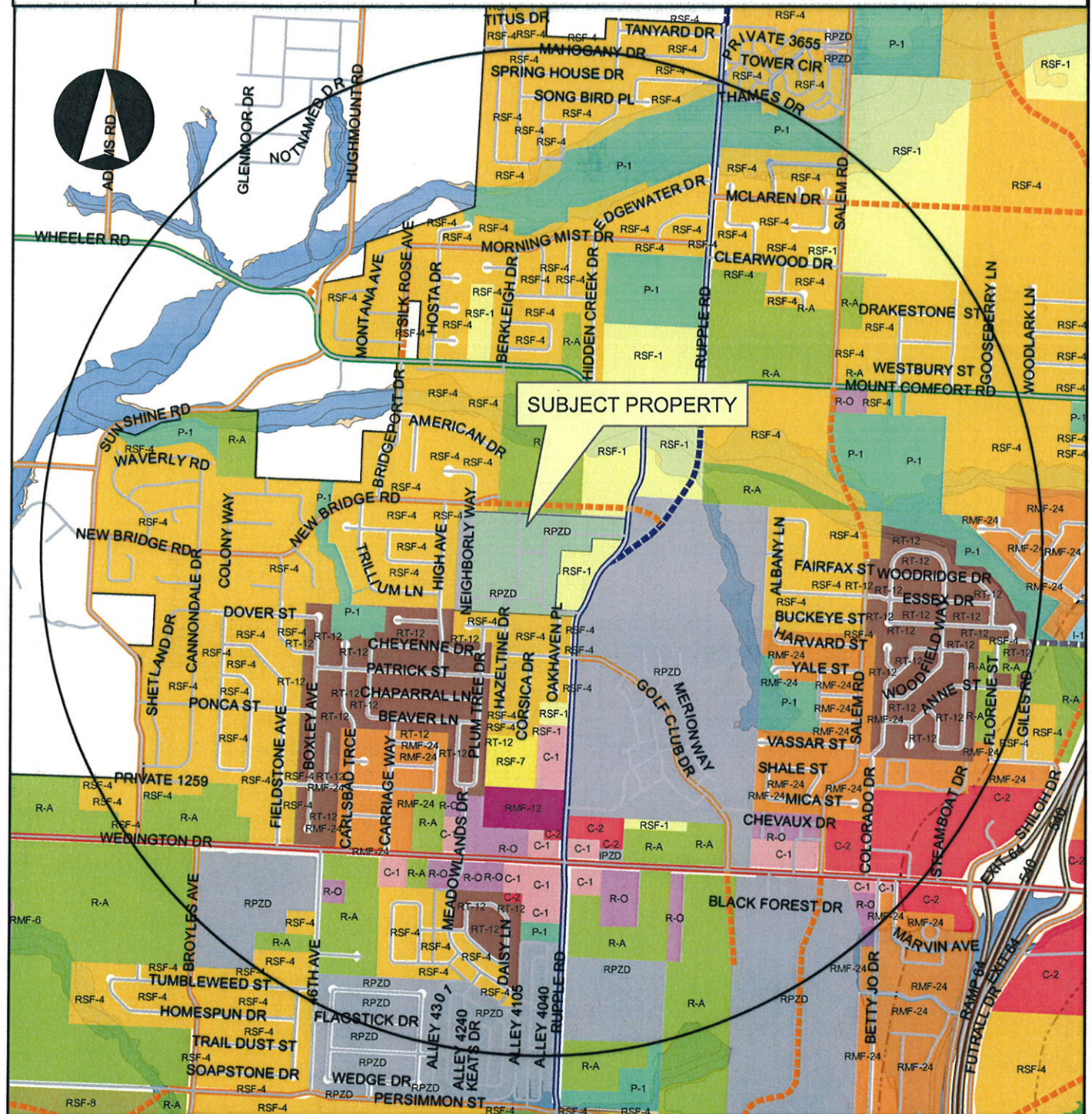
Close Up View



Overview



One Mile View



Overview



Legend

Subject Property



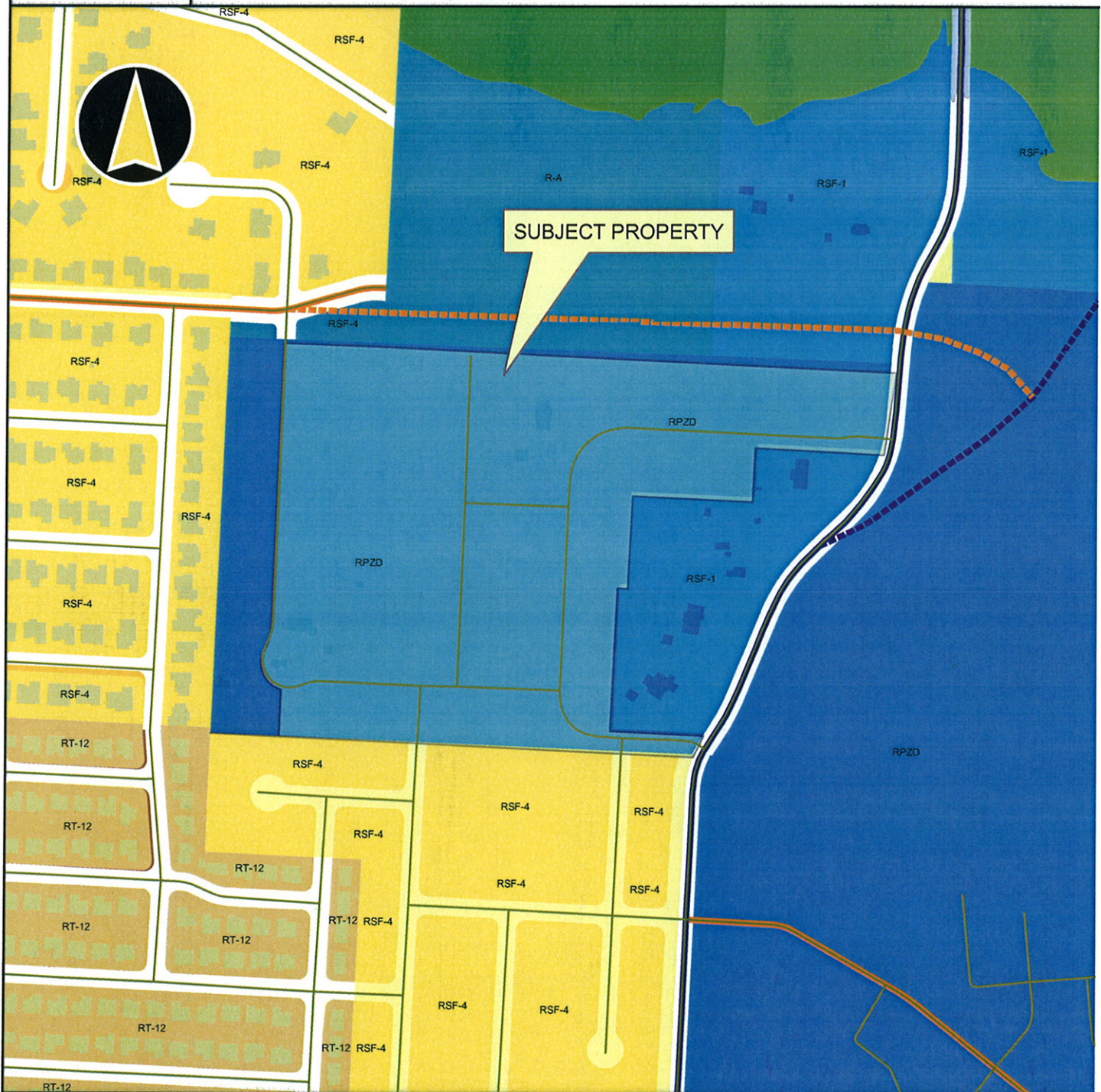
Boundary

A horizontal scale bar with a black background and white markings. The markings are labeled '0', '0.25', '0.5', and '1' from left to right. The word 'Miles' is written in black text at the far right end of the bar.

RPZD09-3439

OAKBROOKE PHASE III

Future Land Use



Overview

0 150 300 600 900 1,200 Feet

City of Fayetteville Staff Review Form

C. 1
 Bid Waiver for Asphalt Materials
 Page 1 of 4

City Council Agenda Items
 and
 Contracts, Leases or Agreements

January 5, 2010

City Council Meeting Date
 Agenda Items Only

Terry Gulley
 Submitted By

Transportation
 Division

Transportation Services
 Department

Action Required:

Staff requests an ordinance waiving the requirements of formal competitive bidding for the purchase of asphalt materials for use by the Transportation Division.

Cost of this request	\$ 1,637,700.00	In-House Pavement Improvements
	Category / Project Budget	Program Category / Project Name
4470-9470-5417.00	\$ -	Transportation Improvements
Account Number	Funds Used to Date	Program / Project Category Name
02052 / 1	\$ 1,637,700.00	Sales Tax Capital Improvements
Project Number	Remaining Balance	Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Terry Gulley 12-17-09
 Department Director Date

Previous Ordinance or Resolution # 5218

Original Contract Date: _____

Chris Kelly 12-17-09
 City Attorney Date

Original Contract Number: _____

Paul A. Behn 12-18-2009
 Finance and Internal Services Director Date

Received in City Clerk's Office

ENTERED
 12/17/09

Don Mar 12-18-09
 Chief of Staff Date

Received in Mayor's Office

ENTERED
 12/18/09

Donnell Jordan 12-18-09
 Mayor Date

Comments:



CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Terry Gulley, Transportation Services Director *TG*

Date: January 5, 2010

Subject: Bid Waiver for Asphalt Materials

PROPOSAL: Staff proposes an ordinance waiving the requirements of formal competitive bidding for the purchase of asphalt materials for use by the Transportation Division during the 2010 fiscal year.

RECOMMENDATION: The price of raw materials required to manufacture asphalt has fluctuated a great deal over the past two years and continues to do so at this time. Asphalt consists of aggregate and petroleum-based asphaltic cement (AC) which binds the mix together. The AC is rooted in crude oil which experienced extreme volatility on the New York Mercantile Exchange market during the 2008 and 2009 fiscal years. The prices of fuel and freight have also shown significant variation and can increase or decrease over a short period of time. Type 2 RAP surface mix asphalt requires a 4.08% AC mixture and the local asphalt suppliers implement an increased unit price for this material based on the increased price of raw materials purchased. Refiners are now manufacturing much less asphalt, and because sources are limited, the price changes day to day.

Volatile prices have deemed awarding an annual bid for asphalt materials impractical. Local asphalt suppliers cannot feasibly guarantee a fixed price over a twelve month time period. The following schedule has been proposed for asphalt material bids:

Quarter #1: Bids due December 18, 2009 with pricing valid January 1, 2010 – March 31, 2010

Quarter #2: Bids due March 31, 2010 with pricing valid April 1, 2010 – June 30, 2010

Quarter #3: Bids due June 30, 2010 with pricing valid July 1, 2010 – September 30, 2010

Quarter #4: Bids due September 30, 2010 with pricing valid October 1, 2010 – December 31, 2010

Staff recommends bidding asphalt materials on a quarterly basis without the need for further approval of the City Council, awarding the respective low bidder, and allowing for price adjustment requests based on the current bid language.

BUDGET IMPACT: Funds for the acquisition of asphalt materials have been budgeted in the In-House Pavement Improvements capital project. Sufficient funding is available for 2010 purchases.

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING DURING CALENDAR YEAR 2010 FOR THE PURCHASE OF ASPHALT MATERIALS FOR USE BY THE TRANSPORTATION DIVISION.

WHEREAS, the crude oil market continues to experience extreme price volatility; and

WHEREAS, this volatility has greatly increased the price of asphalt, making normal competitive bidding procedures unworkable, impractical and not feasible; and

WHEREAS, the Transportation Division proposes to solicit bids on a quarterly basis without the need for further approval of the City Council through calendar year 2010.

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 finds that such circumstances constitute an exceptional situation where annual competitive bidding is not feasible or practical, and therefore through calendar year 2010, waives the requirements of formal competitive bidding for the purchase of asphalt materials, allowing the Transportation Division to solicit bids on a quarterly basis without the need for further approval of the City Council.

PASSED and APPROVED this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

City of Fayetteville Staff Review Form

C. 2
Watershed Conservation
Resource Center
Page 1 of 58

City Council Agenda Items
and
Contracts, Leases or Agreements

1/5/2010

City Council Meeting Date
Agenda Items Only

Sarah Wrede

Engineering

Development Services

Submitted By

Division

Department

Action Required:

An ordinance to waive the requirements of competitive bidding and to approve a proposed partnership agreement and cost share with the Watershed Conservation Resource Center, WCRC, in the amount of \$248,000 for a stream restoration project for a section of the West Fork of the White River, WFWR, adjacent to the Fayetteville Executive Airport.

\$ 248,000.00

Cost of this request

\$ 623,097.00

Category / Project Budget

Stormwater Quality Mgmt/Nutrient Reduct

Program Category / Project Name

4470.9470.5817.00

Account Number

\$ 97,636.89

Funds Used to Date

Bridge & Drainage Improvements

Program / Project Category Name

02097.0901

Project Number

\$ 525,460.11

Remaining Balance

Sales Tax Capital Improvement

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

[Signature]
Department Director

12-17-09
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

12-18-09
Date

Original Contract Date:

Original Contract Number:

Paul A. Butler
Finance and Internal Services Director

12-18-2009
Date

Received in City
Clerk's Office



King

[Signature]
Chief of Staff

12-18-09
Date

Received in
Mayor's Office



[Signature]
Mayor

12-21-09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*
Chris Brown, City Engineer *CB*

From: Sarah Wrede, Staff Engineer *SW*

Date: December 18, 2009

Subject: An ordinance to waive the requirements of competitive bidding and to approve a proposed partnership agreement and cost share with the Watershed Conservation Resource Center (WCRC) in the amount of \$248,000 for a stream restoration project for a section of the West Fork of the White River (WFWR) adjacent to the Fayetteville Executive Airport.

PROPOSAL: On July 7, 2009, City Council approved resolution 148-09 to apply for an EPA 319 grant through Arkansas Natural Resources Commission (ANRC) in a proposed partnership agreement with WCRC. WCRC has been awarded and has accepted the grant for plan development of a stream restoration project for a section of the West Fork of the White River, WFWR, adjacent to the Fayetteville Executive Airport. The proposed memorandum of understanding between the City and WCRC sets forth the roles and responsibilities for each entity on the project. In summary, the City will provide matching funds to WCRC in the amount of \$248,000 for use in completing the project. WCRC will carry out all activities necessary for the project, including design, construction/construction administration, project management, etc as detailed in the workplan.

ANRC has requested that the project be done in two phases to better suit the funding they have available. Phase I is Reach Restoration Plan Development (Design) and Phase II is Reach Restoration Design Implementation (Construction). In Phase I, a restoration plan will be developed for approximately 2,800 to 3,000 linear feet of river on the WFWR. Upon completion of the reach restoration plan, WCRC will develop a Phase II work plan and apply for the release of grant funds for implementation.

The City's funding of \$248,000 consists of \$86,812 for Phase I and \$161,188 for Phase II. Payment to WCRC for Phase I will be made now and payment for Phase II will be made when ANRC releases Phase II funding, which is expected in 2011. The total expected amount awarded from ANRC to WCRC for both Phases is \$328,320. Therefore, total project funding, including the City's share, will be \$576,320. Completion of the project is expected by the end of 2012.

This project is recommended by the Nutrient Reduction Plan that the City completed based on the 2006 Agreement between the City and Beaver Water District. It is part of a suite of projects with the purpose of reducing non-point source loading of phosphorus to the Beaver Lake Watershed. The projects were evaluated by a Stakeholder Review Group consisting of representatives from a wide range of groups including the City,

Beaver Water District, the University of Arkansas, Washington County, environmental groups, and citizens during the development of the Nutrient Reduction Plan.

RECOMMENDATION: Staff recommends approval of an ordinance to waive the requirements of competitive bidding and to authorize the Mayor to execute a Memorandum of Understanding with the Watershed Conservation Resource Center and all other documents necessary for the project.

BUDGET IMPACT: Currently, there is \$525,460.11 remaining in the Stormwater Quality Mgmt/Nutrient Reduct account that has been designated for use to fund projects that improve stormwater quality in the City of Fayetteville. This project will be paid for from these funds.

Attachments:

Staff Review Form

Resolution No. 148-09

Memorandum of Understanding

Project Work Plan

ORDINANCE NO. _____

AN ORDINANCE WAIVING THE REQUIREMENTS OF FORMAL COMPETITIVE BIDDING AND APPROVING A CONTRACT BETWEEN THE CITY OF FAYETTEVILLE, ARKANSAS AND THE WATERSHED CONSERVATION RESOURCE CENTER (WCRC) IN THE AMOUNT OF \$248,000.00 FOR A STREAM RESTORATION PROJECT FOR A SECTION OF THE WEST FORK OF THE WHITE RIVER ADJACENT TO THE FAYETTEVILLE EXECUTIVE AIRPORT

WHEREAS, on July 7, 2009, the Fayetteville City Council approved Resolution 148-09 authorizing the application for an EPA 319 grant through the Arkansas Natural Resources Commission in a proposed partnership agreement with the Watershed Conservation Resource Center (WCRC); and

WHEREAS, WCRC has been awarded and has accepted the grant for plan development of a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport; and

WHEREAS, the proposed agreement with WCRC calls for the City to provide matching funds to WCRC in the amount of \$248,000.00 for use in completing the project, with WCRC carrying out all activities necessary for the project, including design, construction, construction administration, and project management; and

WHEREAS, the project is recommended by the Nutrient Reduction Plan completed by the City based on a 2006 agreement between the City and Beaver Water District, and it has been evaluated by a Stakeholder Review Group consisting of representatives from a wide range of groups including the City, Beaver Water District, the University of Arkansas, Washington County, environmental groups and citizens; and

WHEREAS, given the nature of the project and the proposed division of responsibilities, competitive bidding for the project would not be feasible or practical.

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 waives the requirements of formal competitive bidding and approves a contract between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of \$248,000.00 for a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport. A copy of said contract marked Exhibit "A" is attached hereto and made a part hereof.

PASSED and **APPROVED** this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

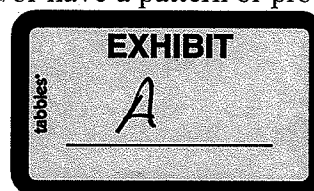
This Memorandum of Understanding (MOU) is entered into and executed on the date indicated below the signature block, by and between the Watershed Conservation Resource Center hereinafter referred to as WCRC and the City of Fayetteville (CITY of FAYETTEVILLE).

A. PURPOSE

The purpose of this MOU is to establish a general framework for cooperation between the WCRC and the CITY OF FAYETTEVILLE to conduct the project entitled, "West Fork Stream Restoration at the Fayetteville Airport." The project will be completed in two phases: Phase I Reach Restoration Plan Development and Phase II Reach Restoration Design Implementation." The WCRC and the CITY OF FAYETTEVILLE have applied together and have received an EPA 319 grant through the Arkansas Natural Resource Commission to conduct Phase I Reach Restoration Plan Development. The WCRC, the award recipient, and the CITY OF FAYETTEVILLE will work to achieve the common goal of restoring an unstable section of West Fork White River (WFWR) to a morphologically stable form utilizing a natural channel design approach. The WFWR flows through a portion of the City of Fayetteville's Municipal Airport's property. The WFWR is a tributary located in the Beaver Lake watershed, the major drinking water source for Northwest Arkansas. During Phase I of this project, a restoration plan will be developed for approximately 2,800 to 3,000 linear feet of river on the WFWR. Upon completion of the reach restoration plan, a Phase II workplan will be developed and additional funding will be applied for through 319 for implementation. Innovative approaches will be used in designing and implementing the river restoration that will 1) result in improved water quality of the WFWR and Beaver Lake and 2) address severe streambank erosion, while restoring aquatic and terrestrial habitat and maintaining a sustainable, natural hydrology. Such cooperation will serve the parties' mutual interest. For Phase I, the project description, schedule of activities, budget, and roles and responsibilities of the WCRC and the CITY OF FAYETTEVILLE can be found in the attached workplan. The Phase II workplan will be developed once the river restoration design has been completed.

B. STATEMENT OF MUTUAL INTERESTS AND BENEFITS

Within the WFWR watershed, an Arkansas Department of Environmental Quality assessment estimated that accelerated streambank erosion contributed 66% of an average sediment load of 35,795 tons/yr for the system (Formica, et, al, 2004). In Arkansas, accelerated streambank erosion is typically addressed through streambank stabilization. The success of bank stabilization varies, and depending on the degree of instability, bank stabilization may only be a short term solution. In many cases where channel instability has been triggered, regardless of cause, the entire area of instability needs to be addressed. An unstable reach can have several eroding streambanks, be aggrading or degrading, and/or have a pattern or profile problem.



Restoration utilizing natural channel design techniques is an innovative approach which can address all of these problems.

The WCRC strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. Implementing a natural channel design demonstration project at the Fayetteville Municipal Airport helps the CITY OF FAYETTEVILLE to meet multiple local and regional objectives relating to river channel instability, water quality, and ecological services. This project is of benefit to the CITY OF FAYETTEVILLE because it is a component the City's Nutrient Reduction Plan and will lead to both aquatic and terrestrial habitat restoration, improved water quality in the form of both phosphorus and sediment reductions, reduced streambank erosion, and improve aesthetics of the WFWR. This effort will also help to promote the use of alternatives to traditional channel modifications in both urbanizing and rural areas.

The Watershed Conservation Resource Center (WCRC), in partnership with the City of Fayetteville, will implement a natural channel design restoration at the second priority site on the WFWR in need of channel restoration (see attached workplan). The attached workplan describes Phase I, in which a reach restoration plan will be developed for approximately 2,800 to 3,000 linear feet of river on the West Fork White River that runs through a portion of the City of Fayetteville's Municipal Airport property (Airport Site). The reach restoration plan will be implemented through the Phase II workplan. The property owners adjacent to the site have also expressed their concerns regarding the river instability and would like for this section of the WFWR to be restored.

At the project site there are vertical cut-banks eroding city and privately owned property. These banks contribute sediment and nutrients to the river. Restoring the Airport Site will result in approximately 1,144 tons of sediment per year reduction and approximately 476 pounds of phosphorus per year reduction for an average flow year. The WCRC will use a natural channel design approach which is an innovative technique to design and construct a river restoration that will reduce instability, reduce sediment and nutrient loads, and enhance the aquatic habitat. The design will include constructing floodplains, rock structures that deflect flow away from banks, and defined riffles and pools.

The project site lies in the Boston Mountain Ecoregion. A re-vegetation plan will be developed that encourages the growth of native species and plant selection will be based on recommendations from local plant and ecosystem experts. The river corridor will be re-vegetated with native grasses, shrubs, and trees to enhance the native vegetation, reduce soil erosion, and to improve the removal of pollutants from stormwater runoff.

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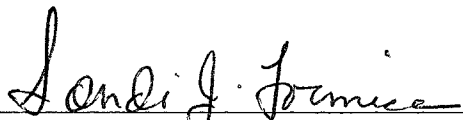
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Sandi J. Formica, Executive Director
Watershed Conservation Resource Center

12-17-09

Date

Lioneld Jordan, Mayor
City of Fayetteville

Date

MEMORANDUM OF UNDERSTANDING

Between

Watershed Conservation Resource Center

And

City of Fayetteville

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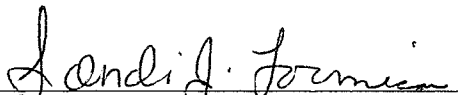
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Watershed Conservation Resource Center

12-17-09
Date

Lioneld Jordan, Mayor
City of Fayetteville

Date

RESOLUTION NO. 148-09

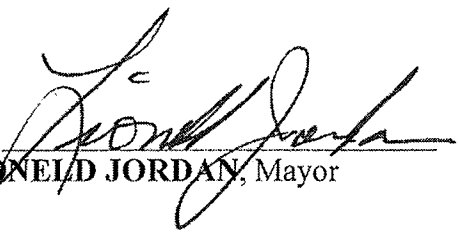
A RESOLUTION AUTHORIZING THE ENGINEERING DIVISION TO APPLY FOR A GRANT THROUGH THE ARKANSAS NATURAL RESOURCES COMMISSION FOR THE DESIGN AND IMPLEMENTATION OF A STREAM BANK RESTORATION PROJECT ALONG A SECTION OF THE WHITE RIVER ADJACENT TO THE FAYETTEVILLE EXECUTIVE AIRPORT

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 Engineering Division to apply for a grant through the Arkansas Natural Resources Commission for the design and implementation of a stream bank restoration project along a section of the White River adjacent to the Fayetteville Executive Airport.

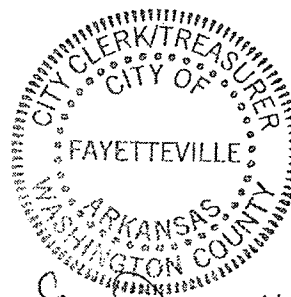
PASSED and APPROVED this 7th day of July, 2009.

APPROVED:

By: 
LIONEL D. JORDAN, Mayor

ATTEST:

By: 
SONDRA E. SMITH, City Clerk/Treasurer



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

July 7, 2009

City Council Meeting Date

Chris Brown

Submitted By

Engineering

Division

Development Services

Department

Action Required:

Resolution to apply for a grant through the Arkansas Natural Resources Commission for design and implementation of a stream bank restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Municipal Airport.

\$ 247,680.00

Cost of this request

\$ 659,066.00

Category / Project Budget

Drainage Study/Phase II Stormwater Mgmt

Program Category / Project Name

4470.9470.5817.00

Account Number

\$ 114,104.88

Funds Used to Date

Bridge & Drainage Improvements

Program / Project Category Name

02097

Project Number

\$ 544,961.12

Remaining Balance

Sales Tax Capital Improvement

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

Date

Previous Ordinance or Resolution #

City Attorney

Date

Original Contract Date:

Finance and Internal Service Director

Date

Original Contract Number:

Chief of Staff

Date

Mayor

Date

Received in City Clerk's Office

ENTERED
6/19/09
ad

Received in Mayor's Office

ENTERED
6/24/09
PH

Comments:

CITY COUNCIL AGENDA

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director *JP*
Chris Brown, City Engineer *CB*

From: Sarah Wrede, Staff Engineer *SW*

Date: June 17, 2009

Subject: A resolution to apply for a grant through the Arkansas Natural Resources Commission for design and implementation of a stream bank restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Municipal Airport.

RECOMMENDATION

Staff recommends approval of a resolution to apply for a grant through the Arkansas Natural Resources Commission, ANRC, in a proposed partnership agreement with the Watershed Conservation Resource Center at a cost to the City of \$247,680 over two years. The grant is for design and implementation of a stream bank restoration project for a section of the West Fork of the White River, WFWR, adjacent to the Fayetteville Executive Airport.

BACKGROUND

This project is recommended by the Nutrient Reduction Plan that the City completed based on the 2006 Agreement between the City and Beaver Water District. It is part of a suite of projects with the purpose of reducing non-point source loading of phosphorus to the Beaver Lake Watershed. The projects were evaluated by a Stakeholder Review Group consisting of representatives from a wide range of groups including the City, Beaver Water District, the University of Arkansas, Washington County, environmental groups, and citizens during the development of the Nutrient Reduction Plan.

The Watershed Conservation Resource Center, WCRC, will be the contracting authority. The WCRC is a non-profit organization that strives to protect, conserve, and restore natural resources by utilizing the watershed approach, environmental outreach, and providing planning and technical assistance to landowners, communities, and government. The principals of the WCRC are Sandi J. Formica and Matthew A. Van Eps, P.E. Together they have over 27 years of progressive environmental experience including stream stability assessment and stream restorations. The WCRC has successfully completed a stream restoration of a section of Niokaska Creek in Gulley Park and a section of the West Fork River near Brentwood.

DISCUSSION:

This project will restore an unstable section of 2750' of stream to a morphologically stable form utilizing a natural channel design approach. This project will be considered successful if a 75% percent reduction in suspended sediment resulting from stream bank erosion is observed.

WCRC will prepare the grant application on the City's behalf. The amount requested from ANRC is \$328,320; with the City's matching funds providing \$247,680, for a project total of \$576,000.

City Council Meeting of July 7, 2009

If the grant is approved, work is expected to be completed at the end of 2012. WCRC will design the improvements, secure all permits, right of way and easements, contract with a construction contractor for construction of the stream restoration elements, replant the area, and monitor the success of the project.

BUDGET IMPACT

Currently, there is \$544,961.12 remaining in the Drainage Study/Phase II Stormwater Management account that has been designated for use to fund projects that improve stormwater quality in the City of Fayetteville. This project will be paid for from these funds.

H. 11
7/7/09

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE ENGINEERING DIVISION TO APPLY FOR A GRANT THROUGH THE ARKANSAS NATURAL RESOURCES COMMISSION FOR THE DESIGN AND IMPLEMENTATION OF A STREAM BANK RESTORATION PROJECT ALONG A SECTION OF THE WHITE RIVER ADJACENT TO THE FAYETTEVILLE EXECUTIVE AIRPORT.

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 Engineering Division to apply for a grant through the Arkansas Natural Resources Commission for the design and implementation of a stream bank restoration project along a section of the White River adjacent to the Fayetteville Executive Airport.

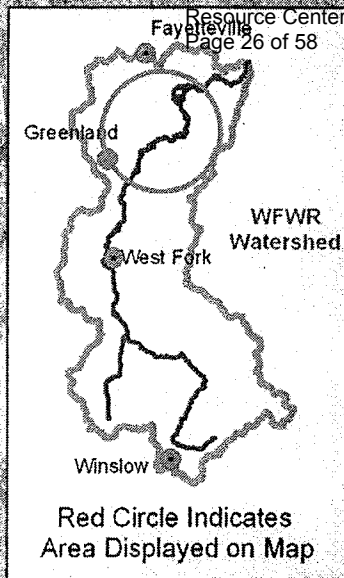
PASSED and APPROVED this 7th day of July, 2009. .

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



City of Fayetteville Property

Conceptual Channel
Restoration Layout

Mr. and Mrs. Lukens Property

**Fayetteville Nutrient Reduction Plan Project
West Fork White River Restoration at
Fayetteville Municipal Airport**

0 200 400 600 800 1,000
Feet





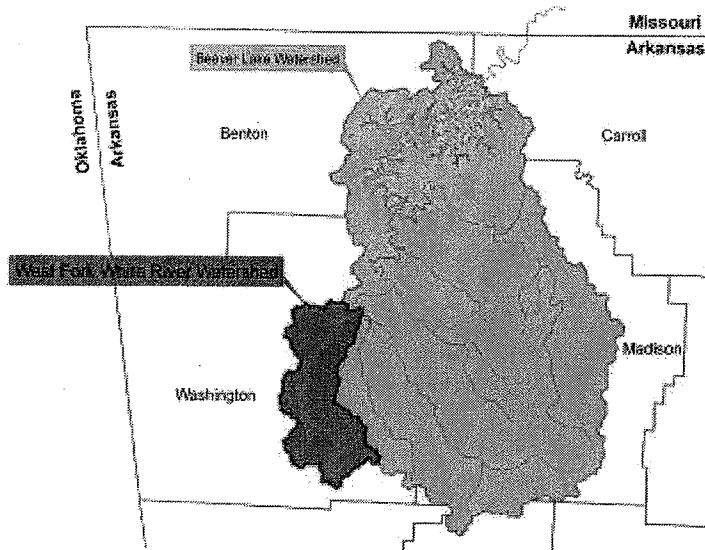
Nonpoint Source Summary Page Project -### FY 09 CWA Section 319(h)

1. **Title of Project:** West Fork Stream Restoration at Fayetteville Airport: Phase I Reach Restoration Plan Development
2. **Project Goals/Objectives:** The goal of the project is to develop the stream restoration plan to restore an unstable section of the West Fork White River (WFWR) that runs through the City of Fayetteville Municipal Airport property to reduce sediment loads from banks, improve water quality, and enhance aquatic and terrestrial habitat. The project objectives are to
 - 1) Develop a site specific Stream Restoration Plan to
 - a. restore the second priority reach as defined by the prioritization methods developed by the WCRC as part of a USDA Conservation Partnership Initiative (Appendix #01 & #02) on the WFWR;
 - b. reduce sediment and phosphorus loadings to the WFWR from accelerated streambank erosion;
 - c. address stream instability along with landowner and local objectives;
 - d. restore degraded and protect existing high quality riparian areas; and
 - e. enhance both aquatic and terrestrial habitat
 - 2) Provide coordination between landowners and local land trust to create conservation easements, where possible; in the restored stream reach using an easement program developed for the WFWR through FY 07-400. Easements will be held by the Northwest Arkansas Land Trust and funding for the easements will be provided by the Beaver Water District.
 - 3) Increase awareness and promote the use of natural channel design among landowners and the public.
3. **Project Tasks:** 1) Financial Audit; 2) Develop QAPP; 3) Collection of Pre-implementation Erosion Data; 4) Collect or utilize available reference reach data; 5) Develop Reach Restoration Plan; 6) Conduct Outreach; 7) Reporting
4. **Measures of Success:** This project will be considered successful if a reach restoration plan is developed in which an 80% reduction in sediment from the site is expected.
5. **Project Type:** Statewide () Watershed (X) Demonstration (X)
6. **Waterbody Type:** River (X) Groundwater () Other ()
7. **Project Location:** West Fork White River
8. **NPS Management Program Reference:** The proposed project would help to meet key elements that the state non-point source program must address. Specific elements that are addressed include: Element #3 (Strong working partnerships with appropriate state, Tribal, regional, and local entities, private sector groups, citizens groups, and Federal agencies.) and Element #4 (The state program (a) abates water quality impairments from existing sources and (b) prevents significant threats to water quality from present and future activities.)

- 9. NPS Assessment Report Status:** Impaired (X) Impacted () Threatened ()
- 10. Key Project Activities:** Hire Staff () Monitoring (X) Technical Assistance () Education () BMP Implementation (X) Demonstration Project (X) Other () Planning (X)
- 11. NPS Management Program Elements:** Section 7 – Sediment; Objectives 7.4, 7.5, 7.6 & 7.9
- 12. Project Costs:** Federal (\$115,076) State/Local (\$92,812) Total (\$207,888)
- 13. Project Management:** Watershed Conservation Resource Center will be responsible for grant administration and coordinating all activities related to the project.
- 14. Project Period:** December 2009 - May 2011

**Project 09-###
 West Fork White River – Stream Restoration Project
 FY 2009, CWA Section 319(h)**

Introduction of Watershed Area



The West Fork White River (WFWR) watershed, located in Northwest Arkansas, is a major tributary of Beaver Lake, which is the primary drinking water source for over 300,000 people in Northwest Arkansas. The WFWR is located in the Beaver Reservoir Hydrologic Unit Area (HUA) – 11010001. The WFWR 10- digit HUA is 11010004, which contains four 12-digit HUAs, 1101004(1-4). WFWR is part of Arkansas Department of Environmental Quality's (ADEQ) planning Segment 4K – Upper White River and Kings River. As defined by Regulation Number 2, the WFWR is designated for propagation of fish

and wildlife; primary and secondary contact recreation; and domestic, agricultural and industrial water supplies. The aquatic life use was assessed as not supported for the entire length of the WFWR because of high turbidity levels and excessive silt loads and was placed on the State's 303 (d) list of impaired streams in 1998 by the Arkansas Department of Environmental Quality (ADEQ) (ADEQ, 1998). The major causes cited were "high turbidity levels and excessive silt loads." The ADEQ 2008 section 303(d) list, which is a list of State water bodies that do not meet or are not expected to meet applicable water quality standards, continues to show the WFWR as impaired because of sedimentation from surface erosion (ADEQ, 2008). A TMDL for sediment loading of the WFWR was completed in 2006 that calls for a TSS load reduction of 53% during base flow and 58% during storm events (FTN, 2006). The causes of the impairment were investigated through a comprehensive watershed-based assessment conducted by the ADEQ Environmental Preservation Division (ADEQ 2004). A detailed description of watershed characteristics is presented in the ADEQ study along with methods and approaches used to identify sediment and nutrient sources and subsequent estimates of average annual loads of these constituents to the river. The WFWR is part of the headwaters of the White River Basin, which winds its way through NW Arkansas, SW Missouri, and then back to Arkansas where it eventually converges with the Mississippi River. The WFWR watershed has an area of approximately 124 square miles or 79,360 acres and is nestled in the Boston Mountains of Washington County (Figure1). The watershed is, in large part, steep and stony and covered with hardwoods. The watershed includes the cities of West Fork, Greenland, and Winslow, along with the southwest corner of the city of Fayetteville.

The major soil associations in the WFWR watershed are listed below with a brief description of soil depth, hydraulic conductivity characteristics and typical location (SCS, 1969):

- Enders-Allegheny-Hector association: Deep and shallow soils with a moderate to high hydraulic conductivity found on the side slopes of mountains.
- Linker-Apison-Hector association: Moderately deep and shallow with high to very high hydraulic conductivity commonly found on level to rolling mountaintops.
- Fayetteville-Hector-Mountainburg association: loamy soils that are deep and shallow with a high to very high hydraulic conductivity, found on slopes on mountaintops.
- Savannah-Cleora-Razort association: Deep loamy soils with a high to very high hydraulic conductivity found on flat to gently sloping alluvial terraces and flood plains.

Elevations in the WFWR watershed range from 1,136 to 2,248 feet. Evaluation of 2006 satellite derived land use data indicates that there are 11,000 acres of pasture including warm and cool season grasses. The land use data indicates that in the WFWR watershed there are 52,400 acres of forestland.

Problem/Need Statement

An ADEQ WFWR watershed assessment identified the sources of sediment contributing to the silt loads and turbidity levels (ADEQ, 2004). Within the WFWR watershed, the ADEQ assessment estimated that accelerated streambank erosion contributed 66% of an average sediment load of 35,795 tons/yr for the system and that one 0.7 mile reach contributed 25% of the streambank erosion load (Formica, et, al, 2004). The study evaluated approximated 190 streambanks that showed signs of accelerated streambank erosion (Van Eps, et., al, 2004). Agriculture land uses compose 29% of the WFWR watershed area; most of this land is utilized as pasture for hay production and cattle grazing along floodplains, mountain benches, and mountain tops (ADEQ, 2004). Due to the proximity of many agricultural operations to the WFWR and major tributaries, producers are typically impacted by river channel instability through loss of property. The causes of accelerated streambank erosion are complex and can be attributed to a number of factors, such as, removal of riparian vegetation, change in the flow regime from runoff increases, cattle access to the stream, historical changes in land-use that impacts the local hydrology, and channel alteration. These causes have an accumulative effect on the stream system, and in some cases, have been occurring over decades. Not only does channel instability result in a loss of land to the agricultural producer, but all watershed stakeholders are impacted by the effects of river instability including, loss of aquatic habitat and riparian areas and degradation of stream and lake water quality.

In Arkansas, accelerated streambank erosion is typically addressed through streambank stabilization. The success of bank stabilization varies, and depending on the degree of instability, bank stabilization may only be a short term solution. In many cases where channel instability has been triggered, regardless of cause, the entire area of instability needs to be addressed. An unstable reach can have several eroding streambanks, be aggrading or degrading, and/or have a pattern or profile problem. Restoration utilizing natural channel design techniques is an innovative approach which can address all of these problems.

In 2005, the Watershed Conservation Resource Center (WCRC) was awarded a Natural Resource Conservation Service (NRCS) Conservation Partnership Initiative (CPI) grant for the

WFWR watershed. One of the objectives of the CPI grant was to prioritize unstable reaches with accelerated streambank erosion for restoration based upon the environmental and water quality benefits that would be achieved at a watershed scale. Eight criteria were used including sediment load contribution from lateral stream bank erosion to prioritize sections for restoration. Twenty nine reaches were identified as needing restoration ranging from 1,200 feet to 5,000 feet in length. These reaches are listed in order of priority in Appendix #01. The three top priority reaches in need of restoration are R16, R13, and R24, respectively. The 29 reaches were divided into three priority groups, one being the highest, based on scores and are displayed by their grouping on the watershed map in Appendix #02. The reaches listed in Group 1 priority represents approximately 4.73 miles of river with eroding banks contributing an average of 12,800 tons of sediment per year with Reach 16 contributing 7,300 tons per year and Reach 13 contributing 1,430 tons per year (ADEQ, 2004).

Typically agricultural producers bear the problems resulting from river channel instability, though the causes are far more extensive than the activities associated with one individual or stakeholder. Providing a mechanism to restore these priority reaches on the WFWR will result in a significant sediment load reduction to the stream and to Beaver Lake, while creating habitat and other benefits to the local community.

Other benefits from successful stream restorations using a natural channel design approach include 1) phosphorus and nitrogen load reductions from eroding pastures; 2) addressing head cuts within reaches; and 3) establishing new and protecting existing riparian vegetation. For a restoration effort to be successful, local objectives and issues will need to be identified and considered, such as, the use of ATVs and other vehicles within and along the river channel; low water bridge structures creating debris jams; gravel, rock, and sand mining within the channel along with bank excavation for artifacts; long-term maintenance; and increase runoff from land use changes.

Project 04-700: West Fork White River Stream Restoration at Brentwood, AR

The ANRC funded the WCRC to design and implement a WFWR stream restoration plan for a section of river near the town of Brentwood, AR to reduce sediment contributions to the river. The selected site was reach 24, the 3rd priority site listed in Appendix #01. A map indicated the locations of each of the prioritized sites can be found in Appendix #02. Project partners included Beaver Water District, Arkansas Game & Fish Commission, and West Fork Environmental Protection Association who has recently changed their name to West Fork Watershed Alliance. The Northwest Arkansas Land Trust was contracted by Beaver Water District to design and implement a conservation easement program for the watershed. The WCRC worked with three landowners and project partners to restore a 1,600 ft. section of the West Fork White River. The project was funded by an EPA Section 319(h) grant administered by the Arkansas Natural Resources Commission with matching funds provided by project partners. The project was initiated in 2007 and implementation activities were completed in September 2009.

The WCRC designed a natural channel to stabilize the stream banks and reduce sediment loads within the WFWR. To do this, the stream channel was realigned away from the worst of the exposed banks. Structures made of natural materials were added to deflect higher velocity flow toward the center of the channel, further reducing near-bank shear stress and thus

providing a stable streambank with minimal erosion. In the process, a series of four settling ponds that act as ephemeral wetlands were constructed in the old stream bed where a majority of the pre-restoration erosion was occurring. These basins provide both water quality and habitat improvements. The water level of these ponds fluctuates with the river water levels. Also, runoff from the state highway flows and infiltrates through the pond system. Except during high flows, water slowly leaves the pond area by infiltrating through the soil and gravel substrates, filtering out sediment and other contaminants in the water column. A generalized layout of the stream restoration design can be found in Appendix #03.

The preservation and addition of vegetation was a key component of this design. During construction, special attention was taken to minimize disturbances to existing vegetation in order to keep root mass intact for additional bank stability. Topsoil removed to form the new channel was initially stockpiled and then redistributed towards the end of construction in order to provide essential nutrients and structure for the new vegetation. Coconut fiber matting was laid across much of the site immediately after construction in order to minimize erosion and provide a seed bed for the mixture of native grasses and wildflowers that were seeded. Plants were also harvested from the surrounding areas and placed strategically throughout the site. Finally, sod mats, layers of soil and live vegetation taken from the fringe of a nearby pasture, were placed across the newly disturbed areas providing instant erosion protection and plant growth. Before and after pictures of the restored site can be found in Appendix #04.

The implementation of the restoration has shown to be successful to date. By relocating the stream channel and utilizing a natural channel design approach, the reach of river was restored and no longer exhibits signs of the severe lateral streambank erosion. Streambank erosion measurements taken prior to implementation of the restoration design found lateral erosion rates as high as 13 ft/yr within the project site. Based on these measurements, streambank erosion for this section of river prior to restoration generated 1,400 tons/yr of sediment that entered the WFWR. Three major storm events have occurred since the restoration was constructed; based on cross section measurements and field observations, streambank erosion of the new channel has been reduced by at least 95%. The estimated sediment and phosphorus load reduction for an average flow year is approximately 1,330 ton/yr and 450 lb/yr, respectively.

The project will be ongoing through September 2010 to continue to monitor the site and to collect data to support load estimate reductions, to continue seeking conservation easements; and to continue public outreach. The Northwest Arkansas Land Trust are seeing conservation easements with the landowners at the airport site through this program.

General Project Description

The Watershed Conservation Resource Center (WCRC), in partnership with the City of Fayetteville, proposes to implement a natural channel design restoration at the CPI project second priority site, R13, as shown in Appendix #01. This workplan covers Phase I, in which a reach restoration plan will be developed for approximately 2,800 to 3,000 linear feet of stream on the West Fork White River that runs through the City of Fayetteville's Municipal Airport (Airport Site). The reach restoration plan will be implemented through the Phase II workplan. The property owners adjacent to the site have also expressed their concerns regarding the stream instability and would like for this section of the WFWR to be restored. The location of

the Airport Site (R13) is shown in Appendix #02. Based on the CPI project, restoration of Priority #2, R13, the Airport Site will result in approximately 1,144 tons of sediment per year reduction or 80% of 1,430 tons/yr (WCRC, 2008 draft). The estimated sediment loads is based on an erosion rate estimate that is derived from streambank erosion prediction curves developed for the WFWR (ADEQ, 2004). The prediction is based on stream bank erosion potential and near bank shear stress of the channel for the proposed reach. A study evaluating the contribution of total phosphorus from erosion of streambank materials showed that nationally, soils contain an average of 1.2 lbs total phosphorus/ton of soil (DeWolfe et al., 2004). Regionally, soils data collected by the University Cooperative Extension Service from pastures in the West Fork White River watershed showed average phosphorus concentrations in soils ranging from 8 lb/ac to 583 lb/ac (ADEQ, 2004). Assuming a total phosphorus value of 200 lb/ac, the estimate of total pounds of phosphorus per ton of soil is 0.34 lb/ton, which is 25% of the national average. Using this value, restoration of the identified site would reduce phosphorus loading to the WFWR by an estimated 476 pounds per year.

This project supports goals established in another 319(h) Project entitled "West Fork White River – Stream Restoration Project". This project (FY 07-400) recommends that the top three priority reaches be restored as described in the previous section. Also, Project FY 07-400 established a conservation easement program for the West Fork White River. Both property owners at the Airport Site have also expressed an interested in participating in the conservation easement program established by Project FY 07-400.

ANRC 319(h) project FY 07-400 resulted in the restoration of the 3rd highest ranked priority site identified for restoration in the WFWR watershed. In doing so, the restoration resulted in the reduction of sediment loads from the restored river reach. It is estimated that annual sediment loading from the site prior to restoration was 845 tons/yr. Based on streambank erosion potential following implementation activities, sediment loading reductions are estimated to be 97% less when compared to pre-restoration conditions. The site has been restored to a fully functional condition.

The reach restoration of the Airport Site will help to meet multiple local and regional objectives relating to stream channel instability, water quality, and habitat. The objectives of the project include:

- 1) Develop a site specific Reach Restoration Plan to
 - a. restore the second priority reach as defined by the prioritization methods developed by the WCRC as part of a USDA Conservation Partnership Initiative (Appendix #01 & #02) on the WFWR;
 - b. reduce sediment and phosphorus loadings to the WFWR from accelerated streambank erosion;
 - c. address stream instability along with landowner and local objectives;
 - d. restore degraded and protect existing high quality riparian areas; and
 - e. enhance both aquatic and terrestrial habitat restoration.
- 2) Provide coordination between landowners and local land trust to create conservation easements, where possible; in the restored stream reach using an easement program developed for the WFWR through FY 07-400. Easements will be held by

the Northwest Arkansas Land Trust and funding for the easements will be provided by the Beaver Water District.

- 3) Increase awareness and promote the use of natural channel design among landowners and the public.

Using a natural channel design approach, a restoration design will be developed in Phase I and implemented in Phase II. Conservation practices of reach restoration will include installation of grade control structures, rock veins, and wood mattresses; development of bankfull benches; and reestablishing riparian areas. The channel dimensions, pattern, and profile will be modified to mimic a stable reach based upon reference reach conditions for a similar physiographic region. Along with site data, reference reach data will be reviewed and if needed additional data will be collected, to provide basic information needed for the site design. Construction level design plans will be created along with a re-vegetation plan. Also, the reach restoration plan developed will address landowner objectives and local issues that can impact the success of the design. Landowners will be encouraged to participate in the conservation easement program to provide continued access to the restoration project and to provide matching funds for additional restoration. Success of the constructed restoration will be evaluated based on sediment reduction and long-term stability of the restored site. The restoration will be designed to function through a wide variety of stream discharges including flood events. However no natural channel design restoration can be guaranteed to withstand flood events that are catastrophic or unforeseen changes in the watershed upstream of the restored site. Also, maintenance following flood events is required to ensure functionality of the restoration into the future.

This project will be initiated November 15, 2009 and will be conducted over a two year period. A general project schedule with milestones follows:

December 1, 2009 – January, 2010: QAPP developed & approved, Assist with seeking conservation easements.

January – May 2010: Field data will be collected; erosion evaluation sites will be established installed; and initial biological data will be collected.

April 2010 – December 2010: Reach Restoration Plan (RRP) developed

March 2010 - May 2011: Site preparation for construction

Public awareness activities include two field days of previous 319 funded restoration sites, a poster presentation, and one fact sheet. The West Fork Watershed Alliance (formerly called the West Fork Environmental Protection Association), a local watershed group, will assist with the public awareness activities. The goal of the outreach component is to encourage landowners to participate in future potential restoration projects, to encourage the use of stream channel restoration techniques to reduce streambank erosion at other suitable sites, and to improve the general public's awareness of stream channel instability issues and the impacts resulting from severe streambank erosion.

Specific project tasks and description are as follows:

Task 1: Financial Audit: A financial review of all financial records by CPA following agreed upon procedures.

Task 2: Develop QAPP: A QAPP document will be developed to insure that all data collection activities are performed in accordance with documented and approved techniques. Data collection consists of geomorphic data associated with the reach restoration, reference reach conditions, and gage stations. Also, erosion data collection will be included to document sediment loading reductions.

Task 3: Pre Implementation Monitoring: In order to document the success of the channel restoration activities, the condition of streambanks in the proposed restoration area will be documented. A Bank Erosion Hazard Index (BEHI) and an evaluation of Near Bank Shear Stress (NBSS) will be used to determine the erosion potential of streambanks in the selected reach. Using the BEHI values and NBSS observed, the amount of sediment generated by streambank erosion will be estimated. Toe pins will be installed to physically measure annual streambank erosion rates prior to restoration. A biological assessment of the site will be conducted to provide baseline data needed to evaluate habitat improvements following restoration.

Task 4: Evaluate Existing Reference Reach Data: This task is an essential element for designing a restored channel that will remain in a stable form. Existing data from streams that are identified as being stable in the same or similar physiographic region will be reviewed and, if additional data is needed, then more reference reach data will be collected. Reference reach data will be used to help develop design parameters using a dimensionless ratio approach where various attributes from the stable system will be appropriately scaled to the restoration reach to develop the final design. Bankfull flow and other information for the selected site can be determined from regional relationships between bankfull discharge or channel geometry verses watershed area for the local physiographic region. The existing regional curves will be reviewed and if necessary, updated.

Task 5: Reach Restoration Plan Development: A successful restoration not only requires the implementation of a sound design, but it also needs to consider local issues and objectives that can jeopardize the long-term success of the restoration. A reach restoration plan (RRP) for the site selected will be developed. The RRP will include a) the natural channel restoration design and construction drawings; b) a conservation easement status report; c) a discussion of landowner objectives and local issues impacting reach instability; d) an implementation schedule; and e) a summary of expected sediment reduction, water quality improvements, and habitat improvements. These components are discussed as follows:

- a) To develop the restoration design, a complete survey of the selected site's geomorphic features will be conducted including bankfull channel, flood prone area, water surface/bankfull slope, channel geometry, and sediment size distribution. Using this data, along with reference reach and regional curves' data (Task 3 & 4), a stable reach will be designed. Construction drawings will be developed from the design and an implementation schedule will be determined based upon site conditions and the availability of trained stream restoration construction experts. Securing construction materials and equipment will be initiated for the implementation phase II. A revegetation plan for the site will be developed in which the site will be planted with

trees and other vegetation that will enhance wildlife & aquatic habitat and contribute to the long term stability of the reach.

- b) A conservation easement status report will be included in the RRP and will be based upon the WFWR conservation easement program established in Project FY 07-400. WCRC staff will meet with the landowners to initiate discussions regarding potential easements. WCRC staff also will be available to assist with the development of the easement boundaries and conditions if requested by the landowners.
- c) WCRC staff will meet with the landowners to determine their objectives for restoration and local issues that may impact the restoration.

Task 6: Conduct Outreach: Public awareness activities including two field days, one fact sheet, and one poster presentation. Following the implementation of the channel restoration activities, the site will be used as a tool for transferring the technology to other watersheds with similar problems in the area. The West Fork Watershed Alliance will assist with the public awareness activities.

Task 7: Reporting: All reports will be prepared and submitted (hard copies and electronically) according to the grant requirements.

1. Quarterly reports will be submitted utilizing the format/forms provided electronically by ANRC and will briefly state accomplishments made for each subtask. Quarterly reports will also include implementation documentation (forms provided electronically by ANRC) that contains the following information: Name and USDA-NRCS practice number, farm number in which BMP was implemented, GPS or latitude/longitude of the BMP, number or acres affected and the date BMP implementation was completed.
2. Annual reports will be submitted to ANRC by October 1 of each year in which the project is/was active. The Annual Report will contain a summary of the BMP implementation documentation utilizing a form provided (electronically) by ANRC. This requirement will be in addition to a narrative summary of the project activities that occurred in the previous Federal Fiscal year (October 1 – September 30).
3. Attendance at annual project review meetings is required. The project manager is responsible for presenting an overview of the project, status, activities to date and any data collected. A copy of the presentation and/or documentation of project activities will be provided to ANRC at the meetings.
4. A Final Report will be submitted to ANRC at the completion or the end date for the project. A Final Report Guidance will be provided by ANRC. The guidance will be in outline form. The Final Report should be a narrative description and should encompass all activities (from start to finish) related to the project. An executive summary as well as a final outcome and/or conclusion section shall be contained in the Final Report. Due to the potential size and content (photographs, tables, charts, graphs, etc.) of the Final Report, the report may be submitted on CD. A minimum of two copies of the report are required.

Tasks, Objectives, Subtasks, Schedules, Deliverables, and Estimated Costs

Task 1, Financial Review

Costs		
Federal	Non-Federal Match	Total
\$3,000	\$0	\$3,000

Objectives: A financial review of all financial records by an accountant following agreed upon procedures.

Subtask 1.1 Financial review year 1

Subtask 1.2 Financial review year 2

Deliverables:

1. Report of Financial review

Task 2: Develop QAPP

Costs		
Federal	Non-Federal Match	Total
\$15,000	\$3,000	\$18,000

Objectives: Develop a QAPP document to insure that all data collection activities are performed in accordance with documented and approved techniques.

Subtask 2.1 Develop QAPP for submittal to ANRC

Subtask 2.2 Edit QAPP per ANRC comments

Subtask 2.3 Submit final QAPP for approval

Deliverables:

1. Draft QAPP
2. QAPP Approved by ANRC and EPA

Task 3: Pre Implementation Monitoring

Costs		
Federal	Non-Federal Match	Total
\$12,076	\$7,500	\$19,576

Objective: Obtain landowner participation in the restoration and monitor sediment load reduction from restoration.

Subtask 3.1 Conduct erosion potential inventories prior to restoration

Subtask 3.2 Install toe pins and measure bank profiles at two or more locations

Subtask 3.3 Conduct biological assessment pre-restoration

Subtask 3.4 Resurvey Toe Pins one year after initial installation

Deliverables:

1. Results of erosion potential inventory and predicted erosion rates prior to restoration
2. Results of biological assessment
3. Results of toe pin measurements

Task 4: Review and/or collect Reference Reach Data and Review/Update of Regional Curve Data

Costs		
Federal	Non-Federal Match	Total
\$20,000	\$20,000	\$40,000

Objective: To obtain/collect local physiographic data needed to develop a Natural Channel Restoration Design for the selected site

Subtask 4.1 Review existing regional curves and update if needed

Subtask 4.2 Coordinate with other regional conservation entities to identify reference reaches that would be appropriate for use in developing a restoration design for the selected site. Review existing data and if needed conduct a full survey of reference reach selected for restoration site.

Deliverables:

1. A summary of reference reach data that will be used for restoration design

Task 5: Reach Restoration Plan

Costs		
Federal	Non-Federal Match	Total
\$45,000	\$60,000	\$105,000

Objective: Develop a site plan that includes restoration design, addresses landowner objectives and issues, conservation easements, implementation schedule, and improvement summary.

Subtask 5.1 Perform survey of site and review historical information and air photos

Subtask 5.2 Develop stream channel design and reach restoration plan

Subtask 5.3 Meet with landowners to discuss easements, restoration objectives, and local issues and if necessary, work with landowners and local officials to identify and resolve activities that threaten restoration integrity

Subtask 5.4 Meetings with project planning team

Subtask 5.5 Perform HEC-RAS modeling

Subtask 5.6 Develop permit applications and request for authorizations for applicable agencies

Subtask 5.7 If funding is available, initiate construction site preparation

Deliverables:

1. Results of site survey
2. Restoration Plan
3. 404 permit application

Task 6: Conduct Outreach

Costs		
Federal	Non-Federal Match	Total
\$10,000	\$0	\$10,000

Objective: The objective of the public outreach task will be to promote awareness among the residents of the West Fork White River and Beaver Lake watersheds and water users in the area of the necessity to 1) reduce streambank erosion through restoration and riparian protection, 2) describe progress towards water quality improvements in the watershed, and 3) explore the potential for conservation easements as tools to protect water quality. A second objective will be to transfer the technology/methodology developed in this project to other entities involved in watershed protection.

Subtask 6.1 Develop and distribute information fact sheet

Subtask 6.2 Develop and distribute poster presentation

Subtask 6.3 Conduct two stream tours

Deliverables:

- 1) One project informational fact sheet
- 2) List participants who attend stream tours

Task 7: Reporting

Costs		
Federal	Non-Federal Match	Total
\$10,000	\$2,312	\$12,312

Objective: Provide ANRC information regarding the progress of this project on a quarterly and annual basis and provide a Final Report detailing the project.

Subtask 7.1 Quarterly Reports that include implementation documentation

Subtask 7.2 Annual Reports

Subtask 7.3 Attend and participate in annual project review meetings

Subtask 7.4 Final Report

Deliverables:

1. Quarterly Reports with implementation documentation
2. Annual Reports submitted by October 1 each year of the project
3. Presentation and a copy of presentation/documentation of project activities provided at annual review meetings
4. Final Reach Restoration Plan at the conclusion of the project activities

December 1, 2009 – February, 2010: QAPP developed & approved, Assist with seeking conservation easements.

January – May 2010: Field data will be collected; erosion evaluation sites will be established installed; and initial biological data will be collected.

April 2010 – December 2010: Reach Restoration Plan (RRP) developed

Overall Schedule of Tasks and Outputs:

(Note: You may use the month after project initiation for start and completion dates)

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Financial Review Year 1	Dec 2010	Jan 2011
	1.2	Financial Review Year 2	May 2011	June 2011
2	2.1	Develop QAPP for submittal to ANRC	Dec 2009	Jan 2010
	2.2	Edit QAPP per ANRC comments	Jan 2010	Feb 2010
	2.3	Submit final QAPP for approval	Feb 2010	Mar 2010
3	3.1	Conduct erosion potential inventories prior to restoration	Mar 2010	Mar 2010
	3.2	Install toe pins and measure bank profiles	Mar 2010	Mar 2010
	3.3	Conduct biological assessment	Jan 2010	June 2010
	3.4	Resurvey Toe Pins	Mar 2011	Mar 2011
4	4.1	Review existing regional curves and update if needed	Jan 2010	June 2010
	4.2	Review existing data and if needed conduct a full survey of reference reach selected for restoration site.	Jan 2010	October 2010
5	5.1	Perform survey of site and review historical information	Mar 2010	June 2010
	5.2	Develop restoration design and restoration plan	June 2010	Dec 2010
	5.3	Meet with landowners	Jan 2010	May 2011
	5.4	Meetings with project planning team	Jan 2010	May 2011
	5.5	Perform HEC-RAS modeling	Dec 2020	May 2011
	5.6	Develop permit applications and request for authorizations for applicable agencies	Dec 2010	May 2011
	5.7	If funding is available, initiate	Mar 2010	May 2011

		construction site preparation		
6	6.1	Develop and distribute fact sheet	Jan 2010	May 2011
	6.2	Develop poster presentation	Jan 2010	May 2011
	6.3	Conduct two stream tours	Jan 2010	May 2011
7	7.1	Quarterly Reports	Jan 2010	May 2011
	7.2	Annual Reports	Jan 2010	May 2011
	7.3	Annual Project Review Meetings	Jan 2010	May 2011
	7.4	Final Report	May 2011	May 2011

Schedule of Task and Outputs to be completed within 12 months of project start date

Task	Subtask Number	Description	Start Date	Completion Date
1	1.1	Financial Review Year 1	Dec 2010	Jan 2011
	1.2	Financial Review Year 2	May 2011	June 2011
2	2.1	Develop QAPP for submittal to ANRC	Dec 2009	Jan 2010
	2.2	Edit QAPP per ANRC comments	Jan 2010	Feb 2010
	2.3	Submit final QAPP for approval	Feb 2010	Mar 2010
3	3.1	Conduct erosion potential inventories prior to restoration	Mar 2010	Mar 2010
	3.2	Install toe pins and measure bank profiles	Mar 2010	Mar 2010
	3.3	Conduct biological assessment	Jan 2010	June 2010
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5	5.1	Perform survey of site and review historical information	Mar 2010	June 2010
	5.2	Develop restoration design and restoration plan	June 2010	Dec 2010
	5.3	Meet with landowners	Jan 2010	May 2011
	5.4	Meetings with project planning team	Jan 2010	May 2011
	5.5	Perform HEC-RAS modeling	Dec 2020	May 2011
	5.6	Develop permit applications and request for authorizations for applicable agencies	Dec 2010	May 2011
	5.7	If funding is available, initiate construction site preparation	Mar 2010	May 2011
6	6.1	Develop and distribute fact sheet	Jan 2010	May 2011
	6.2	Develop poster presentation	Jan 2010	May 2011
	6.3	Conduct two stream tours	Jan 2010	May 2011
7	7.1	Quarterly Reports	Jan 2010	May 2011
	7.2	Annual Reports	Jan 2010	May 2011

	7.3	Annual Project Review Meetings	Jan 2010	May 2011
	7.4	Final Report	May 2011	May 2011

Schedule of Task and Outputs to be completed within 24 months of project start date

Task	Subtask Number	Description	Start Date	Completion Date
1	1.2	Financial Review Year 2	May 2011	June 2011
3	3.3	Conduct biological assessment	Jan 2010	June 2010
	3.4	Resurvey Toe Pins	Mar 2011	Mar 2011
4	4.1	Review existing regional curves and update if needed	Jan 2010	June 2010
	4.2	Review existing data and if needed conduct a full survey of reference reach selected for restoration site.	Jan 2010	October 2010
5	5.3	Meet with landowners	Jan 2010	May 2011
	5.4	Meetings with project planning team	Jan 2010	May 2011
	5.5	Perform HEC-RAS modeling	Dec 2020	May 2011
	5.6	Develop permit applications and request for authorizations for applicable agencies	Dec 2010	May 2011
	5.7	If funding is available, initiate construction site preparation	Mar 2010	May 2011
6	6.1	Develop and distribute fact sheet	Jan 2010	May 2011
	6.2	Develop poster presentation	Jan 2010	May 2011
	6.3	Conduct two stream tours	Jan 2010	May 2011
7	7.1	Quarterly Reports	Jan 2010	May 2011
	7.2	Annual Reports	Jan 2010	May 2011
	7.3	Annual Project Review Meetings	Jan 2010	May 2011
	7.4	Final Report	May 2011	May 2011

Coordination, Roles and Responsibilities:

The Watershed Conservation Resource Center will be responsible for coordinating all activities associated with the project. The WCRC will insure that project milestones will be met according to the workplan schedule. WCRC staff Sandi Formica and Matt Van Eps will be co-principle investigators. Sandi Formica will be project manager and Matt Van Eps will be project engineer. Part-time staff and/or possible full-time employee will assist in the collection of field data, data analyses, and site preparation. The WCRC is responsible for project oversight, data collection, design, site preparation, public outreach, and all reporting.

Two divisions within the City of Fayetteville (City) will be participating in this project, the Engineering Division and the Aviation & Economic Development (Aviation) Division. Both Divisions will provide input on the final restoration design and construction oversight. As part of their phosphorus reduction plan, the City will be providing matching funds to support the project. The City Engineer, Chris Brown, and the City Storm Water Engineer, Sarah Wrede, will assist with the project tasks and will help to coordinate the Engineering Division's related activities. The Airport Financial Coordinator, James Nicholson, will assist with project tasks and help to coordinate the Aviation Division's related activities. The Aviation Division will also provide in-kind match by providing assistance during the implementation of the restoration.

The Aquatic Habitat Improvement Program of the Arkansas Game and Fish Commission was created in September 2001 when the Commission made a major commitment to improving the aquatic habitat in the state, primarily in the state's trout waters and their watersheds. The program has four major goals: 1) Improving fish habitat; 2) Reducing erosion (improving water quality); 3) Stabilizing stream banks, and 4) Improving economic benefits. Program personnel include program coordinator, Tim Burnley, and part time truck driver, Tony Crouch. The program is in the Coldwater Section of the Fisheries Division and is supervised by Assistant Chief, Melissa Jones. The contact for this project will be Tim Burnley. The aquatic Habitat Improvement Program will help with the construction phase of the project and specifically for Phase I, they will help with site preparation. As partners, the AG&FC will provide the project use of a trackhoe that was previously purchased through a 319(h) project. This contribution will not count as match but will be critical in implementing the restoration design.

The West Fork Watershed Alliance is a local watershed group for the West Fork White River and will provide assistance on public outreach and restoration. WFEPA will help to host public awareness activities.

The USGS will provide assistance in sampling bedload and suspended sediment loads to assist in developing the restoration design.

Public Participation

Several outreach activities will be coordinated with local groups or organization to host a field days and a poster presentation on the project.

Measures of Success and Performance

Success of this project will be documented by evaluating the RRP to show the proposed reduction of streambank erosion and channel enlargement. A reduction of 80% in sediment produced by streambank erosion should be supported in the RRP will be considered success.

Reference to Project in the NPS Management Program

The proposed project would help to meet key elements that the state non-point source program must address. Specific elements that are addressed include: Element #3 (Strong working partnerships with appropriate state, Tribal, regional, and local entities, private sector groups, citizens groups, and Federal agencies.) and Element #4 (The state program (a) abates water quality impairments from existing sources and (b) prevents significant threats to water quality from present and future activities.)

Project Lead

The Watershed Conservation Resource Center is the lead on this project. The contact for this project is:

Sandi J. Formica, Executive Director
Watershed Conservation Resource Center
P.O. Box 250312; Little Rock, AR 72225
Phone: (501) 352-5252; Fax: (928) 396-2546
formica@watershedconservation.org

List of Appendices

Appendix #01	Table of Prioritized Reaches in WFWR Watershed
Appendix #02	Map of Prioritized Reaches in WFWR Watershed
Appendix #03	Project 07-400 Stream Design Layout
Appendix #04	Project 07-400 Before and After Restoration Photographs
Appendix #05	Estimated Project Budget
Appendix #06	Estimated "Other" Budget – City of Fayetteville
Appendix #07	Estimated "Other" Budget – Arkansas Game and Fish Commission
Appendix #08	Project Budget Justification Worksheet

Literature Cited

ADPC&E. Water Quality inventory Report. Agency Report Prepared pursuant to Section 305(b) of the Federal Water Pollution Control Act. 1998.

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http://www.adeq.state.ar.us/water/branch_planning/pdfs/303d_list_2008.pdf

Arkansas Department of Environmental Quality. Integrated Water Quality Monitoring and Assessment Report. Agency Report Prepared pursuant to Section 305(b) and 303(d) of the Federal Water Pollution Control Act. Agency Report. 2002.

Arkansas Plant Board, Statistics for Fertilizer use 2002-2003, 2004.

Byers and Ponte. 1988. The Conservation Easement Handbook. Land Trust Alliance, Washington D.C.

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S.J. Formica, M.A. Van Eps, M.A. Nelson, A.S. Cotter, T.L. Morris, J.M. Beck. West Fork White River Watershed - Sediment Source Inventory and Evaluation. Proceedings from ASAE Conference "Self-Sustaining Solutions for Streams, Wetlands, and Watersheds," held September 12-15, 2004, St. Paul, MN.

M.A. Van Eps, S.J. Formica, T.L. Morris, J.M. Beck, A.S. Cotter. Using a Bank Erosion Hazard Index (BEHI) to Estimate Annual Sediment Loads From Streambank Erosion in the West Fork White River Watershed. Proceedings from ASAE Conference "Self-Sustaining Solutions for Streams, Wetlands, and Watersheds," held September 12-15, 2004, St. Paul, MN.

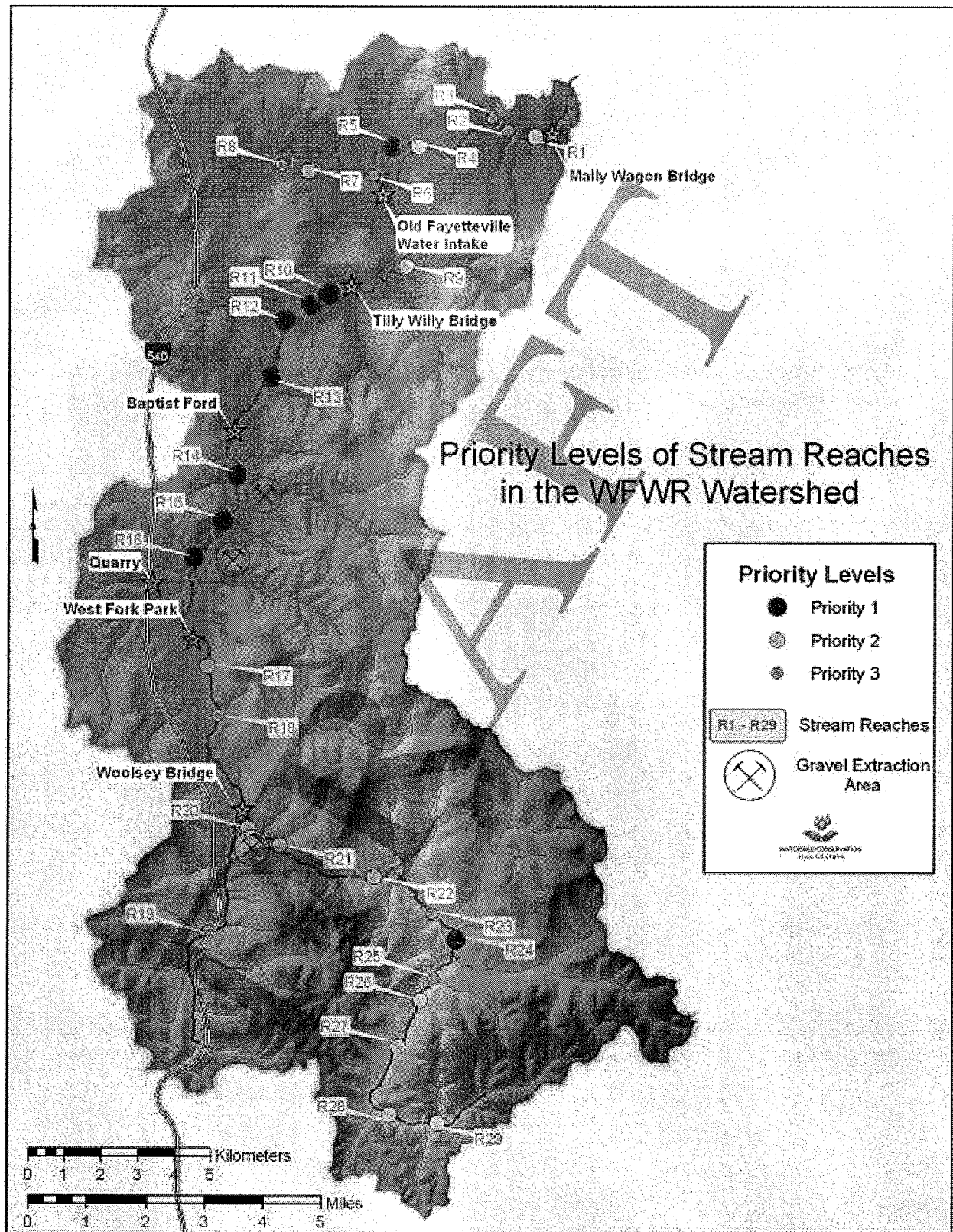
University of Arkansas Cooperative Extension Service (UofA-CES). Final Report: Agricultural Best Management Practice Education and Training. 319 Incremental Funding for Beaver Lake Watershed. Grant #C99610307. Project 1100. 2004.

USDA Soil Conservation Service (SCS), USDA Forest Service, and Arkansas Agricultural Experiment Station. Soil Survey Washington County, Arkansas and associated General Soil Map of Washington County. 1969.

Appendix #01
List of WFWR Reaches Prioritized for Restoration

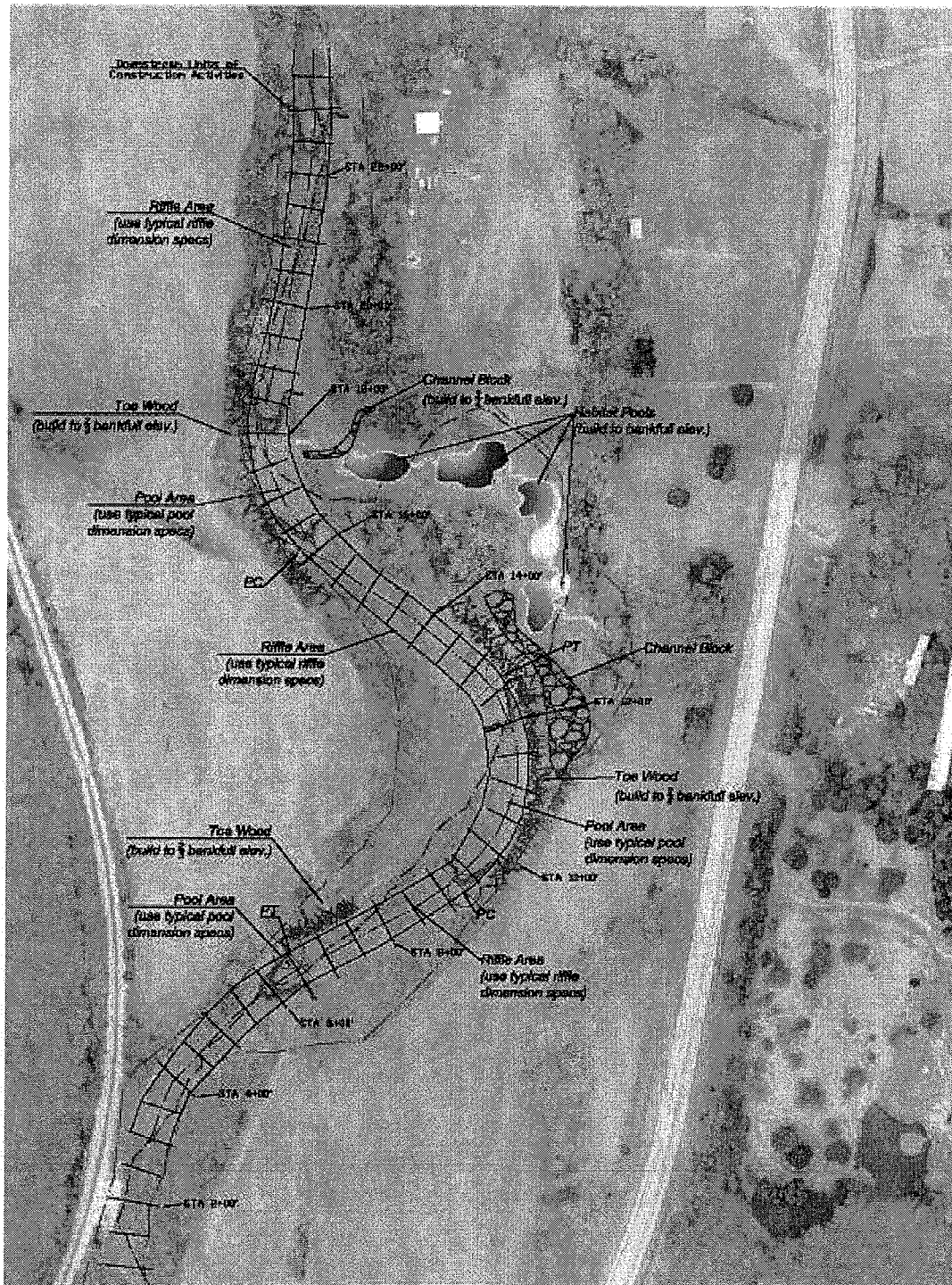
Reach Identification	Prioritization Score	Restoration Priority Assigned	Watershed Priority Grouping
R16	65.8	No. 1	Group I
R13	47.7	No. 2	Group I
R24	37.2	No. 3	Group I
R5	36.4	No. 4	Group I
R14	35.6	No. 5	Group I
R11	35.0	No. 6	Group I
R10	33.8	No. 7	Group I
R12	33.1	No. 8	Group I
R15	32.8	No. 9	Group I
R1	30.5	No. 10	Group II
R22	29.5	No. 11	Group II
R4	29.2	No. 12	Group II
R6	28.6	No. 13	Group II
R9	27.8	No. 14	Group II
R17	26.6	No. 15	Group II
R20	23.8	No. 16	Group II
R2	23.4	No. 17	Group II
R21	23.0	No. 18	Group II
R28	22.4	No. 19	Group II
R18	22.1	No. 20	Group II
R8	21.2	No. 21	Group II
R23	19.7	No. 22	Group II
R27	18.8	No. 23	Group III
R29	18.4	No. 24	Group III
R25	16.0	No. 25	Group III
R19	14.7	No. 26	Group III
R26	14.5	No. 27	Group III
R3	14.3	No. 28	Group III
R7	13.9	No. 29	Group III

Appendix #02



Appendix #03

Project 07-400 Stream Restoration Design Layout



Appendix #04

Project 07-400 Before and After Restoration Photographs



Figure A4-01 Typical site conditions of the WFWR at Brentwood prior to restoration. Photo on the bottom shows a streambank that was eroding an average of 13 ft/yr for typical flow years.



Figure A4-02 Typical site conditions after restoration on the WFWR near Brentwood, AR



Figure A4-03 Ephemeral riverine wetlands were created using the old channel where the worst erosion was taking place (top) and a variety of native plants including on-site transplants were used to provide erosion control and wildlife benefits.

Appendix #05 Estimated Project Budget

Personnel

	Salary	m/yrs	Cost	Federal	Non Federal
Project Manager	\$88,000	0.20	\$18,000	\$18,000	\$
Project Engineer	\$73,000	0.34	\$25,000	\$25,000	\$
Resource Specialist	\$50,000	0.17	\$8,460	\$8,460	\$
Total, Personnel			\$51,460	\$51,460	\$
Fringe Benefits 47%			\$24,186	\$24,186	\$
Total Personnel including Fringe			\$75,646	\$75,646	\$

Travel

In State			\$2,500	\$2,500	\$
Total Travel			\$2,500	\$2,500	\$

Equipment

Total Equipment			\$0	\$0	\$0
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Supplies

Software			\$750	\$750	
Laptop			\$2,000	\$2,000	
GIS Workstation			\$2,000	\$2,000	
Video Camera			\$750	\$750	
Total Station Rental			\$1,200	\$1,200	
Waders			\$500	\$500	
Misc. Survey Supplies			\$1,000	\$1,000	
Total Supplies			\$8,200	\$8,200	\$0

Contractual

Financial Records Review			\$3,000	\$3,000	
Total Contractual			\$3,000	\$3,000	\$0

Construction

Total Construction			\$0	\$0	\$0
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Other

City of Fayetteville Cash Match			\$86,812		\$86,812
AR Game & Fish			\$6,000		\$6,000
Total Other			\$92,812	\$0	\$264,000

Total Direct Charges			\$182,158	\$89,346	\$92,812
Indirect			\$25,730	\$25,730	\$0
Grand Total			\$207,888	\$115,076	\$92,812

Appendix #06 Estimated "Other" Budget – City of Fayetteville

Personnel

	Salary	m/yrs	Cost	Federal	Non Federal
	\$		\$	\$	\$
	\$		\$	\$	\$
	\$		\$	\$	\$
Total, Personnel	\$		\$	\$	\$
Fringe Benefits XX %			\$	\$	\$
Total Personnel with Fringe			\$	\$	\$

Travel

In State			\$	\$	\$
Out of State			\$	\$	\$
Total Travel			\$	\$	\$

Equipment

List			\$	\$	\$
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Total Equipment

Supplies

List			\$	\$	\$
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Total Supplies

Contractual

List			\$	\$	\$
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Total Contractual

Construction

Total Construction			\$	\$	\$
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Other

City of Fayetteville – Cash Match Funding for Phase 1 activities including labor for survey and design; contractor expenses for sediment sampling. HEC-RAS modeling, and Biological Monitoring; pre-implementation contractor consulting; and restoration materials purchases	\$86,812		\$	\$86,812
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Total Other	\$86,812		\$	\$86,812
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Total Direct Charges	\$86,812		\$	\$86,812
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Indirect	\$		\$	\$
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Grand Total	\$86,812		\$	\$86,812
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Appendix #07
Estimated "Other" Budget
Arkansas Game and Fish Commission
Aquatic Habitat Improvement Program

Personnel

	Salary	m/yrs	Cost	Federal	Non Federal
Natural Resource	\$29,251	0.038	\$1,111	\$	\$1,111
Program Technician					
Trout Habitat Biologist	\$39,199	0.019	\$ 745		\$ 745
Trout Habitat Manager	\$59,334	0.019	\$1,127		\$1,127
Total, Personnel	\$	###	\$2,983	\$	\$2,983
Fringe Benefits 36.8%			\$1,098	\$	\$1,098
Total Personnel with Fringe			\$4,081	\$	\$4,081

Travel

In State	\$	\$	\$
Out of State	\$	\$	\$
Total Travel	\$	\$	\$

Equipment

List	\$	\$	\$
Total Equipment			

Supplies

List	\$	\$	\$
Total Supplies	\$	\$	\$
	\$	\$	\$

Contractual

List	\$	\$	\$
Total Contractual	\$	\$	\$

Construction

Pre-implementation assistance - Rock Hauling: Excavator (not purchased with federal dollars) and dump truck	\$1,919		\$1,919
Total Construction	\$1,919	\$	\$1,919

Other

List	\$	\$	\$
Total Other	\$	\$	\$

Total Direct Charges	\$6,000	\$	\$6,000
Indirect	\$	\$	\$

Grand Total	\$6,000	\$	\$6,000
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Appendix #08 PROJECT BUDGET JUSTIFICATION WORKSHEET

BUDGET CATEGORIES INFORMATION (FROM SF424A, SECTION B TOTALS) Enter Total Program Costs, i.e., Federal and Non-Federal Funds Combined (Attach Separate Sheet(s) if necessary)				
OBJECT CLASS CATEGORIES:				
a. Personnel: (Program Staffing – include and indicate vacant positions) Position Title	Number in Position Class	Annual Salary Rate	Work Years	Personnel Costs
(1)	(2)	(3)	(4)	(5)
Project Manager		\$88,000	0.20	\$18,000
Project Engineer		\$73,000	0.34	\$25,000
Resource Specialist		\$50,000	0.17	\$8,460
Personnel Category Totals				\$51,460
b. Fringe Benefits: Total				\$24,186
c. Travel: Include estimates of In-State and Out of State travel including if appropriate, mileage in State or private vehicles, Per Diems, air fare and conference fees.				
In State (2000 miles of travel; \$107 per day for 14 over night stay)				\$2,500
TRAVEL: TOTAL				\$2,500
d. Equipment: (1) List each item costing \$5,000 or more to be purchased for this project: (2) List items costing less than \$5,000. You may list items by groups, as appropriate.				
COMBINED EQUIPMENT TOTAL				\$0
e. Supplies: List by groups, as appropriate				
Software				\$750
Laptop				\$2,000
GIS Workstation				\$2,000
Video Camera				\$750
Total Station Rental				\$1,200
Waders				\$500
Misc. Survey Supplies (stakes, flagging, rebar etc)				\$1,000
SUPPLIES TOTAL				\$8,200
f. Contractual: List each planned contract separately, type of service to be procured, proposed procurement method (i.e. small purchase, formal advertising, competitive negotiations or non-competitive negotiations) and the estimated cost. Also, please indicate if the proposed contract performance period will go beyond the budget period of assistance for which this application is submitted.				
Financial Records Review				\$3,000
COMBINED CONTRACTUAL TOTAL				\$3,000
g. Construction:				

TOTAL CONSTRUCTION	\$0
h. Other: Explain by major categories any items not included in above standard budget categories. <u>Caution:</u> Do not include or propose as a direct project cost, any cost that is indirect in nature (see OMB Circular A-87) or is included in the indirect cost pool on which the indirect cost rate (item j) is based.	
Restoration Implementation City of Fayetteville (Cash Match)	\$86,812
AR Game & Fish (hauling and delivery of rock and materials)	\$6,000
OTHER TOTAL	\$92,812
i. TOTAL DIRECT CHARGES: (Sum of Items a. through h.)	\$182,158
j. INDIRECT COSTS: (Attach a copy of your latest indirect cost agreement)	\$25,730
k. TOTAL PROPOSED PROGRAM COSTS (Sum of Items I and j.)	\$207,888
SHARE: FEDERAL 55.3%	\$115,076
GRANTEE 44.7%	\$92,812

Project Personnel Justification Summary:

Sandi J. Formica, executive director of the WCRC has B.S. and M.S. degrees in Chemical Engineering, with an emphasis on the transport of contaminants in the water, soil, and air. She will be the overall project manager. She will oversee the data collection, evaluation, analysis, and reporting portions of the project. Ms. Formica has been the project manager of numerous 319 projects developed to address non-point source pollution on a watershed basis. She was the principal investigator and developed the overall approach to assessing nutrients and sediment on a watershed basis that will be utilized for this project. Ms. Formica possesses unique technical skills developed over many years experience in the field of environmental and watershed management. Ms. Formica has extensive training in the area of fluvial geomorphology and stream restoration and has assisted in the development and instruction of basic field techniques to determine stream morphology course.

Matthew A. Van Eps, associate director of the WCRC is a registered Professional Engineer in the State of Arkansas who holds a M.S. Degree in Environmental Engineering. He will be responsible for managing field data collection activities, data analysis, development of the natural channel design, and implementation of the design. He has 12 years of technical and practical experience utilizing the watershed approach. He has been the project engineer for 2 successfully completed stream restoration projects. He has been the project engineer for numerous successfully completed studies including watershed assessments. He has extensive experience in collecting and analyzing fluvial geomorphology data for estimating streambank erosion and stream stability. Mr. Van Eps has extensive training in the area of fluvial geomorphology and stream restoration and has assisted in the development and instruction of basic field techniques to determine stream morphology course.

The resource specialist will have a degree or be in the process of fulfilling the requirements for a degree in natural sciences or in an engineering discipline. The resource specialist will provide assistance for field data collection activities and during data analysis.

ALDERMAN AGENDA REQUEST FORM

C. 3
Amend Chapters 151 & 172
Page 1 of 12

FOR: COUNCIL MEETING OF January 05, 2010

FROM: Shirley Lucas, Sarah Lewis

ORDINANCE OR RESOLUTION TITLE AND SUBJECT:

ADM 09-3493: (UDC AMENDMENT CH. 172.11 PARKING):

An ordinance to amend Unified Development Code Ch. 172.11, Driveway and Parking Standards for Four or Less Parking Spaces, in an effort to reduce excess and haphazard parking in yards, ensure compatible land uses and reduce over-occupancy of homes in single family districts.

APPROVED FOR AGENDA:

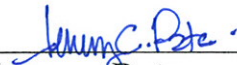
Council Member **Shirley Lucas**

Date

Council Member **Sarah Lewis**

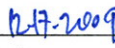
Date

Prepared by:



Jeremy Pate

Director of Development Services



Date



CITY COUNCIL AGENDA MEMO

To: Mayor Jordan, City Council

Thru: Don Marr, Chief of Staff

From: Jeremy Pate, Development Services Director &

Date: 17 December 2009

Subject: ADM 09-3493 UDC Ch. 172.11 *Parking for Single Family Residential Uses*

PROPOSAL:

Council Members Lucas and Lewis are sponsoring an ordinance that would establish further standards for parking on properties that contain single family homes. Staff has prepared an ordinance for the Council to review and consider.

Each year the City receives multiple complaints from various neighborhoods and from City Council members regarding some of the behaviors and practices of residents within both rental and owner-occupied properties that are located within single family neighborhoods. Although some of the complaints tend to cluster near areas of university neighborhoods, it is clearly evident and quantifiable that the problems exist city-wide. The City is compelled by its ordinances and policies to protect the character and nature of these single family zones, in order to retain a compatible and complementary land use pattern.

In an attempt to remedy some of the complaints within single family neighborhoods regarding excess parking on properties, parking that blocks street access for emergency services and residents, noise from numerous, reoccurring parties, and the sometimes detrimental impacts associated with over-occupancy of single family homes, the Development Services staff has prepared a draft ordinance for the City Council to consider, which we believe would aid the City in enforcing existing ordinances and to provide some relief for certain areas.

Currently, city codes restrict occupancy within single family districts to no more than three persons unless are all related. However, this code is very difficult to enforce through established means, and can be even more difficult to prove beyond a doubt in order to prosecute. Complaints that the City received involving over-occupancy of a single family home actually tend to be related more to an excess number of vehicles parked at the residence. Through the third quarter of 2009, for instance, a total of 91 related complaints were received, with 69% of those regarding excess parking versus 31% for over-occupancy. While the City is identifying other means to address the over-occupancy issues, including education, an ordinance amendment to the City's code was identified as one policy option to consider for the parking-related issues.

The proposal before you is to amend the City's parking ordinances for single family homes. It would:

- permit a maximum of four (4) motor vehicles to be parked on a property, not including within garages;
- permit a maximum of 40% of the front yard area to be utilized for said parking;
- exempt RVs, trailers, boats and the like from meeting this requirement, as they do not meet the definition of a "motor vehicle." However, if these non-motorized vehicles and trailers are parking in the front yard area, they will be counted towards the maximum total of four permitted.
- require vehicles to be parked in driveways or clearly defined parking areas – not haphazardly on a lawn or other area of the yard;
- prohibit vehicles from parking within the street right-of-way, except for those areas that are properly and legally designated for on-street parking;
- clearly prohibit "Pay-to-park" operations (where parking is permitted for persons that do not reside on the premises)

A number of exemptions apply, including:

- UA events, for 12 hours before and after the event
- Construction vehicles for the duration a permit is active
- Temporary parking allowed by the Planning Commission
- Pre-existing driveways
- Special events (*see ordinance draft for two options*)
- Special Parking Exceptions – allowed by permit for uses such as hobbyists, larger families with more than four drivers, etc.

Council members Lucas and Lewis ask the Council to consider two varying options regarding the Special Event exemption (§172.11 (M)(5)). One option allows infrequent (not constant, habitual or regular) parking to occur in excess of the maximum number of four vehicles; the other option sets a cap of ten (10) events per year for excess parking to be allowed, and requires notification to the City prior to the event in order to account for these ten events.

RECOMMENDATION:

Staff recommends the Council consider the ordinance amendment for adoption.

BUDGET IMPACT:

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151: DEFINITIONS AND 172: PARKING AND LOADING IN ORDER TO ESTABLISH FURTHER PARKING STANDARDS IN DISTRICTS UTILIZED FOR SINGLE FAMILY HOMES.

WHEREAS, Chapter 172: *Parking and Loading* was amended by the City Council in 2007 to establish parking standards for all districts; and

WHEREAS, the City continues to receive many citizen complaints throughout the year regarding excess, haphazard and unsightly parking of motor vehicles in single family neighborhoods; and

WHEREAS, said excess parking practices do not contribute to a neighborhood's well-being; and

WHEREAS, the same parking practices can create delays in emergency response, impediments to access for citizens, delivery vehicles and others attempting to access their property; and

WHEREAS, the City of Fayetteville recognizes a duty to ensure that compatibility of land uses within single family districts remain intact;

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 amends §151: Definitions by adding the following:

“Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.”

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby repeals §172.11 of the Unified Development Code enacts a replacement §172.11 as shown in Exhibit “A” attached hereto.

PASSED and **APPROVED** this the ____ day of ____, 2010.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

ADM 09-3493 UDC Amendment Ch. 172.11
Driveway & Parking Standards
Exhibit "A"

172.11 Driveway and Parking Standards for Four (4) or Less Parking Spaces

(A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.

(B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located within garages, nor to properties zoned Residential Agricultural.

(C) *Maximum Number of Parking Spaces Permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.

(D) *Use of Front Yard Area for a Driveway and Off-street Parking.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of 40% of the front yard area and shall meet the maintenance requirements as identified by this chapter.

(E) *Parking of non-motorized vehicles in Front Yard Area.* If parked within the front yard area of a property (including driveways),

non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.

(F) *Off-street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.

(G) *Driveway Standards.*

(1) *Driveway Approach to Property Line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with §171.13 *Sidewalk and Driveway Specifications.*

(2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property unless no parking is provided between the property line and structure.

(3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.

(4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.

ADM 09-3493 UDC Amendment Ch. 172.11
Driveway & Parking Standards
Exhibit "A"

- (H) *Driveway and Parking Area Maintenance Requirements.* restrictions for driveway separations in the UDC.
- (1) *Paved.* Driveways and parking areas that are paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street.
- (2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being blown or washed away. If an unpaved driveway is not maintained and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.
- (I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.
- (J) *Maximum Driveway Width.* Driveway width shall be limited to:
- | Lot Width | Maximum Driveway Width |
|--------------------|------------------------|
| 70 feet or more | 24 feet |
| 50 feet to 69 feet | 20 feet |
| Less than 50 feet | 18 feet |
- (K) *Loop, Circle, and Multiple Driveways.* Loop, circle and multiple driveways on a single property shall be allowed so long as a 30 foot separation between the drives is maintained, as measured from the interior edges of the curb cuts, subject to other
- (L) *"Pay-to-park" operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.
- (M) *Exemptions.* The following exemptions to this ordinance section shall be permitted:
- (1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to park on private property for a period of 12 hours before and 12 hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.
- (2) *Construction Vehicles.* Parking of motor vehicles for new construction and additions shall be allowed on private properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.
- (3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.

ADM 09-3493 UDC Amendment Ch. 172.11
Driveway & Parking Standards
Exhibit "A"

- (4) *Existing Driveways.* All existing driveways constructed prior to August 07, 2007 shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
- (5) *Special events.* Infrequent parking for special events which exceeds the maximum number of motor vehicles permitted on a property is permitted, with a maximum of 10 events per year, per property. Property owners/tenants shall notify the Planning Division in writing a minimum of three (3) days prior to the special event, describing the event and the estimated number of vehicles that will be parked on the property.

OR

- (5) *Special events.* Infrequent parking for special events shall be permitted. Infrequent shall be defined as "not constant, habitual, or regular." The Zoning and Development Administrator shall have the final authority to determine if

parking on a property has exceeded the definition of "infrequent."

- (6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property.

(Ord. 5044, 8-07-07)

172.12-172.99 Reserved

Add to Definitions chapter:

Front Yard Area. Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right-of-way.

Mark-Up Version 12-17-09

172.11 Driveway and Parking Design, Location, and Construction Standards for Four (4) or Less Spaces-Parking Spaces within the Front Yard Area

(A) *Purpose.* The purpose of this ordinance section is to promote the public health, safety and general welfare, to prevent the adverse impacts associated with excess parking and over-occupancy of homes in single family districts, and to ensure that compatibility of land uses within single family districts remain intact.

(B) *Applicability.* The following requirements shall apply to properties within single family districts that require four (4) or less parking spaces and properties within all zoning districts that are utilized for a single family detached home requiring four (4) or less parking spaces. The regulations herein do not apply to motor vehicles located within garages, nor to properties zoned Residential Agricultural.

(C) *Maximum Number of Parking Spaces Permitted.* Unless otherwise permitted herein, a maximum of four (4) motor vehicles may be parked outdoors on a property containing a single family home(s) at any time, including driveways and other designated off-street parking areas. Parking for all other permitted uses shall conform to the Parking Ratio Table contained within this chapter.

(D) *Maximum Percent Use of Front Yard Area Used for a Driveway and Off-street Parking and Maximum Number of Parked Vehicles Allowed.* Motor vehicles shall be parked in a driveway or off-street parking area that is clearly defined by pavement, a change in materials, edging, or other means. Driveways and off-street parking areas shall be limited to a maximum of four (4) vehicles and a maximum of 40% of the front yard area and shall meet the paving maintenance requirements as identified by this chapter.

(E) *Parking of non-motorized vehicles in Front Yard Area.* Parking of non-motorized recreational vehicles, trailers, and boats in the front yard area of a property, including driveways, shall be prohibited, except in designated driveways or a parking space as required by this chapter. If parked within the front yard area of a property (including driveways), non-motorized recreational vehicles, trailers, and boats shall be counted toward the maximum total of four (4) motor vehicles permitted on the property.

(F) *Off-street Parking on City Street Right-of-Way.* The off-street parking of any motor vehicle, non-motorized recreational vehicle, boat or trailer shall be prohibited within the street right-of-way, which includes any sidewalk, greenspace or other area from the edge of the paved street through the width of the dedicated street right-of-way. On-street parking within properly designated areas of the street right-of-way may be permitted, in accordance with current traffic regulations.

~~(E) *Front Yard Area.* Front yard area shall mean the area between the plane of the front elevation of the principal façade(s) of the principal structure extending to the side property lines and the front property line abutting the street, including the driveway. A front shall be any plane of a building which abuts to a public street right of way.~~

~~(G) *Minimum Distance of Driveway and Parking from Street and into Property.* Driveway Standards.~~

(1) *Driveway Approach to Property Line.* The driveway approach shall extend to the property line and/or master street plan right-of-way from the paved street and shall be designed, permitted, and paved with concrete in accordance with Chapter 171.13 *Sidewalk and Driveway Specifications.*

Mark-Up Version 12-17-09

- (2) *Driveways Beyond the Property Line.* Driveways shall be paved from the property line and/or master street plan right-of-way with asphalt, concrete, brick or stone pavers, or other solid surface and shall extend 18 feet (length) into the property unless no parking is provided between the property line and structure.
 - (3) *Driveways Beyond 18 Feet into the Property.* Driveways beyond 18 feet into the property may be paved or unpaved and shall be clearly defined by landscaping or edging.
 - (4) *Unpaved Streets.* These requirements are waived where the street to which the driveway connects is not paved.
- (H) *Unpaved Driveway and Parking Area Maintenance Requirements.*
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 - (2) *Unpaved.* Driveways and parking areas that are not paved shall be maintained to prevent erosion onto adjacent properties and to prevent dirt, rock and other materials from entering the street. Driveways and parking areas shall be constructed and maintained ~~if an unpaved driveway is not maintained~~ with adequate gravel, grasses, or other plants and/or landscaping materials to keep the area from becoming rutted, muddy and/or soil from being blown or washed away. ~~If an unpaved driveway is not maintained~~ and is identified as a violation of this provision, such driveway shall be immediately remedied by the property owner.
- (I) *Driveway Grading and Drainage.* The driveway shall be graded in such a way to dispose of surface water into appropriate structures.
- (J) *Maximum Driveway Width.* Driveway width shall be limited to:
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- (L) *"Pay-to-park" operations.* Pay-to-park operations are prohibited within single family districts and properties within all zoning districts that are utilized for a single family detached home. "Pay-to-park" operations are defined as those which advertise and/or sell or lease permits to park or otherwise allow parking for free or for payment on a property on which the owner and/or operator of the vehicle does not reside.
- (M) *Exemptions to Parking in Front Yard Areas.* The following exemptions to this ordinance section shall be permitted:
- (1) *University of Arkansas Events.* An unlimited number of motor vehicles shall be allowed to parking in the front yard area on private property for a period of 12 hours before and 12 hours after a University of Arkansas event for persons attending said event on days when events are occurring at Bud Walton Arena or Donald W. Reynolds Stadium on the University Arkansas Campus.
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Mark-Up Version 12-17-09

properties and within the greenspace between the street and sidewalk during the duration of the project, as long as the building permit remains active. Any damage from construction vehicles to city property such as broken curb, sidewalk cracks, ruts in the greenspace, and erosion of unpaved areas shall be repaired by the owner/developer prior to completion of construction.

- (3) *Temporary Parking.* Temporary driveways or parking lots approved by the Planning Commission.
- (4) *Existing Driveways.* All existing driveways constructed prior to ~~the adoption of these standards~~ August 07, 2007 ~~establishing this ordinance~~ shall be exempt from meeting §172.11(G), until a curb cut permit or a building permit for the new construction of 1,000 square feet or larger is granted.
- (5) *Special events.* Infrequent parking for special events which exceeds the maximum number of motor vehicles permitted on a property ~~in the front yard~~ is permitted, with a maximum of 10 events per year, per property. Property owners/tenants shall notify the Planning Division in writing a minimum of three (3) days prior to the special event, describing the event and the estimated number of vehicles that will be parked on the property.

OR

(5) *Special events.* Infrequent parking ~~in the front yard~~ for special events shall be permitted. Infrequent shall be defined as "not constant, habitual, or regular." The Zoning and Development Administrator shall have the final authority to determine if parking on a property has exceeded the definition of "infrequent."

(6) *Special Parking Exception Permits.* A property owner that can prove special exception to the limitation on number of motor vehicles permitted on a single family property may present evidence to the Planning Division to apply for a Special Parking Exception Permit. Such cases may include hobbyist vehicles or motor vehicle collections, an all-related family in residence, or other special circumstances deemed suitable by the Planning Division, wherein the circumstance meets the purpose and intent of the ordinance. If the Planning Division approves the special exception permit, a permit will be issued for the address, indicating additional vehicles are permitted to be parked on the property.

(Ord. 5044, 8-07-07)

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Add to Definitions chapter:

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City Council Agenda Items
and
Contracts, Leases or Agreements

1/5/2010

City Council Meeting Date
Agenda Items OnlyKevin Springer
Submitted ByBudget & Research
DivisionFinance & Internal Services
Department

Action Required:

A resolution to amend the 2010 Adopted Budget by reappropriating ~~\$78,695,727~~ in bonded or on-going capital projects and outstanding obligations and grant funded items. **\$ 76,037,660**
PAB

_____	\$ _____	_____
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 ☒

Paul A. Becken 12-18-2009
Department Director Date

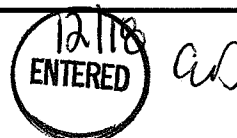
Previous Ordinance or Resolution # _____

[Signature] 12-21-09
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Becken 12-21-2009
Finance and Internal Services Director Date

Received in City
Clerk's Office

[Signature] 12-21-09
Chief of Staff Date

Received in
Mayor's Office

[Signature] 12-22-09
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

TO: Mayor Jordan and City Council

THRU: Don Marr, Chief of Staff
Paul A. Becker, Director of Finance

FROM: Kevin Springer, Budget Director

DATE: December 18, 2009

SUBJECT: 2009 Budget Re appropriation Request

PROPOSAL:

A resolution to amend the 2010 Adopted Budget by reappropriating \$76,037,660 in bonded or on-going capital projects and outstanding obligations and grant funded items.

BACKGROUND / RECOMMENDATION:

Budget appropriations for 2009 expired December 31, 2009. Equipment and supplies or services must have been received by December 31 in order to be charged to the 2009 Budget. Some departments have items or services that were budgeted in 2009 but were not delivered or complete by year-end. In these cases, unspent amounts for those projects and items need to be reappropriated, since they were not included in the 2010 Budget. In the case of capital improvement projects, unspent funds are added to any amounts appropriated in the 2010 Budget.

Because of the need for project continuation, staff recommends approval of the attached reappropriation budget request at the January 5, 2010 City Council meeting. In addition, staff is recommending approval of any changes to this request that may arise due to finalizing the 2009 year end which would result in a decrease in the total authorized budget. City Council is requested to amend the 2010 Adopted Budget by re-authorizing up to \$76,037,660 for purchase commitments and capital improvements as follows:

	<u>Obligated</u>	<u>Unobligated</u>	<u>Total</u>
Bonded Capital Projects	\$ 9,422,369	\$ 30,187,731	\$ 39,610,100
Outstanding Operational Obligations	207,990	-	207,990
Grant/Donations/Reimbursements	400,241	2,846,678	3,246,919
Capital Projects	6,892,879	26,079,772	32,972,651
Total Reappropriations	<u>\$ 16,923,479</u>	<u>\$ 59,114,181</u>	<u>\$ 76,037,660</u>

A finalized listing of the capital project reappropriations will be submitted to City Council as an informational item during the First Quarter of 2010.

Please find attached a schedule of capital projects by Improvement Type which were included in the 2009 Budget but did not incur a financial obligation during the 2009 fiscal year. The 2009 estimated unreserved fund balance/retained earnings for the respective funds reflected the cost of the requested reappropriation. These re-budgeted items, therefore, do not impact the estimated fund balance amounts which were forecasted in the 2010 budget.

The re-authorization of prior year's appropriated projects and items are normal budget operating procedures and are generally for one-time expenses. Approval of this request will allow the 2010 Budget to be increased to reflect the attached information. Several of the requested re-authorizations include revenue offset in the form of grant revenues.

Total requested re-budgets for all funds are reflected in the following worksheet. These amounts will require City Council action. For your information, a summary by Funding Source and Improvement Type is included following this memo. The reappropriation amounts are broken out into two separate categories:

- Obligated: These items have Contracts/Purchase Orders already issued on them during 2009 and the City will not receive the item and/or service until 2010.
- Unobligated: These items did not have any Contracts/Purchase Orders issued on them as of 2009.

BUDGET IMPACT:

The estimated fund balance for the 2010 budget was based on the assumption that these 2009 funds would be reappropriated. The funds do not increase the use of operating reserves and this request simply retains project funding for identified and scheduled capital improvements for the current fiscal year.

If you have any questions concerning the attachment or the procedure, please feel free to contact either Paul A. Becker (575-8330) or Kevin Springer (575-8226). Thank you for your attention to this request.

RESOLUTION NO. _____

A RESOLUTION AMENDING THE 2010 CITY BUDGET BY RE-
APPROPRIATING UP TO ~~\$78,695,727.00~~ IN BONDED OR
ONGOING CAPITAL PROJECTS, OUTSTANDING
OBLIGATIONS AND GRANT-FUNDED ITEMS PREVIOUSLY
APPROPRIATED IN THE 2009 CITY BUDGET BUT NOT
COMPLETED OR DELIVERED IN 2009

\$ 76,037,660
PAB

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

Section 1. The City Council of the City of Fayetteville, Arkansas hereby
amends the 2010 city budget by re-appropriating up to ~~\$78,695,727.00~~ in bonded
or ongoing capital projects, outstanding obligations and grant-funded items
previously appropriated in the 2009 city budget but not completed or delivered
by the end of 2009. A copy of these items is attached to this Resolution as Exhibit
"A" and incorporated herein as if set out word for word.

\$ 76,037,660
PAB

PASSED and **APPROVED** this 5th day of January, 2010.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

2009 Appropriations

Obligated	Non-Obligated	Total
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Bond

4480 Wastewater System Improvements Project Fund

WSIP Project	Wastewater System Improvements Project: 02133	0	1,905,172	1,905,172
WSIP Project	Arbitrage Rebate: 08061	0	1,942,341	1,942,341

4520 Sales Tax Construction Fund

WSIP Project	Wastewater System Improvements Project: 02133	2,784,808	5,594,339	8,379,147
Street Improvements	Transportation Bond Street Improvements: 06035	5,677,075	14,266,303	19,943,378
Trail Improvements	Transportation Bond Trail Improvements: 06036	1,993	1,259,823	1,261,816

5400 Water/Sewer Fund

Water & Sewer	W&S Relocations - 2009 Bond Proceeds: 09018	958,493	5,219,753	6,178,246
		<u>9,422,369</u>	<u>30,187,731</u>	<u>39,610,100</u>

Outstanding Operational Obligations

1010 General Fund	Police:E-Server I5 Maintenance	2,629	0	2,629
	Adm: Witt Fed Legislation Consulting	36,245	0	36,245
	Fire: Bunker Gear	47,496	0	47,496
	Police: CALEA / Chairs / Awning Repair	27,737	0	27,737
	HR: H1N1 Vaccines	6,827	0	6,827
2100 Street Fund	Trans: Premier Lighting Group	6,885	0	6,885
5400 Water/Sewer Fund	WWTP: Wetlands Mitigation	64,800	0	64,800
5500 Solid Waste Fund	SW: Dumpster Welding / Carts	15,371	0	15,371
		<u>207,990</u>	<u>0</u>	<u>207,990</u>

2009 Appropriations

		Obligated	Non-Obligated	Total
Grants/Donations/Reimbursements				
1010 General Fund				
Donations	Animal Low Cost Spay/Neuter Donations: 03049	0	3,593	3,593
Donations	Animal Services Miscellaneous Donations: 03048	983	29,716	30,699
Donations	AR ETS Dispatch Training Reimbursement: 09033	0	7,735	7,735
Donations	District Court Automation: 09012	0	6,084	6,084
Donations	Donations - Fire: 06029	0	950	950
Donations	Fire Department Act 833/46/Misc Revenue: 03047	0	50,000	50,000
Donations	IRS/Treasury Forfeitures: 09024	0	36,536	36,536
Donations	Parks & Recreation Donations: 03051	0	15,304	15,304
Donations	PD Law Enforcement Federal Forfeitures: 03046	0	55,979	55,979
Donations	PD Law Enforcement State Forfeitures: 03045	0	48,104	48,104
Donations	Police - US Marshal Service: 09020	0	15,201	15,201
Donations	Police Department Donations: 03044	0	23,888	23,888
Grants	Bulletproof Vests Partnership Program: 07042	0	32,652	32,652
Grants	Historic Preservation Travel & Training: 06024	0	5,240	5,240
Grants	Police ABC Grant 2007-2008: 07035	0	4,725	4,725
Grants	Police JAG - Local Solicitation 2009: 09022	0	107,863	107,863
Grants	Police JAG - Recovery Solicitation 2009: 09017	5,960	335,458	341,418
Grants	Police STEP Grant 08-09: 08067	0	93,544	93,544
Grants	Underage Drinking Prevention Conference: 07036	0	11,088	11,088
Grants	Underage Drinking Prevention Grant: 08068	0	5,524	5,524
Grants	YRCC-CDBG Program Funding: 08054	350	12,054	12,404
Police Improvements	Internet Crimes Against Children Grant: 06033	0	30,000	30,000
Police Improvements	NWA Sex Offender & Violent Crimes: 08049	0	31,099	31,099
Police Improvements	Police IRS Reimbursements: 08071	0	11,215	11,215
2100 Street Fund				
In-House Sidewalk	ORT Sidewalks & Pads Grant: 09030	0	387,500	387,500
2180 Community Development Block Grant Fund				
Community Development	CDBG-R - Recovery Act Grant: 09029	104,690	565,622	670,312
2185 EDI Attainable Housing Grant Fund				
Grants	EDI Special Project Grant FY2008: 08080	100,258	62,288	162,546

2009 Appropriations

		Obligated	Non-Obligated	Total
2240 Energy Block Grant Fund				
Grants	Energy Stimulus Money: 09011	0	724,900	724,900
2930 Drug Law Enforcement Fund				
Police Improvements	Police ASP Grant for DTF: 08047	0	8,816	8,816
4470 Sales Tax Capital Improvements Fund				
Bridge/Drainage	Niokaska Creek stream restoration demo: 09025	188,000	124,000	312,000
		<u>400,241</u>	<u>2,846,678</u>	<u>3,246,919</u>

Project

1010 General Fund

Fire Improvements	Mobile Computer Hardware - Fire: 08073	0	1,300	1,300
Grants	High Intensity Drug Trafficking Area: 08070	0	11,914	11,914
Operational Items	Complete Neighborhood Plan: 08056	0	392	392
Operational Items	Economic Development Services: 09027	218,875	0	218,875
Other Capital Improvements	Economic Development: 08050	0	5,879	5,879
Other Capital Improvements	P.E.G. Television Center - Equipment: 02061	0	979	979
Police Improvements	Mobile Computer Hardware - Police: 08075	0	1,131	1,131
Police Improvements	Police Mobile Computers: 08060	0	3,085	3,085

2100 Street Fund

In-House Pavement	In-House Pavement Improvements: 02052	49,648	372,286	421,934
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2130 Off-Street Fund

Transportation Improvements	Parking Lot Improvements and Overlays: 06001	15,615	24,271	39,886
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2250 Parks Development Fund

Parks/Rec Impvs	Forestry, Safety, & ADA Compliance: 02045	5,000	44,213	49,213
Parks/Rec Impvs	Gordon Long/Red Oak Improvements: 02015	0	55,878	55,878
Parks/Rec Impvs	Gulley Park Improvements: 05001	0	40,581	40,581
Parks/Rec Impvs	Lake Improvements: 02043	1,483	13,182	14,665
Parks/Rec Impvs	Neighborhood Park Development: 02013	111,744	394,868	506,612
Parks/Rec Impvs	Other Park & Safety Improvements: 02014	0	40,330	40,330
Parks/Rec Impvs	Playground & Picnic Improvements: 02027	0	19,769	19,769
Parks/Rec Impvs	Regional Park Development: 02002	0	3,317,273	3,317,273
Parks/Rec Impvs	Skate Park: 00006	0	4,033	4,033
Parks/Rec Impvs	Wilson Park Improvements: 08002	4,853	304,753	309,606
Trail Improvements	Lake Fayetteville Trails: 03022	0	49,587	49,587

2009 Appropriations

		Obligated	Non-Obligated	Total
2300 Impact Fee Fund				
Fire Improvements	Fire Impact Fee Improvements: 07003	0	473,196	473,196
Fire Improvements	Traffic Preemption Signals: 08046	0	26,496	26,496
Police Improvements	Police Impact Fee Improvements: 07001	0	1,473,529	1,473,529
Vehicles/Equipment	Fleet - Police/Passenger Vehicles (Exp): 05024	0	140,000	140,000
Water & Sewer	Mount Sequoyah Pressure Plane Impvs: 04036	0	1,949,505	1,949,505
Water & Sewer	Water and Sewer Cost Sharing: 02067	0	125,000	125,000
Water & Sewer	Water Impact Fee Improvements: 07002	0	1,722,466	1,722,466
WWTP Impvs	Wastewater Impact Fee Improvements: 07004	0	2,000,021	2,000,021
4270 Replacement & Disaster Recovery Fund				
Other Capital Improvements	Flood Damage Repair - 2004: 04030	67,208	7,309	74,517
Other Capital Improvements	Replacement Copier Funds: 04038	0	135,749	135,749
Vehicles/Equipment	Fleet - Vehicles/Equipment Under \$10,000: 05042	0	53,319	53,319
Ice Storm 2009	ICE FEMA (2009 Ice Storm Reimbursement): 09010	24,600	302,019	326,619
4470 Sales Tax Capital Improvements Fund				
Bridge/Drainage	Other Drainage Improvements: 02108	2,820	703,294	706,114
Bridge/Drainage	State Bridge Cost Sharing Program: 03005	0	475,906	475,906
Bridge/Drainage	Stormwater Quality Mgmt/Nutrient Reduct: 02097	19,640	515,460	535,100
District Court/Prosecutor Facility	District Court/Prosecutor Facility Exp: 04008	259,626	102,406	362,032
Fire Improvements	Fire Apparatus Purchases: 03019	410,200	89,705	499,905
Information Technology	Accessfayetteville Technical Improvement: 04047	0	14,752	14,752
Information Technology	AS/400 Computer Upgrades: 04027	0	95,392	95,392
Information Technology	Document Management: 02094	0	24,261	24,261
Information Technology	Geographic Information System (GIS): 02055	23,700	707	24,407
Information Technology	Microcomputer Replacements: 02057	0	32,277	32,277
Information Technology	Municipal Management System: 99021	0	19,630	19,630
Information Technology	Printer Replacements: 02060	0	32,141	32,141
Information Technology	Software Upgrades - City Wide: 05055	0	31,275	31,275
Information Technology	Storage Area Network (SAN): 09031	179,803	17,197	197,000
In-House Pavement	In-House Pavement Improvements: 02052	8,039	111,532	119,571
In-House Sidewalk	Sidewalk Improvements: 02053	0	726,673	726,673
Other Capital Improvements	Animal Services Improvements: 09001	0	8,737	8,737
Other Capital Improvements	Budgeting & Planning Software System: 07010	0	50,000	50,000
Other Capital Improvements	Building Improvements: 02046	0	139,359	139,359
Other Capital Improvements	District Court Software Improvements: 05003	0	20,559	20,559

2009 Appropriations

		Obligated	Non-Obligated	Total
Other Capital Improvements	Economic Development Matches: 02050	9,796	16,269	26,065
Other Capital Improvements	Energy Performance Improvements/Audit: 07040	0	8,160	8,160
Other Capital Improvements	P.E.G. Television Center - Equipment: 02061	0	13,877	13,877
Other Capital Improvements	Resurface Kennel Runs: 09002	0	55,000	55,000
Other Capital Improvements	Telecommunication Systems Upgrades: 04001	10,216	3,001	13,217
Parks/Rec Impvs	Forestry, Safety, & ADA Compliance: 02045	0	131,216	131,216
Parks/Rec Impvs	Gordon Long/Red Oak Improvements: 02015	0	56,741	56,741
Parks/Rec Impvs	Ice Storm Recovery Grant - AR Forestry: 09032	0	61,915	61,915
Parks/Rec Impvs	Lights of the Ozarks: 02001	45	4,706	4,751
Parks/Rec Impvs	Neighborhood Park Development: 02013	0	623	623
Parks/Rec Impvs	Tree Escrow: 08001	0	98,248	98,248
Police Improvements	AWIN Communication System: 08076	0	944,268	944,268
Police Improvements	Police Building Improvements: 02047	0	5,243	5,243
Police Improvements	Police Technology Improvements: 06002	69,281	32,750	102,031
Police Improvements	Police Unmarked Vehicles: 06003	0	29,913	29,913
Police Improvements	Specialized Police Equipment: 02062	0	29,566	29,566
Street Improvements	Duncan/California/Harmon Intersections: 06005	0	69,796	69,796
Street Improvements	Fayetteville Economic Corridor: 06018	0	24,708	24,708
Street Improvements	Garland - I-540 to Howard Nickell: 06006	0	167,803	167,803
Street Improvements	Global Positioning System: 09003	0	1,487	1,487
Street Improvements	Mount Comfort & Shiloh - Right-of-Way: 05011	0	400,000	400,000
Street Improvements	Mount Comfort Road - Widening & Turn Lan: 04014	0	177,466	177,466
Street Improvements	Rupple Road - Wedington to Mt. Comfort: 06008	0	375,211	375,211
Street Improvements	Street ROW / Intersection / Cost Sharing: 02116	50,000	148,927	198,927
Street Improvements	Township Widening - Gregg to N College: 04017	833,512	499,725	1,333,237
Street Improvements	Traffic Calming: 08018	0	49,562	49,562
Street Improvements	Transportation Bond Street Improvements: 06035	423,706	200,173	623,879
Trail Improvements	Trail Development: 02016	38,919	450,458	489,377
Transportation Improvements	Traffic Signal Improvements: 02063	296	315,426	315,722
Water & Sewer	Water System Master Plan Study: 02128	31,493	5,347	36,840

2009 Appropriations

		Obligated	Non-Obligated	Total
5400 Water/Sewer Fund				
Solid Waste Improvements	Fiber Optic Cable: 09028	0	57,000	57,000
Water & Sewer	36" Waterline Replacement & Protection: 03018	37,023	19,487	56,510
Water & Sewer	Collection System Capacity Management: 98047	0	13,764	13,764
Water & Sewer	Gregg Street Lift Station Remediation: 05044	0	10,675	10,675
Water & Sewer	Hwy 265 Water/Swr Relocate & 36" Wtr Lin: 08072	0	412,741	412,741
Water & Sewer	Mobile Data Terminals for Work Trucks: 07009	0	18,822	18,822
Water & Sewer	Mount Sequoyah Pressure Plane Impvs: 04036	72,406	99,224	171,630
Water & Sewer	Mount Sequoyah W&S System Upgrade: 01023	182,211	357,315	539,526
Water & Sewer	Sanitary Sewer Rehabilitation: 02017	328,690	2,207,238	2,535,928
Water & Sewer	Water and Sewer Cost Sharing: 02067	111,395	217,002	328,397
Water & Sewer	Water Impact Fee Cost Sharing Projects: 04039	0	45,594	45,594
Water & Sewer	Water Line Projects As Needed: 04020	0	181,376	181,376
Water & Sewer	Water System Master Plan Study: 02128	50,000	0	50,000
Water & Sewer Services	Backflow Prevention Assemblies: 02066	0	19,644	19,644
Water & Sewer Services	Business Office Improvements: 03038	29,218	4,022	33,240
Water & Sewer Services	Water Meters: 02065	0	161,989	161,989
WWTP Impvs	Computer System Upgrades - W.W.T.P.: 02071	0	2,993	2,993
WWTP Impvs	Plant Pumps and Equipment - W.W.T.P.: 02069	33,819	78,971	112,790
WWTP Impvs	Testing Equipment - W.W.T.P.: 02070	0	6,060	6,060
WWTP Impvs	Upgrade/Replace Lift Stations - W.W.T.P.: 02068	104,305	3,292	107,597
WWTP Impvs	W.W.T.P. Building Improvements: 02032	36,507	2,500	39,007
5500 Solid Waste Fund				
Solid Waste Improvements	Composting Site Improvements: 02038	0	15,289	15,289
Solid Waste Improvements	Recycling Improvements: 03016	0	22,620	22,620
Solid Waste Improvements	Materials Recovery Facility Study: 07015	0	4,235	4,235
Solid Waste Improvements	Transfer Station Improvements: 09013	5,936	21,422	27,358
Solid Waste Improvements	Recycling Containers ADEQ Grant Purchase: 09019	0	25,000	25,000
Solid Waste Improvements	Fiber Optic Cable: 09028	0	116,128	116,128
5550 Airport Fund				
Aviation Improvements	Airport Expansion Equipment (AIP#21 REV): 05046	0	40,018	40,018
Aviation Improvements	Correct Runway 16 RSA: 07039	2,908,718	389,144	3,297,862
Aviation Improvements	Airport HVAC Improvements: 08074	0	11,070	11,070
Aviation Improvements	Hangar Fire - Airport: 09021	0	337,660	337,660

2009 Appropriations

9700 Shop Fund

Vehicles/Equipment	Fleet - Light/Medium Utility Vehicles: 02078
Vehicles/Equipment	Fleet - Police/Passenger Vehicles: 02081
Vehicles/Equipment	Fleet - Solid Waste Vehicles/Equipment: 02082
Vehicles/Equipment	Fleet - Tractor/Mower: 02083
Vehicles/Equipment	Fleet - Automatic Vehicle Wash System: 06012

TOTAL

Obligated	Non-Obligated	Total
117,705	83,712	201,417
4,828	309,055	313,883
0	19,815	19,815
0	7,464	7,464
0	54,270	54,270
<u>6,892,879</u>	<u>26,079,772</u>	<u>32,972,651</u>
 16,923,479	 59,114,181	 76,037,660

Aldermen

Mayor Lioneld Jordan
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 – Matthew Petty
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Ward 3 Position 2 – Robert Ferrell
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Ward 4 Position 2 – Sarah E. Lewis

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
January 05, 2010**

A meeting of the Fayetteville City Council will be held on January 05, 2010 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Agenda Session Presentations:

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

1. Report on the Firemen's and Policemen's Pension and Relief Fund – Mayor Lioneld Jordan.
2. Election of Vice Mayor.

3. *Housing Authority Board Appointment*

A. Consent:

1. ☒ Approval of the December 15, 2009 City Council meeting minutes.
2. ☒ **Amend Police Department Policy:** A resolution to approve an amendment to Fayetteville Police Department Policy No. 26.1.1. Disciplinary Matters and Procedures.
3. ☒ **Community Development Block Grant (CDBG):** A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2010 when received in the estimated amount of \$649,000.00.

- ✓ **4. McClelland Consulting Engineers, Inc. Amendment #1:** A resolution approving Amendment #1 to Task Order #15 with McClelland Consulting Engineers, Inc. for additional right of way plans for the Runway 16 Safety Area Improvement Project in the amount of \$3,650.00.
- ✓ **5. Arkansas Western Gas:** A resolution approving an agreement with Arkansas Western Gas Company in the amount of \$83,000.00 for relocation of gas lines and appurtenances as part of the RSA Runway 16 Improvement Project at the Fayetteville Executive Airport, and approving a \$5,000.00 contingency.
- ✓ **6. Watson Condemnation Settlement Proposal:** A resolution approving a settlement agreement with Aaron H. Watson and Patricia Ann Watson concerning condemnation litigation filed as part of the Mount Comfort Road Widening Project in a total amount of \$52,000.00.
- ✓ **7. RJR Enterprises, Inc.:** A resolution awarding RFP #09-23 and approving a contract with RJR Enterprises, Inc. in the amount of \$73,000.00 to construct a playground at Doc Mashburn Park; and approving a project contingency in the amount of \$7,300.00.
- ✓ **8. Arkansas Department of Parks and Tourism Grant:** A resolution authorizing the Mayor to apply to the Arkansas Department of Parks and Tourism for a general improvement fund grant in the amount of \$160,000.00 for improvements to Bryce Davis Park.
- ✓ **9. Arkansas Recreation Trails Grant:** A resolution approving an agreement of understanding with the Arkansas Highway and Transportation Department for the acceptance of an Arkansas Recreational Trails Grant to utilize \$116,534.00 in federal-aid funds for the construction of Oak Ridge Trail; and approving a budget adjustment in the amount of \$145,668.00.
- ✓ **10. A & P Commission:** A resolution to approve an agreement with the Fayetteville Advertising and Promotion Commission to furnish collection and accounting services for the Hotel, Motel, and Restaurant taxes collected for the A & P Commission.

Agenda Additions:

B. Unfinished Business:

- ✓ **R-PZD 09-3439 (Oakbrooke Phase III):** An ordinance establishing a residential planned zoning district titled R-PZD 09-3439, Oakbrooke Phase III, located within Oakbrooke Phase I and Oakbrooke Phase II; containing approximately 29 acres; amending the official zoning map of the City of Fayetteville; and adopting the Associated Master Development Plan. *This ordinance was left on the First Reading at the December 15, 2009 City Council meeting.*

Left on the First Reading.

C. New Business:

1. **Bid Waiver for Asphalt Materials:** An ordinance waiving the requirements of formal competitive bidding during calendar year 2010 for the purchase of asphalt materials for use by the Transportation Division.
2. **Watershed Conservation Resource Center:** An ordinance waiving the requirements of formal competitive bidding and approving a contract between the City of Fayetteville, Arkansas and the Watershed Conservation Resource Center (WCRC) in the amount of \$248,000.00 for a stream restoration project for a section of the West Fork of the White River adjacent to the Fayetteville Executive Airport.
3. **Amend Chapters 151 & 172:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions and 172: Parking and Loading in order to establish further parking standards in districts utilized for single family homes.
4. **Amend 2010 Adopted Budget:** A resolution amending the 2010 city budget by re-appropriating up to \$76,037,660.00 in bonded or ongoing capital projects, outstanding obligations and grant-funded items previously appropriated in the 2009 city budget but not completed or delivered in 2009.

Announcements:

1. City Council Tour: ~~January 04, 2010~~ **NONE**

Adjournment:

Add: Parks HMR Tax Revenues Special Election.

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The Agenda Meeting

Mayor Lioneld Jordan
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Aldermen

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