

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
May 5, 2009**

A meeting of the Fayetteville City Council will be held on May 5, 2009 at 6:00 PM in Room 219 of the City Administration Building located at 113 West Mountain Street, Fayetteville, Arkansas.

Call to Order

Roll Call

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

A. Consent:

1. Approval of the April 7, 2009 City Council meeting minutes, April 16, 2009 Special City Council meeting minutes, and April 21, 2009 City Council meeting minutes.

APPROVED.

2. **Insituform Technologies, Inc.:** A resolution approving renewal of a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2009 sanitary sewer main line and service lateral lining services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 100-09.

3. **Runway Safety Area Improvement Project Grants:** A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue.

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA AND WAS TABLED TO THE MAY 19, 2009 CITY COUNCIL MEETING.

4. **Bid # 09-34 Runway Safety Area Improvement Project:** A resolution awarding Bid # 09-34 and approving a contract with Sweetser Construction, Inc. in the amount of \$969,325.65 for construction of the Runway 16 Runway Safety Area Improvement Project.

THIS ITEM WAS REMOVED FROM THE CONSENT AGENDA AND WAS TABLED TO THE MAY 19, 2009 CITY COUNCIL MEETING.

5. **McClelland Consulting Engineers, Inc.:** A resolution approving an agreement with McClelland Consulting Engineers, Inc. for Airport Engineering Services.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 101-09.

B. Unfinished Business: None

C. Public Hearing:

1. **Watson Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Aaron H. Watson and Patricia Watson needed for the Mt. Comfort Road widening project.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 102-09.

D. New Business:

1. **2009 Justice Assistance Grant (JAG):** A resolution authorizing the Fayetteville Police Department to apply for a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with \$106,765.00 to be disbursed to the City of Springdale and \$88,913.00 to Washington County.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 103-09.

2. **RZN 09-3233 (Physicians Specialty Hospital):** An ordinance rezoning that property described in rezoning petition RZN 09-3233, for approximately 2.97 acres, located at 3873 North Parkview Drive from R-O, Residential Office, to P-1, Institutional.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5237.

3. **ADM 09-3235 Amend Chapters 151, 161 and 162:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions, 161: Zoning Regulations, and 162: Use Units in order to classify and define animal daycare, animal boarding, and kennels, and to permit these uses in certain situations in Commercial, Industrial, and Residential-Agricultural Zoning Districts.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5238.

- 4. ADM 09-3249 Amend Chapter 164:** An ordinance amending the Unified Development Code subsection 164.02: Accessory Structures and Uses, to include setback and height regulations for accessory structures.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5239.

- 5. American Recovery and Reinvestment Act:** A resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the application and administration of said request.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 104-09.

Agenda Additions: None

Announcements: Boards & Commission openings and application deadline of May 29, 2009.

- 1. City Council Tour: None**

Adjournment: Meeting adjourned at 6:40 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.

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.

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Agenda Additions:

Announcements:

1. City Council Tour: None

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RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-34 AND APPROVING A CONTRACT WITH SWEETSER CONSTRUCTION, INC. IN THE AMOUNT OF \$969,325.65 FOR CONSTRUCTION OF THE RUNWAY 16 RUNWAY SAFETY AREA IMPROVEMENT PROJECT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-34 and approves a contract with Sweetser Construction, Inc. in the amount of \$969,325.65 for construction of the Runway 16 Runway Safety Area Improvement Project, said approval being contingent upon receipt of federal and state grant funds.

PASSED and **APPROVED** this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

Consent #4 Handed out at
Agenda Session
4/28/09

April 28, 2009

Mr. Ray Boudreaux
Airport Department
City of Fayetteville
4500 S. School Ave., Suite F
Fayetteville, AR 72701

Re: Drake Field Runway 16 Safety Area Improvements
Fayetteville Municipal Airport,

Dear Mr. Boudreaux:

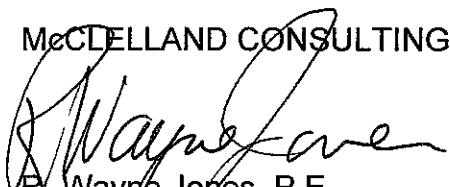
Bids were received on the above referenced project on Tuesday April 28, 2009, with six Contractors submitting a bid for this project. The low bidder for the Basis of Award for the Total Bid for Schedules I & II is Sweetser construction, Inc., of Fayetteville, Arkansas, in the amount of \$ \$ 969,325.65.00 for the Base Bid Award for Total Bid Schedules I & II. This work is for the earthwork and drainage structures and utility relocations comprising Phase I of the construction. A copy of the certified Bid Tabulation is enclosed. The Engineer's estimate of the Construction Cost is also attached and was in the amount of \$ 1,150,000.00. The Bid amount is below the estimated project construction cost.

We recommend the City accept the low bid submitted by Sweetser Construction, Inc., for the Base Bid in the amount of \$ \$ 969,325.65.00. We have worked with Sweetser on numerous occasions and have had very good results with their construction.

If there are any questions regarding the bids or this recommendation, please contact us.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosures: Bid Tabulation

Runway 16 Safety Area Improvements
 Fayetteville Municipal Airport
 AIP Project 3-05-0020-038-2009
 April 28, 2009
 MCE Project No. FY082153

Item #	Description	Qty.	Unit	Sweetser Construction, Inc. License #0027470410		Dean Crowder Construction License #0031610310		Total Site Development, LLC License #0183010310		NEC, Inc License #0148780410		Tomlinson Asphalt Co. License #0040940809		APAC-McClintock Anchor License #0011840410	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
SCHEDULE I															
1	Mobilization and Demobilization	1	LS	\$11,000.00	\$11,000.00	\$1,650.00	\$1,650.00	\$20,100.00	\$20,100.00	\$24,949.00	\$24,949.00	\$10,500.00	\$10,500.00	\$38,257.00	\$38,257.00
2	Topsoil Removal (Plan Quantity)	12,500	CY	\$1.50	\$18,750.00	\$2.78	\$34,750.00	\$2.00	\$25,000.00	\$4.25	\$53,125.00	\$2.15	\$26,875.00	\$2.50	\$31,250.00
3	Unclassified Excavation (Plan Quantity)	2,800	CY	\$5.00	\$14,000.00	\$2.78	\$7,784.00	\$3.00	\$8,400.00	\$7.55	\$21,140.00	\$3.70	\$10,360.00	\$4.15	\$11,620.00
4	Embankment from Excavation (Plan Quantity)	4,400	CY	\$5.00	\$22,000.00	\$3.26	\$14,344.00	\$4.00	\$17,600.00	\$1.30	\$5,720.00	\$1.00	\$4,400.00	\$4.15	\$18,260.00
5	Select Borrow Embankment (Plan Quantity)	14,000	CY	\$6.50	\$91,000.00	\$7.45	\$104,300.00	\$8.00	\$112,000.00	\$8.75	\$122,500.00	\$8.28	\$115,920.00	\$9.50	\$133,000.00
6	Topsoil Replacement (Plan Quantity)	2,800	CY	\$1.50	\$4,200.00	\$6.50	\$18,200.00	\$3.00	\$8,400.00	\$2.35	\$6,580.00	\$3.70	\$10,360.00	\$7.80	\$21,840.00
7	Undercut and Embankment Backfill (Field Measured)	6,500	CY	\$8.00	\$52,000.00	\$12.45	\$80,925.00	\$10.00	\$65,000.00	\$14.20	\$92,300.00	\$12.00	\$78,000.00	\$16.10	\$104,650.00
8	Soil Stabilization Fabric	13,000	SY	\$1.55	\$20,150.00	\$2.25	\$29,250.00	\$5.00	\$65,000.00	\$1.05	\$13,650.00	\$1.18	\$15,470.00	\$0.95	\$12,350.00
9	Silt Fence	4,275	LF	\$3.00	\$12,825.00	\$2.50	\$10,687.50	\$3.00	\$12,825.00	\$3.15	\$13,486.25	\$3.06	\$13,081.50	\$3.05	\$13,038.75
10	Construction Entrances / Exit	2	EA	\$1,000.00	\$2,000.00	\$2,500.00	\$5,000.00	\$800.00	\$1,600.00	\$1,774.00	\$3,548.00	\$1,200.00	\$2,400.00	\$2,860.00	\$5,720.00
11	Temporary Rock Check Dam	715	LF	\$30.00	\$21,450.00	\$27.00	\$19,305.00	\$10.00	\$7,150.00	\$9.50	\$6,792.50	\$7.00	\$5,005.00	\$14.45	\$10,331.75
12	Erosion Control Blanket	3,000	SY	\$5.45	\$16,350.00	\$2.50	\$7,500.00	\$5.00	\$15,000.00	\$8.35	\$25,050.00	\$5.35	\$16,050.00	\$4.60	\$13,600.00
13	Double 6' x 8' Box Culvert (Complete)	1	EA	\$53,875.00	\$53,875.00	\$79,600.00	\$79,600.00	\$71,000.00	\$71,000.00	\$79,788.00	\$79,788.00	\$52,500.00	\$52,500.00	\$82,447.00	\$82,447.00
14	5 Barrel 6' x 8' Box Culvert (Complete)	1	EA	\$167,238.00	\$167,238.00	\$217,000.00	\$217,000.00	\$198,000.00	\$198,000.00	\$261,176.00	\$261,176.00	\$176,400.00	\$176,400.00	\$234,890.00	\$234,890.00
15	Maintained Driveways & Alley Drive	1	LS	\$7,500.00	\$7,500.00	\$1,500.00	\$1,500.00	\$1,900.00	\$1,900.00	\$3,280.00	\$3,280.00	\$2,000.00	\$2,000.00	\$6,842.00	\$6,842.00
16	Temporary Seeding, Fertilizer and Mulching	12	AC	\$1,750.00	\$21,000.00	\$1,200.00	\$14,400.00	\$950.00	\$11,400.00	\$1,633.00	\$19,596.00	\$1,480.00	\$17,760.00	\$1,776.00	\$21,312.00
17	Trench & Excavation Safety System	1	LS	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$1.15	\$1.15	\$2,500.00	\$2,500.00	\$10,241.00	\$10,241.00
18	New Sanitary Sewer Manhole	7	EA	\$2,350.00	\$16,450.00	\$2,220.00	\$15,540.00	\$2,100.00	\$14,700.00	\$1,340.00	\$9,380.00	\$2,780.00	\$19,460.00	\$2,254.50	\$15,781.50
19	6" SDR 26 PVC Sewer Pipe	260	LF	\$30.00	\$7,800.00	\$20.87	\$5,428.20	\$21.00	\$5,460.00	\$18.80	\$4,888.00	\$18.20	\$4,732.00	\$19.85	\$5,161.00
20	10" SDR 26 PVC Sewer Pipe	550	LF	\$32.00	\$17,600.00	\$25.88	\$14,244.50	\$23.00	\$12,650.00	\$21.10	\$11,605.00	\$17.75	\$17,462.50	\$23.60	\$12,980.00
21	Crushed Stone Trench Backfill	1,160	TN	\$14.00	\$16,400.00	\$16.90	\$19,590.00	\$15.00	\$16,500.00	\$10.80	\$11,688.00	\$22.30	\$24,530.00	\$16.95	\$20,845.00
22	18" Bored or Excavated Encasement (Sewer)	235	LF	\$225.00	\$52,875.00	\$50.00	\$11,750.00	\$54.00	\$12,690.00	\$64.40	\$15,134.00	\$62.00	\$14,570.00	\$97.55	\$22,924.25
23	Third Party Insurance Coverage (Rider Amount)	1	LS	\$1.00	\$1.00	\$0.00	\$0.00	\$2,500.00	\$2,500.00	\$1,308.00	\$1,309.00	\$3,500.00	\$3,500.00	\$560.55	\$560.55
24	6" Water Line Relocation in Alley Drive	1	LS	\$14,500.00	\$14,500.00	\$7,426.40	\$7,426.40	\$15,000.00	\$15,000.00	\$11,530.00	\$11,630.00	\$38,000.00	\$38,000.00	\$10,474.80	\$10,474.80
25	12" PVC Class 200 Force Main	260	LF	\$36.00	\$9,360.00	\$34.13	\$8,873.80	\$33.00	\$8,580.00	\$33.60	\$8,736.00	\$39.00	\$10,140.00	\$36.30	\$9,438.00
26	Ductile Iron Fittings (Epoxy Coated)	1,000	LB	\$12.50	\$12,500.00	\$7.86	\$7,860.00	\$14.00	\$14,000.00	\$8.45	\$8,450.00	\$7.65	\$7,650.00	\$10.20	\$10,200.00
27	24" Bored or Excavated Encasement (Force Main)	115	LF	\$225.00	\$25,875.00	\$85.60	\$9,834.00	\$62.00	\$7,230.00	\$78.80	\$9,074.80	\$60.00	\$6,940.00	\$129.25	\$15,251.50
28	Connection of New 12" Force Main to Existing 12" Force Main	1	LS	\$17,200.00	\$17,200.00	\$1,750.00	\$1,750.00	\$2,700.00	\$2,700.00	\$8,657.00	\$8,657.00	\$2,500.00	\$2,500.00	\$2,660.00	\$2,660.00
29	Removal of 6" Chainlink Fence	800	LF	\$2.00	\$1,600.00	\$2.50	\$2,000.00	\$3.00	\$2,400.00	\$2.10	\$1,680.00	\$3.06	\$2,448.00	\$2.05	\$1,640.00
30	New 6" Chainlink Fence	640	LF	\$10.21	\$6,534.40	\$10.21	\$6,534.40	\$11.00	\$7,040.00	\$10.70	\$6,848.00	\$15.50	\$9,920.00	\$10.45	\$6,688.00
31	Relocate Sliding Gate and Double Gate	1	EA	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00	\$1,600.00	\$1,600.00	\$1,440.00	\$1,440.00	\$1,020.00	\$1,020.00	\$1,410.00	\$1,410.00
32	Abandon Manhole	1	EA	\$400.00	\$400.00	\$468.00	\$468.00	\$330.00	\$330.00	\$722.00	\$722.00	\$1,100.00	\$1,100.00	\$745.45	\$745.45
33	Adjust Manhole Rim Elevation to Grade	1	EA	\$500.00	\$500.00	\$399.00	\$399.00	\$1,500.00	\$1,500.00	\$524.00	\$524.00	\$1,100.00	\$1,100.00	\$1,112.00	\$1,112.00
SUB TOTAL SCHEDULE I BID (ITEMS 1 THROUGH 33)					\$738,483.40		\$759,283.60		\$767,741.00		\$685,129.70		\$727,754.00		\$907,721.35
SCHEDULE II															
1	Mobilization and Demobilization (Taxway Extension)	1	LS	\$3,500.00	\$3,500.00	\$4,300.00	\$4,300.00	\$9,100.00	\$9,100.00	\$4,139.00	\$4,139.00	\$3,300.00	\$3,300.00	\$14,244.00	\$14,244.00
2	Topsoil Removal (Plan Quantity)	3,500	CY	\$1.50	\$5,250.00	\$2.78	\$9,730.00	\$2.00	\$7,000.00	\$7.10	\$24,850.00	\$2.15	\$7,525.00	\$11.35	\$39,725.00
3	Unclassified Excavation (Plan Quantity)	800	CY	\$5.00	\$4,000.00	\$2.78	\$2,224.00	\$3.00	\$2,400.00	\$10.20	\$8,160.00	\$2.35	\$1,880.00	\$3.65	\$2,920.00
4	Embankment from Excavation (Plan Quantity)	1,400	CY	\$5.00	\$7,000.00	\$3.26	\$4,564.00	\$4.00	\$5,600.00	\$1.30	\$1,820.00	\$2.54	\$3,556.00	\$4.35	\$6,090.00
5	Select Borrow Embankment (Plan Quantity)	5,300	CY	\$6.50	\$34,450.00	\$7.45	\$39,485.00	\$8.00	\$42,400.00	\$7.55	\$39,915.00	\$8.26	\$43,722.00	\$8.80	\$46,640.00

Runway 16 Safety Area Improvements
 Fayetteville Municipal Airport
 AIP Project 3-05-0020-038-2009
 April 28, 2009
 MCE Project No. FY082153

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				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
6	Topsoil Replacement (Plan Quantity)	1,050	CY	\$1.50	\$1,575.00	\$6.50	\$6,825.00	\$3.00	\$3,150.00	\$4.55	\$4,777.50	\$3.70	\$3,885.00	\$7.45	\$7,822.50
7	Undercut and Embankment Backfill (Field Measured)	2,000	CY	\$8.00	\$16,000.00	\$12.45	\$24,900.00	\$10.00	\$20,000.00	\$14.30	\$28,600.00	\$12.00	\$24,000.00	\$13.95	\$27,900.00
8	Soil Stabilization Fabric	5,500	SY	\$1.55	\$8,525.00	\$2.25	\$12,375.00	\$5.00	\$27,500.00	\$1.05	\$5,775.00	\$1.18	\$6,490.00	\$2.00	\$11,000.00
9	Silt Fence	2,545	LF	\$3.00	\$7,635.00	\$2.50	\$6,362.50	\$3.00	\$7,635.00	\$3.25	\$8,271.25	\$3.08	\$7,787.70	\$3.05	\$7,762.25
10	Temporary Rock Check Dams	975	EA	\$30.00	\$29,250.00	\$27.00	\$26,325.00	\$10.00	\$9,750.00	\$1.25	\$1,218.75	\$7.00	\$6,825.00	\$13.80	\$13,455.00
11	Construction Entrance / Exit	1	EA	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$800.00	\$800.00	\$922.00	\$922.00	\$1,200.00	\$1,200.00	\$2,946.00	\$2,946.00
12	Erosion Control Blanket	1,800	SY	\$5.45	\$10,355.00	\$2.50	\$4,750.00	\$5.00	\$9,500.00	\$8.60	\$16,340.00	\$5.35	\$10,165.00	\$5.15	\$9,785.00
13	Removal of 6 foot Chainlink Fence	750	LF	\$2.00	\$1,500.00	\$2.50	\$1,875.00	\$3.00	\$2,250.00	\$2.15	\$1,612.50	\$3.08	\$2,295.00	\$2.05	\$1,537.50
14	Relocate 6 ft Chainlink Fence with New Posts	815	LF	\$10.15	\$8,272.25	\$10.15	\$8,272.25	\$11.00	\$8,965.00	\$11.00	\$8,965.00	\$14.50	\$12,143.50	\$10.40	\$8,476.00
15	Relocate Double Gate	1	LS	\$725.00	\$725.00	\$724.08	\$724.08	\$800.00	\$800.00	\$785.00	\$785.00	\$510.00	\$510.00	\$742.65	\$742.65
16	5 Barrel 6' x 8' Box Culvert (Complete)	1	EA	\$97,555.00	\$97,555.00	\$133,000.00	\$133,000.00	\$125,000.00	\$125,000.00	\$145,764.00	\$145,764.00	\$124,500.00	\$124,500.00	\$143,620.00	\$143,620.00
17	Temporary Seeding, Fertilizer and Mulching	5	AC	\$1,750.00	\$8,750.00	\$1,200.00	\$6,000.00	\$950.00	\$4,750.00	\$1,898.00	\$9,490.00	\$1,480.00	\$7,400.00	\$1,776.50	\$8,880.00
18	Trench & Excavation Safety System	1	LS	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,898.00	\$1,898.00	\$500.00	\$500.00	\$6,827.00	\$6,827.00
SUB TOTAL SCHEDULE II BID (ITEMS 1 THROUGH 18)					\$232,842.25		\$280,311.83		\$272,100.00		\$298,003.00		\$281,285.20		\$342,772.90
SCHEDULE III															
1	Mobilization and Demobilization	1	LS	\$20,500.00	\$20,500.00	\$25,000.00	\$25,000.00	\$43,100.00	\$43,100.00	\$58,905.00	\$58,905.00	\$38,000.00	\$38,000.00	\$57,105.00	\$57,105.00
2	Maintenance of Traffic	1	LS	\$28,000.00	\$28,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$16,958.00	\$16,958.00	\$83,500.00	\$83,500.00	\$7,697.00	\$7,697.00
3	Topsoil Removal (Plan Quantity)	500	CY	\$1.50	\$750.00	\$2.78	\$1,390.00	\$2.00	\$1,000.00	\$11.00	\$5,500.00	\$7.00	\$3,500.00	\$3.60	\$1,800.00
4	Unclassified Excavation (Plan Quantity)	100	CY	\$5.00	\$500.00	\$2.78	\$278.00	\$3.00	\$300.00	\$27.00	\$2,700.00	\$10.00	\$1,000.00	\$11.85	\$1,185.00
5	Embankment from Excavation (Plan Quantity)	200	CY	\$5.00	\$1,000.00	\$3.26	\$652.00	\$4.00	\$800.00	\$3.60	\$720.00	\$8.00	\$1,600.00	\$6.65	\$1,330.00
6	Select Borrow Embankment (Plan Quantity)	800	CY	\$6.50	\$5,200.00	\$7.45	\$5,960.00	\$8.00	\$6,400.00	\$11.70	\$9,360.00	\$12.50	\$10,000.00	\$8.50	\$7,040.00
7	Topsoil Replacement (Plan Quantity)	450	CY	\$1.50	\$675.00	\$6.50	\$2,925.00	\$3.00	\$1,350.00	\$4.70	\$2,115.00	\$10.00	\$4,500.00	\$10.40	\$4,680.00
8	Undercut and Embankment Backfill (Field Measured)	2,200	CY	\$8.00	\$17,600.00	\$12.45	\$27,390.00	\$10.00	\$22,000.00	\$14.00	\$30,800.00	\$16.00	\$35,200.00	\$20.30	\$44,660.00
9	Soil Stabilization Fabric	2,800	SY	\$1.55	\$4,340.00	\$2.25	\$6,300.00	\$5.00	\$14,000.00	\$1.40	\$3,920.00	\$1.21	\$3,388.00	\$2.65	\$7,420.00
10	Silt Fence (Maintenance)	4,275	LF	\$3.00	\$12,825.00	\$2.50	\$10,687.50	\$3.00	\$12,825.00	\$0.50	\$2,137.50	\$0.75	\$3,206.25	\$1.90	\$8,122.50
11	Construction Entrance / Exit	1	EA	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$800.00	\$800.00	\$3,192.00	\$3,192.00	\$1,300.00	\$1,300.00	\$2,811.00	\$2,811.00
12	Erosion Control Blanket	1	LS	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$2,675.00	\$2,675.00	\$4,000.00	\$4,000.00	\$19,950.00	\$19,950.00
13	Block and Aggregate Filters	800	SY	\$5.45	\$4,360.00	\$2.50	\$2,000.00	\$5.00	\$4,000.00	\$8.70	\$6,960.00	\$5.36	\$4,288.00	\$5.40	\$4,320.00
14	Curb Inlet Sediment Barrier	690	LF	\$6.50	\$4,485.00	\$14.00	\$9,660.00	\$11.00	\$7,590.00	\$5.50	\$3,795.00	\$10.00	\$6,800.00	\$10.65	\$7,342.50
15	Aggregate Base Course (Class 7)	15,000	TN	\$14.00	\$210,000.00	\$15.82	\$237,300.00	\$18.00	\$270,000.00	\$13.00	\$195,000.00	\$13.60	\$204,000.00	\$14.20	\$213,000.00
16	4" Asphalt Binder (1 1/2" PG 70-22)	6,000	TN	\$58.70	\$352,200.00	\$55.78	\$334,700.00	\$58.70	\$352,200.00	\$60.80	\$364,800.00	\$70.80	\$424,800.00	\$57.90	\$347,400.00
17	3" Asphalt Surface (1 1/2" PG 70-22)	5,000	TN	\$79.70	\$398,500.00	\$83.33	\$416,650.00	\$79.70	\$398,500.00	\$82.80	\$414,000.00	\$82.22	\$411,100.00	\$84.15	\$420,750.00
18	Concrete Curb & Gutter (Type A)	6,120	LF	\$8.00	\$48,960.00	\$9.75	\$59,670.00	\$11.50	\$70,380.00	\$8.10	\$49,572.00	\$9.90	\$60,566.00	\$11.20	\$68,544.00
19	Concrete Curb & Gutter (Type E-1)	328	LF	\$8.00	\$2,624.00	\$9.75	\$3,198.00	\$11.50	\$3,772.00	\$12.00	\$3,936.00	\$9.80	\$3,247.20	\$14.35	\$4,706.80
20	Concrete Sidewalk	3,460	SY	\$28.00	\$96,880.00	\$33.45	\$115,737.00	\$24.00	\$83,040.00	\$22.00	\$76,120.00	\$30.25	\$104,665.00	\$22.45	\$77,877.00
21	HC Ramps AHTD, Type III	65	SY	\$230.00	\$14,950.00	\$62.15	\$4,039.75	\$50.00	\$3,250.00	\$38.00	\$2,470.00	\$56.50	\$3,672.50	\$133.00	\$8,645.00
22	Asphalt Surface Courses for Driveways	240	TN	\$86.10	\$20,664.00	\$75.00	\$18,000.00	\$165.00	\$39,600.00	\$93.00	\$22,320.00	\$100.00	\$24,000.00	\$92.70	\$22,248.00
23	Aggregate Base for Driveways	450	TN	\$14.00	\$6,300.00	\$20.00	\$9,000.00	\$18.00	\$8,100.00	\$20.00	\$9,000.00	\$26.00	\$11,700.00	\$19.00	\$8,550.00
24	18" RCP, Class III, Wall B	1,632	LF	\$29.00	\$47,328.00	\$28.00	\$45,696.00	\$34.50	\$56,304.00	\$34.00	\$55,480.00	\$34.00	\$55,480.00	\$28.50	\$46,512.00
25	24" RCP, Class III, Wall B	85	LF	\$45.50	\$3,867.50	\$40.00	\$3,400.00	\$44.00	\$3,740.00	\$47.00	\$3,993.00	\$76.00	\$6,460.00	\$45.40	\$3,859.00

Runway 16 Safety Area Improvements
Fayetteville Municipal Airport
AIP Project 3-05-0020-038-2009
April 28, 2009
MCE Project No. FY082153

A. 4
Bid # 09-34 Runway Safety
Area Improvement Project
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Item #	Description	Qty.	Unit	Sweetser Construction, Inc. License #0027470410		Dean Crowder Construction License #0031610310		Total Site Development, LLC License #0163010310		NEC, Inc License #0148780410		Tomlinson Asphalt Co. License #0040940809		APAC-McClinton Anchor License #0011840410	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
28	36" RCP, Class III, Wall B	226	LF	\$69.00	\$15,594.00	\$50.00	\$11,300.00	\$75.00	\$16,850.00	\$61.00	\$13,788.00	\$66.50	\$18,549.00	\$68.00	\$14,816.00
29	42" RCP, Class III, Wall B	633	LF	\$90.00	\$48,150.00	\$71.00	\$37,885.00	\$88.00	\$47,080.00	\$73.00	\$39,055.00	\$103.00	\$65,105.00	\$80.80	\$43,228.00
30	48" RCP, Class III, Wall B	390	LF	\$105.00	\$40,950.00	\$96.00	\$37,440.00	\$102.00	\$39,780.00	\$90.00	\$35,100.00	\$120.00	\$46,800.00	\$94.40	\$36,818.00
31	18" RCP, Flared End Section	4	EA	\$500.00	\$2,000.00	\$1,800.00	\$7,200.00	\$800.00	\$2,400.00	\$751.00	\$3,004.00	\$1,230.00	\$4,920.00	\$904.30	\$3,617.20
32	36" RCP, Flared End Section	2	EA	\$1,395.00	\$2,790.00	\$2,200.00	\$4,400.00	\$1,300.00	\$2,600.00	\$1,464.00	\$2,928.00	\$2,350.00	\$4,700.00	\$1,771.00	\$3,542.00
33	Drop Inlet (Type G)	18	EA	\$2,075.00	\$39,425.00	\$2,775.00	\$52,725.00	\$2,100.00	\$39,900.00	\$2,182.00	\$41,458.00	\$2,825.00	\$53,675.00	\$3,003.00	\$57,057.00
34	4" Drop Inlet Extension	7	EA	\$500.00	\$3,500.00	\$800.00	\$5,600.00	\$750.00	\$5,250.00	\$662.00	\$4,634.00	\$525.00	\$3,675.00	\$563.45	\$3,944.15
35	8" Drop Inlet Extension	2	EA	\$1,000.00	\$2,000.00	\$1,400.00	\$2,800.00	\$850.00	\$1,700.00	\$1,058.00	\$2,116.00	\$1,200.00	\$2,400.00	\$1,126.80	\$2,253.60
36	Modification to Existing Drop Inlets	3	EA	\$500.00	\$1,500.00	\$1,400.00	\$4,200.00	\$1,300.00	\$3,900.00	\$1,318.00	\$3,954.00	\$2,190.00	\$6,570.00	\$1,719.85	\$5,158.85
37	Junction Box (Type ST)	2	EA	\$2,375.00	\$4,750.00	\$3,500.00	\$7,000.00	\$2,000.00	\$4,000.00	\$2,016.00	\$4,032.00	\$3,000.00	\$6,000.00	\$4,478.00	\$8,956.00
38	4" Thermoplastic Striping White	1,650	LF	\$0.95	\$1,567.50	\$1.00	\$1,650.00	\$1.00	\$1,650.00	\$1.00	\$1,650.00	\$2.02	\$3,333.00	\$0.95	\$1,567.50
39	4" Thermoplastic Striping Yellow	1,650	LF	\$0.95	\$1,567.50	\$1.00	\$1,650.00	\$1.00	\$1,650.00	\$1.00	\$1,650.00	\$2.02	\$3,333.00	\$0.95	\$1,567.50
40	4" Thermoplastic Striping Solid Yellow	8,500	LF	\$0.95	\$8,075.00	\$1.00	\$8,500.00	\$1.00	\$8,500.00	\$1.00	\$8,500.00	\$2.02	\$17,240.00	\$0.95	\$8,075.00
41	Clear Plowable Pavement Markers	161	EA	\$28.25	\$4,538.25	\$28.00	\$4,528.00	\$26.00	\$4,186.00	\$26.40	\$4,250.40	\$38.00	\$6,118.00	\$25.25	\$4,065.25
42	Yellow Plowable Pavement Markers	181	EA	\$28.25	\$5,113.25	\$28.00	\$5,088.00	\$26.00	\$4,738.00	\$26.40	\$4,761.60	\$38.00	\$6,882.00	\$25.25	\$4,560.25
43	12" Thermoplastic Stop Bars (White)	48	LF	\$5.25	\$252.00	\$10.00	\$480.00	\$5.00	\$240.00	\$5.30	\$254.40	\$6.12	\$293.76	\$5.05	\$242.40
44	Thermoplastic Crosswalk (White)	3	EA	\$315.00	\$945.00	\$400.00	\$1,200.00	\$325.00	\$975.00	\$316.90	\$950.70	\$612.00	\$1,836.00	\$303.05	\$909.15
45	Trench & Excavation Safety System	1	LS	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$987.40	\$987.40	\$3,000.00	\$3,000.00	\$590.55	\$590.55
46	Removal of Asphalt Pavement	16,300	SY	\$1.30	\$21,190.00	\$3.00	\$48,900.00	\$1.00	\$16,300.00	\$1.40	\$22,820.00	\$2.80	\$45,240.00	\$2.10	\$33,930.00
47	Removal of Concrete Curb & Gutter	5,500	LF	\$3.00	\$16,500.00	\$1.45	\$7,975.00	\$5.00	\$27,500.00	\$3.90	\$21,450.00	\$5.27	\$28,985.00	\$2.80	\$15,400.00
48	Removal of Drop Inlets	10	EA	\$350.00	\$3,500.00	\$300.00	\$3,000.00	\$500.00	\$5,000.00	\$211.00	\$2,110.00	\$550.00	\$5,500.00	\$190.00	\$1,900.00
49	Removal of Storm Drainage Pipe	1,800	LF	\$10.00	\$18,000.00	\$10.00	\$18,000.00	\$5.00	\$9,000.00	\$2.10	\$3,780.00	\$10.90	\$19,620.00	\$2.35	\$4,230.00
50	Removal of Double 6' x 8' Box Culvert & Regrade Channel Area	1	LS	\$28,350.00	\$28,350.00	\$5,000.00	\$5,000.00	\$11,000.00	\$11,000.00	\$9,613.00	\$9,613.00	\$15,720.00	\$15,720.00	\$10,362.00	\$10,362.00
51	Removal of Concrete Pavement (in Hwy. 71)	8,800	SY	\$4.00	\$35,200.00	\$10.00	\$88,000.00	\$1.00	\$8,800.00	\$2.90	\$25,520.00	\$8.50	\$74,800.00	\$6.95	\$61,060.00
52	Regrade of Hwy. 71	1,560	CY	\$9.50	\$14,820.00	\$38.00	\$59,280.00	\$10.00	\$15,600.00	\$2.70	\$4,212.00	\$5.20	\$8,112.00	\$7.30	\$11,388.00
53	Solid Sodding	1,000	SY	\$3.25	\$3,250.00	\$2.25	\$2,250.00	\$3.00	\$3,000.00	\$8.70	\$8,700.00	\$5.10	\$5,100.00	\$8.10	\$8,100.00
54	Seeding, Fertilizer & Mulch	20	AC	\$1,750.00	\$35,000.00	\$1,200.00	\$24,000.00	\$2,000.00	\$40,000.00	\$2,032.00	\$40,640.00	\$1,500.00	\$30,000.00	\$1,878.20	\$37,564.00
55	Removal of 8' Airport Chain Link Fence	500	LF	\$2.00	\$1,000.00	\$2.50	\$1,250.00	\$3.00	\$1,500.00	\$2.20	\$1,100.00	\$3.15	\$1,575.00	\$2.05	\$1,025.00
56	New 8' Airport Security Chain Link Fence with Barbed Wire	1,700	LF	\$18.50	\$31,450.00	\$18.38	\$31,246.00	\$20.00	\$34,000.00	\$20.00	\$34,000.00	\$15.70	\$26,690.00	\$18.85	\$32,045.00
57	Trench & Excavation Safety System	9	LS	\$9.99	\$89.91	\$9.99	\$89.91	\$9.99	\$89.91	\$9.99	\$89.91	\$9.99	\$89.91	\$9.99	\$89.91
58	Asphalt Milling At Connections	800	SY	\$5.30	\$4,240.00	\$3.00	\$2,400.00	\$5.30	\$4,240.00	\$5.60	\$4,480.00	\$5.50	\$4,400.00	\$3.25	\$2,600.00
59	Asphalt Removal within Superlevation Sections, as required	750	SY	\$1.85	\$1,387.50	\$3.00	\$2,250.00	\$2.00	\$1,500.00	\$2.00	\$1,500.00	\$5.50	\$4,125.00	\$3.45	\$2,587.50
60	Prime Coat	5,500	Gal	\$3.80	\$21,280.00	\$2.00	\$11,000.00	\$3.80	\$21,280.00	\$3.90	\$21,450.00	\$1.50	\$8,400.00	\$3.15	\$17,400.00
61	Seal Coat	3,500	Gal	\$2.20	\$7,700.00	\$2.00	\$7,000.00	\$2.20	\$7,700.00	\$2.30	\$8,050.00	\$2.75	\$9,625.00	\$1.85	\$6,475.00
62	Refill Gate Fire Hydrant	1	EA	\$750.00	\$750.00	\$4,417.20	\$4,417.20	\$2,000.00	\$2,000.00	\$3,844.00	\$3,844.00	\$1,600.00	\$1,600.00	\$4,190.00	\$4,190.00
63	Road Signs (W1-5)	2	EA	\$350.00	\$700.00	\$250.00	\$500.00	\$200.00	\$400.00	\$184.90	\$369.80	\$210.00	\$420.00	\$280.30	\$560.60
SUB TOTAL SCHEDULE III BID (ITEMS 1 THROUGH 63)					\$1,662,454.50		\$1,689,178.45		\$1,852,021.00		\$1,661,308.50		\$1,949,487.21		\$1,878,396.45
SCHEDULE IV															
1	Mobilization and Demobilization	1	LS	\$4,800.00	\$4,800.00	\$5,000.00	\$5,000.00	\$10,000.00	\$10,000.00	\$25,237.00	\$25,237.00	\$29,725.00	\$29,725.00	\$16,307.00	\$16,307.00
2	Topsoil Removal (Plan Quantity)	220	CY	\$1.50	\$330.00	\$2.78	\$611.60	\$2.00	\$440.00	\$10.20	\$2,244.00	\$8.00	\$1,760.00	\$123.25	\$27,115.00
3	Unclassified Excavation (Plan Quantity)	150	CY	\$5.00	\$750.00	\$2.78	\$417.00	\$3.00	\$450.00	\$24.90	\$3,735.00	\$10.00	\$1,500.00	\$9.65	\$1,327.50
4	Embankment from Excavation (Plan Quantity)	100	CY	\$5.00	\$500.00	\$3.26	\$326.00	\$4.00	\$400.00	\$9.10	\$910.00	\$10.00	\$1,000.00	\$17.80	\$1,780.00
5	Select Borrow Embankment (Plan Quantity)	350	CY	\$6.50	\$2,275.00	\$7.45	\$2,607.50	\$8.00	\$2,800.00	\$9.10	\$3,185.00	\$13.00	\$4,550.00	\$10.15	\$3,552.50
6	Topsoil Replacement (Plan Quantity)	850	CY	\$1.50	\$1,275.00	\$6.50	\$5,525.00	\$3.00	\$2,550.00	\$2.20	\$1,870.00	\$10.00	\$8,500.00	\$10.75	\$9,137.50
7	Undercut and Embankment Backfill (Field Measured)	1,000	CY	\$8.00	\$8,000.00	\$12.45	\$12,450.00	\$10.00	\$10,000.00	\$13.60	\$13,600.00	\$17.50	\$17,500.00	\$22.05	\$22,050.00
8	Soil Stabilization Fabric	1,200	SY	\$1.55	\$1,860.00	\$2.25	\$2,700.00	\$5.00	\$6,000.00	\$1.50	\$1,800.00	\$1.50	\$1,800.00	\$3.80	\$4,560.00
9	Soil Fence	850	LF	\$3.00	\$2,550.00	\$2.50	\$2,125.00	\$3.00	\$2,550.00	\$5.70	\$4,845.00	\$3.15	\$2,692.50	\$5.10	\$4,335.00
10	Aggregate Base Course (Class 7)	1,500	TW	\$14.00	\$21,000.00	\$15.62	\$23,430.00	\$18.00	\$27,000.00	\$14.10	\$21,150.00	\$14.90	\$22,350.00	\$16.15	\$24,225.00

Runway 16 Safety Area Improvements
 Fayetteville Municipal Airport
 AIP Project 3-05-0020-038-2009
 April 28, 2009
 MCE Project No. FY082153

Item #	Description	Qty.	Unit	Sweetser Construction, Inc. License #0027470410		Dean Crowder Construction License #0031610310		Total Site Development, LLC License #0183010310		NEC, Inc License #0146760410		Tomlinson Asphalt Co. License #0040940809		APAC-McClinton Anchor License #0011840410	
				Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
11	4" Asphalt Binder (1 1/2" PG 70-22	650	TN	\$57.60	\$50,886.00	\$55.78	\$49,086.40	\$57.60	\$50,886.00	\$65.20	\$57,376.00	\$67.74	\$59,611.20	\$58.75	\$51,700.00
12	2" Asphalt Surface (1 1/2") PG 70-22	500	TN	\$77.40	\$38,700.00	\$63.33	\$31,665.00	\$77.40	\$38,700.00	\$87.60	\$43,800.00	\$78.85	\$39,425.00	\$66.05	\$33,026.00
13	Concrete Curb & Gutter (Type A)	1,470	LF	\$8.00	\$11,760.00	\$9.75	\$14,332.50	\$11.50	\$16,905.00	\$6.60	\$9,702.00	\$10.00	\$14,700.00	\$13.20	\$19,404.00
14	Concrete Sidewalk	610	SY	\$28.00	\$22,680.00	\$33.46	\$27,094.50	\$24.00	\$16,440.00	\$19.30	\$15,633.00	\$30.25	\$24,502.50	\$29.40	\$23,814.00
15	HC Ramps AHTD, Type III	18	SY	\$230.00	\$3,880.00	\$82.15	\$994.40	\$50.00	\$880.00	\$48.30	\$772.80	\$58.50	\$904.00	\$181.70	\$2,907.20
16	16" RCP, Class III, Wall 6	185	LF	\$29.00	\$5,355.00	\$38.00	\$6,860.00	\$34.50	\$6,382.50	\$46.90	\$8,676.50	\$40.00	\$7,400.00	\$28.30	\$5,235.50
17	36" RCP, Class III, Wall 6	65	LF	\$45.50	\$2,957.50	\$81.00	\$5,265.00	\$75.00	\$4,875.00	\$87.80	\$5,707.00	\$130.00	\$8,450.00	\$83.85	\$5,450.25
18	36" RCP, Flared End Section	2	EA	\$1,395.00	\$2,790.00	\$1,750.00	\$3,500.00	\$1,300.00	\$2,600.00	\$1,791.50	\$3,583.00	\$2,360.00	\$4,700.00	\$1,771.00	\$3,542.00
19	Drop Inlet (Type C)	4	EA	\$2,075.00	\$8,300.00	\$2,750.00	\$11,000.00	\$2,100.00	\$8,400.00	\$2,248.50	\$8,988.00	\$2,500.00	\$10,000.00	\$3,823.00	\$15,292.00
20	Solid Sodding	1,000	SY	\$3.25	\$3,250.00	\$2.25	\$2,250.00	\$3.00	\$3,000.00	\$9.00	\$9,000.00	\$5.25	\$5,250.00	\$8.10	\$8,100.00
21	Seeding, Fertilizer & Mulch	12	AC	\$1,750.00	\$21,000.00	\$1,200.00	\$14,400.00	\$2,000.00	\$24,000.00	\$2,258.00	\$27,108.00	\$1,550.00	\$18,600.00	\$2,026.00	\$24,312.00
22	Channel Realignment	1	LS	\$36,082.50	\$36,082.50	\$14,000.00	\$14,000.00	\$10,000.00	\$10,000.00	\$19,580.50	\$19,580.50	\$25,000.00	\$25,000.00	\$19,738.00	\$19,738.00
23	Slit Fence Maintenance	2,545	LF	\$1.00	\$2,545.00	\$2.50	\$6,362.50	\$1.00	\$2,545.00	\$0.90	\$2,290.50	\$1.00	\$2,545.00	\$2.90	\$7,380.50
24	Construction Entrance / Exit	1	EA	\$1,000.00	\$1,000.00	\$2,500.00	\$2,500.00	\$800.00	\$800.00	\$2,733.50	\$2,733.50	\$1,800.00	\$1,800.00	\$2,812.00	\$2,812.00
25	Block Aggregate Filter	60	LF	\$6.50	\$390.00	\$14.00	\$840.00	\$11.00	\$660.00	\$11.30	\$678.00	\$10.00	\$600.00	\$23.40	\$1,404.00
26	Curb Inlet Sediment Barrier	4	EA	\$60.00	\$240.00	\$250.00	\$1,000.00	\$100.00	\$400.00	\$170.00	\$680.00	\$20.00	\$80.00	\$177.10	\$708.40
27	Temporary Rock Check Dam	1,555	LF	\$30.00	\$46,650.00	\$27.00	\$41,985.00	\$10.00	\$15,550.00	\$5.30	\$8,241.50	\$7.50	\$11,662.50	\$20.10	\$31,255.50
28	Erosion Control Blanket	5,500	SY	\$5.45	\$28,975.00	\$2.50	\$13,750.00	\$5.00	\$27,500.00	\$9.00	\$49,500.00	\$5.50	\$30,250.00	\$4.40	\$24,200.00
29	Trench & Excavation Safety System	1	LS	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,600.00	\$1,600.00	\$1.00	\$1.00	\$500.00	\$500.00	\$560.05	\$560.05
30	Remove Existing 8 ft Chain Link Fence	650	LF	\$2.00	\$1,100.00	\$2.50	\$1,625.00	\$3.00	\$1,950.00	\$2.30	\$1,495.00	\$3.15	\$1,732.50	\$2.05	\$1,127.50
31	New 8 ft Chain Link Fence with Barbed Wire	980	LF	\$18.50	\$17,675.00	\$18.41	\$17,498.50	\$20.00	\$19,000.00	\$20.80	\$19,784.00	\$15.80	\$15,010.00	\$18.90	\$17,955.00
32	Double Leaf Gate 12 ft	1	EA	\$1,942.00	\$1,942.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,000.00	\$2,199.00	\$2,199.00	\$1,050.00	\$1,050.00	\$1,993.00	\$1,993.00
33	Removal of Asphalt Pavement & Base (3020 SY)	1	LS	\$7,500.00	\$7,500.00	\$6,795.00	\$6,795.00	\$30,200.00	\$30,200.00	\$6,482.00	\$6,482.00	\$9,265.00	\$9,265.00	\$18,618.00	\$18,618.00
34	Asphalt Milling	150	SY	\$12.60	\$1,890.00	\$20.00	\$3,000.00	\$12.20	\$1,830.00	\$13.80	\$2,070.00	\$5.50	\$825.00	\$7.15	\$1,072.50
35	Prime Coat	1,050	Gal	\$3.80	\$3,990.00	\$2.00	\$2,100.00	\$3.80	\$3,990.00	\$4.00	\$4,200.00	\$1.50	\$1,575.00	\$3.15	\$3,307.50
36	Tack Coat	650	Gal	\$2.20	\$1,430.00	\$2.00	\$1,300.00	\$2.20	\$1,430.00	\$2.30	\$1,495.00	\$2.75	\$1,787.50	\$1.85	\$1,202.50
37	Remove and Relocate Streetlights and Bases	7	EA	\$1,965.00	\$13,755.00	\$4,715.00	\$33,005.00	\$1,500.00	\$10,500.00	\$1,698.50	\$11,889.50	\$3,560.00	\$24,920.00	\$3,552.00	\$24,864.00
SUB TOTAL SCHEDULE IV BID (ITEMS 1 THROUGH 36)					\$386,120.00		\$374,139.90		\$373,235.50		\$405,487.80		\$416,522.70		\$485,149.90
TOTAL BID SCHEDULES I & II					\$969,325.65		\$1,039,595.43		\$1,039,841.00		\$1,163,132.70		\$979,040.20		\$1,260,494.25
TOTAL BID SCHEDULES I, II & III					\$2,631,780.15		\$2,728,773.88		\$2,991,662.00		\$2,824,441.20		\$2,926,527.41		\$2,928,890.70
TOTAL BID SCHEDULES I, II, III & IV					\$3,017,900.15		\$3,102,913.78		\$3,365,097.50		\$3,229,928.00		\$3,345,050.11		\$3,395,040.60



FAYETTEVILLE

D. 1
2009 Justice Assistance Grant (JAG)
Page 1 of 4

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Lioneld Jordan, Mayor

From: Greg Tabor, Acting Chief of Police *Greg Tabor*

Date: April 17, 2009

Re: **Disparate Certification between the cities of Fayetteville, Springdale and Washington County Arkansas**

Background

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance has announced the 2009 Justice Assistance Grant for local agencies. This announcement is based in part on population and violent crime rates and is given to Fayetteville, Springdale and Washington County to share. Washington County was certified desperate because the Cities of Fayetteville and Springdale received a larger portion of the funding but Washington County houses prisoners for both entities.

Discussion

The Fayetteville Police Department has been selected, for the fifth year in a row, as the lead agency to apply for the \$456,807.00 Justice Assistance Grant which is on the May 5th City Council agenda. The certification notes that the funds will benefit the public and that the parties agree on the division of funding.

Recommendation

Staff recommends the Mayor sign the Reconciliation of disparate Certification. If you should have any comments or question regarding this agreement, please contact me at extension 581.

Budget Impact

None

THE STATE OF ARKANSAS

COUNTY OF WASHINGTON

Know All Ye By These Presents:

**RECONCILIATION OF DISPARATE CERTIFICATION
BETWEEN THE CITIES OF FAYETTEVILLE AND SPRINGDALE,
ARKANSAS, AND WASHINGTON COUNTY, ARKANSAS**

**2009 RECOVERY ACT BYRNE JUSTICE ASSISTANCE GRANT (JAG)
PROGRAM AWARD**

This Agreement is made and entered into this 15th of April, 2009, by and between the Cities of Fayetteville and Springdale, Arkansas, and Washington County, Arkansas, **witnesseth:**

WHEREAS, this agreement reconciles the disparate certification of the Recovery Act 2009 Justice Assistance Grant as declared by the director of Bureau of Justice Assistance for the geographic area known as Washington County; and,

WHEREAS, each party, in performing governmental functions or in paying for the performance of governmental functions hereunder, shall make that performance or those payments from current revenues legally available to that party; and,

WHEREAS, each party finds that the performance of this Agreement is in the best interests of all parties, that the undertaking will benefit the public, and that the division of costs fairly compensates the performing parties for the services or function under this Agreement; and,

WHEREAS, the City of Fayetteville agrees to provide the City of Springdale with \$160,765.00, and Washington County the amount of \$88,913.00 from the JAG Award; and,

WHEREAS, the parties hereto believe it in their best interests to reallocate the JAG funds.

NOW, THEREFORE, THE PARTIES AGREE AS FOLLOWS:

Section 1.

The City of Fayetteville agrees to pay the City of Springdale \$160,765.00, and Washington County the total of \$88,913.00.00 of JAG funds.

Section 2.

The City of Springdale agrees to use \$160,765.00 to purchase six (6) police pursuit vehicles and equipment such as light bar, mobile data, cages, console, stripping, weapon retention rack, etc. normally installed in each pursuit vehicle on or before June 30, 2010.

Washington County agrees to use \$88,913.00 to support the purchase of a marked pursuit vehicle with accessories, a Breath Alcohol Concentration Machine, Tasers with accessories and a Criminal Evidence Drying Cabinet on or before June 30, 2010.

Section 3.

Nothing in the performance of this Agreement shall impose any liability for claims against the City of Fayetteville, the City of Springdale, or Washington County.

Section 4.

Each party to this Agreement shall be responsible for its own actions in providing services under this Agreement and shall not incur any civil liability that may arise from the furnishing of services by the other parties.

Section 5.

The parties to this Agreement do not intend for any third party to obtain any rights by virtue of this Agreement. By entering into this Agreement, the parties do not intend to create any obligations, either express or implied, to any party not a signatory to this Agreement.

CITY OF FAYETTEVILLE, ARKANSAS

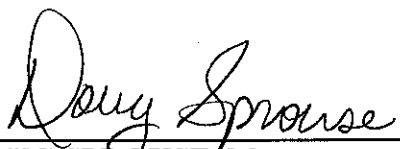
ATTEST:

LIONELD JORDAN, Mayor

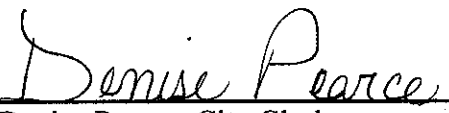
Sondra Smith, City Clerk

CITY OF SPRINGDALE, ARKANSAS

ATTEST:



DOUG SPROUSE, Mayor



Denise Pearce, City Clerk

WASHINGTON COUNTY, ARKANSAS

ATTEST:



Marilyn Edwards, County Judge



Karen Combs Prichard, County Clerk

 4-16-09

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Operations

From: Jeremy Pate, Director of Development Services 

Date: April 15, 2009

Subject: UDC Amendments for Animal Boarding and Daycare (ADM 09-3235)

BACKGROUND

With the adoption of the animal ordinance amendments in 2007, the City of Fayetteville's zoning regulations do not currently permit overnight commercial animal boarding in any zoning district except for property zoned R-A, Residential Agricultural. The reason for this regulation is typically associated with nuisances that come about from large numbers of dogs being kept outside and issues associated with commercial boarding such as noise, odor, waste disposal, aesthetics, etc.

The zoning and development codes do not have a specific classification or definition for animal day care. Animal day cares have been historically permitted in Fayetteville similar to a small veterinary animal clinic where animals are kept inside, with the exception of being walked outside on a leash. If animals are allowed outside in open dog runs, play areas or kennels, it is considered to be a kennel, and falls under commercial animal boarding, according to staff's interpretation of the Fayetteville Unified Development Code (UDC).

Staff has recently been evaluating a request by a citizen who desires to operate a doggie day care, animal boarding and retail business on her property zoned C-2, Thoroughfare Commercial. Because of the restriction of any kind of commercial animal boarding to only R-A districts, there is no opportunity currently to review this request, unless the property is rezoned. Staff has drafted an ordinance to present to the Planning Commission and City Council to permit animal boarding and the associated uses in the C-2 zoning district as a conditional use.

PROPOSAL

The proposal before you is to amend several chapter of the UDC regarding animal daycare, animal boarding and kennels as summarized below and attached in full to this staff report:

UDC Chapter	Proposed Changes
(1) Ch.151 Definitions	added a new definition for "animal daycare" (three or more animals kept inside)
(2) Ch.151 Definitions	redefined "kennel" (no limit on the number of animals, allows animals outside)
(3) Ch. 162 Use Units	created a new Use Unit 43, Animal Boarding and Training
(4) Ch. 162 Use Units	removed "kennel" from Use Unit 7, Animal Husbandry and added it to new Use Unit 43, Animal Boarding and Training
(5) Ch. 162 Use Units	Added Animal Daycare (10 animals or less) to Use Unit 12, Offices, Studios and Related Services, similar to a small veterinary animal clinic
(6) Ch. 162 Use Units	Added Animal Daycare (no maximum number of animals) to Use Unit 17
(7) Ch. 161 Zoning Regulations	Added new Use Unit 43, Animal Boarding and Training, to R-A and I-2 as a permitted use
(8) Ch. 161 Zoning Regulations	Added Use Unit 43, Animal Boarding and Training to C-2 and I-1 as a conditional use

The ordinance amendments are highlighted and attached to the staff report. The general intent is to keep larger operations for animals in appropriate R-A districts, while allowing smaller operations, including those that could be appropriate with adequate measures in place, in appropriate commercial/industrial districts.

RECOMMENDATION

Staff recommends approval of the proposed amendments to Chapters 151, 161, and 162 of the UDC. Staff finds that in order to distinguish large and small animal boarding operations, several chapters of the UDC need to be revised to clearly define animal daycare, animal boarding, kennels, and to permit these uses in various intensities depending on the zoning district and surrounding land uses. Animal daycare facilities with a small number of animals kept indoors (less than 10) are similar in size and scale as a small veterinary animal clinic and should be defined similarly in our zoning regulations. Larger scale animal daycare and commercial animal boarding facilities may be appropriate in the C-2, I-1, I-2, and R-A zoning districts in certain situations. This proposal would provide additional business opportunity and convenience for citizens that use these services regularly, while giving the Planning Commission discretion to determine the compatibility of such uses on a case-by-case basis in certain zoning districts and to require specific conditions of approval as needed. This item was heard at the April 13, 2009 Planning Commission and forwarded to the City Council with a unanimous recommendation for approval (8-0-0).

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151: DEFINITIONS, 161: ZONING REGULATIONS, AND 162: USE UNITS IN ORDER TO CLASSIFY AND DEFINE ANIMAL DAYCARE, ANIMAL BOARDING, AND KENNELS, AND TO PERMIT THESE USES IN CERTAIN SITUATIONS IN COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL-AGRICULTURAL ZONING DISTRICTS.

WHEREAS, the City of Fayetteville zoning regulations do not have a clear classification or definition for animal day care and boarding; and

WHEREAS, the City of Fayetteville zoning regulations do not currently permit overnight commercial animal boarding in any zoning district except for property zoned R-A, Residential-Agricultural; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code needs to be revised to clearly define animal daycare, animal boarding, kennels, and to permit these uses in various intensities depending on the zoning and land uses.

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 §151.01 Definitions of the Unified Development Code as follows:

Animal daycare. (Zoning) A facility that provides day or nighttime supervision for three or more animals. Animals are kept inside the facility, except animals are permitted to be walked on a leash outside. Facilities that contain outdoor dog runs, play areas, or kennels are not considered an animal daycare.

Kennel. (Zoning) A structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility that keeps animals commercially and has open dog runs, outside play areas, or any areas where animals are kept or left outside.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends §162.01 Establishment/Listing of the Unified Development Code to create Use Unit 43: Animal Boarding and Training within the list of established uses within the City, described as follows:

(QQ) *Unit 43. Animal Boarding and Training.*

(1) *Description.* Unit 43 consists of services such as animal boarding, training, kennels, outdoor animal daycare and related activities which have outdoor space for animal exercise and other activities and may therefore result in noise and aesthetic impacts and may pose compatibility issues when adjacent to commercial or residential uses without adequate buffers in place.

(2) *Included uses.*

Animal boarding
Animal training
Kennels
Outdoor animal daycare
Outdoor dog runs
Other outdoor animal activity

Section 3. That the City Council of the City of Fayetteville, Arkansas hereby amends §162.01 (G)(2) Unit 7: Animal Husbandry to strike "Kennel" from the list of included uses.

Section 4. That the City Council of the City of Fayetteville, Arkansas hereby amends the Unified Development Code §162.01 (L)(2) Unit 12: Offices, studios and related services to add "Animal daycare (10 animals or less)" within the Services category of included uses and §162.01 (Q)(2) Unit 17: Trades and Services to add "Animal daycare" within the Personal help category of included uses.

Section 5. That the City Council of the City of Fayetteville, Arkansas hereby amends §161.03 (B)(1) Residential Agricultural and §161.25 (B)(1) General Industrial to add Unit 43: Animal Boarding and Training to the list of permitted uses.

Section 6. That the City Council of the City of Fayetteville, Arkansas hereby amends §161.18 (B)(2) Thoroughfare Commercial and §161.24 (B)(2) Heavy Commercial/Light Industrial to add Unit 43: Animal Boarding and Training to the list of conditional uses.

PASSED and APPROVED this the ____ day of ____, 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk

Project Overviews (Complete Preliminary Engineering Reports Attached)

Biosolids Management Facility (Green Infrastructure Project)

Due to significant increases in landfilling fees, the vulnerability faced by the City in its dependency on landfills to receive biosolids, and the desire to convert our biosolids to a beneficial reuse, alternative processing methods have been evaluated by the City and Camp, Dresser & McKee, Inc. The method the City has chosen involves a combination of solar greenhouse drying and thermal drying. This reduces negative impact to the environment by utilizing solar power in the sludge drying greenhouses before it is transferred to the thermal drying units. This method decreases the total volume and increases the percentage of total solids (TS) in the end product, from 18% total solids (TS) to 90% TS or better. The process also results in a class A biosolids which can be applied as fertilizer without any restrictions. This eliminates 23 trucks per week hauled to the landfill and allows full beneficial reuse of the biosolids product with the minimum feasible energy demand. Estimated cost is \$8,000,000.

Sanitary Sewer Rehabilitation (Green Infrastructure Project)

The project will reduce storm and ground water flows into the system which cause sanitary sewer overflows and is required to meet state and federal Clean Water Act requirements. The pipe line replacements and repairs will both prevent exfiltration into the ground from the pipes, and infiltration of ground and rain water into the pipes during wet periods, which leads to sanitary sewer overflows at specific points in the collection system downstream. This regional rehabilitation project involves the collection systems owned by both Greenland and Fayetteville. Estimated cost is \$3,575,335.

36" Water Transmission Line on Township Street, from Old Wire Road to Crossover Road

This project is to install a new 36" water transmission main on Township Street between Old Wire Road and Crossover Road. This project will connect the existing 36" transmission main on Old Wire with the new 36" main being installed on Crossover Road. Estimated cost is \$2,249,390.

Paint Baxter Water Storage Tanks (5 million tank and 1 million tank)

This project is to paint the five million gallon and one million gallon water storage tanks on Baxter Lane. The project includes upgrading the internal ladder with fall protection, upgrading vents, and modifying the external access and ladder to meet requirements based on the vulnerability assessment. Estimated cost is \$775,000.

Replace Ultraviolet Disinfection- Noland WWTP

This project consists of replacing the 10 year old UV Disinfection System at the Noland Wastewater Treatment Plant with a more energy efficient and cost effective UV system. The current system is a necessary part of the wastewater treatment process with its own specific NPDES permit limits. The existing UV Disinfection System is over 12 years old and has become increasingly expensive to maintain and operate. Installation will include covering chlorine contact chamber and installing a UV unit in the effluent channel. A metal control building will be installed over the UV Unit to maintain environmental conditions and allow for equipment maintenance. The estimated cost is \$949,728.

Benson Mountain Pressure Plane Upgrade

This project is to replace the existing water storage tank due to cracks in the structural foundation ring. A new tank can be constructed at or near the same location. Additionally, the Benson mountain pressure plane is at capacity. Any new demands will require significant improvements to the pumping transmission and storage capacity of the Benson Mountain pressure plane water system. Estimated cost is \$250,000.

Backup Power Generators for Sewer Lift Stations (Green Infrastructure Project)

This project will provide standby generators to nineteen sewer lift stations to prevent sewer overflows in the event of an electrical outage for any reason to include ice storms, high winds, lightening strikes or other. This project directly helps the environment by reducing sanitary sewer overflows. These backup power generators, most of which will be powered by natural gas, can also be used to reduce the demand on the electrical grid during peak demand periods. The estimated cost is \$765,754.

Upgrade South Mountain Water Pump Station

This project will repair and/or replace the variable frequency drives and upgrade the pumps, motors, and electrical systems for the South Mountain water pumping station on 24th Street. Estimated cost is \$200,000.

Redundant Band Screens For Noland and West Side Wastewater Treatment Plants

This project is for installation of a redundant band screen in the existing channel of the headwork building at each wastewater treatment plants. The screen removes large materials from the incoming wastewater thus preventing them from causing harm to the plant equipment. The redundant band screen will provide full backup to the wastewater pretreatment process during repair/maintenance of the existing screen. It will also provide additional screening during high flow events. Installation to include electrical, mechanical, odor control and SCADA controls. There is currently only one screen at each WWTP. The estimated cost is \$744,000.

Replacement of Zion Lift Station (LS #1) and the Futrall Dr Lift Station (LS #10)

This project consists of:

- ✓ installing submersible sewage pump stations close to the existing station;
- ✓ upgrading utility power to 480 volt 3 phase and electrical equipment associated with the station including SCADA;
- ✓ installing or replacing necessary sections of the force main;
- ✓ site work back filling and grading the site, installing security fence, concrete drive, sidewalk.

The existing lift stations are old and have become high maintenance. Replacing LS #1 can also help to minimize inflow/infiltration, which causes flooding around the lift station during heavy rainfall. New lift stations will also be more sustainable in terms of maintenance cost and electrical consumption.

The estimated cost is \$331,000.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT WATER, WASTEWATER AND STORM WATER PROJECTS FOR CONSIDERATION FOR FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT; AND DESIGNATING THE MAYOR AS THE CITY OF FAYETTEVILLE'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS RELATING TO THE APPLICATION AND ADMINISTRATION OF SAID REQUEST.

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 the following water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act:

Project Category	Priority	Project Name	Cost
Green Infrastructure- WW	1	Biosolids Management Facility	\$ 8,000,000
Green Infrastructure- WW	2	Sanitary Sewer Rehabilitation	\$ 3,575,335
Water	3	36" Water Line	\$ 2,249,390
Water	4	Baxter Water Tank Painting	\$ 775,000
Wastewater	5	Replace Ultraviolet Disinfection- Noland WWTP	\$ 949,728
Water	6	Benson Mountain Water Tank Replacement	\$ 250,000
Wastewater	7	Sewer Lift Station Backup Power Generators	\$ 765,754
Water	8	South Mountain Water Pump Station Upgrade	\$ 200,000
Wastewater	9	Install Redundant Band Screens in WWTPs	\$ 744,000
Green Infrastructure- WW	10	Replace Sewer Lift Stations # 1 & # 10	\$ 331,000

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby designates the Mayor as the City of Fayetteville's Authorized Representative in all matters relating to the application and administration of said request.

PASSED and APPROVED this 5th day of May, 2009.

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
April 7, 2009**

A meeting of the Fayetteville City Council was held on April 7, 2009 at 6:00 PM 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, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Rhoads

Pledge of Allegiance

Fayetteville High School Bulldogs Congratulations: A resolution to congratulate the Fayetteville High School Men's and Women's Varsity Basketball Teams on perfect, undefeated, State Championship Seasons.

Mayor Jordan congratulated the Fayetteville High School Men's and Women's Varsity Basketball Teams on their State Championship.

City Attorney Kit Williams also congratulated the accomplishments of the basketball teams and read the resolution.

Mayor Jordan asked for comments.

Coach Barry Gebhart said this is a great honor and we accept this resolution and with great pride we represent not only the Fayetteville High School but the City of Fayetteville. We are honored with this tonight.

Coach Bobby Smith said on behalf of the Lady Bulldog basketball family we'd like to thank the City of Fayetteville and the Council for this remarkable award. It is truly a good day to be a Bulldog in Fayetteville.

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

Resolution 65-09 as Recorded in the office of the City Clerk.

Mayor Jordan presented the Fayetteville High School Men's and Women's basketball team coaches with the resolutions.

Mayor's Announcements, Proclamations and Recognitions:

Fayetteville Bulldogs Proclamation

Mayor Jordan read the proclamation and presented the proclamation to the coaches.

Presentations, Reports and Discussion Items:

Botanical Gardens of the Ozarks Annual Report:

Bill Dollar, President of the Botanical Gardens of the Ozarks, thanked the City Council for their support and invited them out to visit the gardens. He introduced Sarah King, Director of Community Programs and Walt Eilers, Vice President of the board. He stated that Phase I is complete and 30,000 people have visited the gardens (37 states and 5 countries). A copy of the report is attached.

Mayor Jordan asked for any comments.

Alderman Lucas: I can't believe it's been such a short time and you have such a beautiful place out there already. I encourage everyone to go. We have taken so many out there and they are just amazed at the treasure we have out there. I want to thank you for what you've done.

Mr. Dollar thanked Alderman Lucas. He stated that it has been done by the generosity of so many people, staff, volunteers and all the people that come to see the garden be a success. He said it is a jewel for Northwest Arkansas.

Alderman Lewis: I would like to also say that it seems like a model of exactly what we are trying to do here in Fayetteville to initiate volunteerism and a really good example of the economic development that we would like.

Mayor Jordan said they were doing a wonderful job and that it was absolutely one of the crown jewels of the city.

Consent:

Approval of the March 17, 2009 City Council meeting minutes.

Approved.

Bid # 09-14 Rick Pershall Building Co.: A resolution awarding Bid # 09-14 to Rick Pershall Building Co. in the amount of \$23,632.30 for replacement of the Solid Waste Transfer Station tipping floor; and approving a contingency in the amount of \$5,000.00.

Resolution 66-09 as Recorded in the office of the City Clerk.

Bid # 09-21 Pollution Management, Inc.: A resolution approving a construction contract with Pollution Management, Inc. in the amount of \$19,680.00 for removal of underground storage tanks at the Noland Wastewater Treatment Facility and approving a contingency in the amount of \$5,000.00.

Resolution 67-09 as Recorded in the office of the City Clerk.

Garver Engineers, LLC Amendment No. 3: A resolution approving Amendment No. 3 to the contract with Garver Engineers, LLC in an amount not to exceed \$253,588.00 for bidding and construction phase services for Mount Comfort Road Improvements Contract 2, from Alpine Avenue to Ruppel Road.

Resolution 68-09 as Recorded in the office of the City Clerk.

Department of Homeland Security Assistance Grant: A resolution authorizing the Fayetteville Fire Department to apply for a Department of Homeland Security 2009 Assistance to Firefighters Grant in the amount of \$200,000.00 for purchase of a Mobile Multi-Trainer System.

Resolution 69-09 as Recorded in the office of the City Clerk.

U.S. Department of Justice's Bulletproof Vest Partnership Program: A resolution approving a budget adjustment for the Fayetteville Police Department in the amount of \$7,339.00 to recognize grant revenue from the U.S. Department of Justice's Bulletproof Vest Partnership Program.

Resolution 70-09 as Recorded in the office of the City Clerk.

Community Development Block Grant (CDBG): A resolution authorizing the Mayor to execute the Community Development Block Grant (CDBG) agreement for 2009 in the estimated amount of \$635,930.00.

Resolution 71-09 as Recorded in the office of the City Clerk.

Operations Management International (OMI) Amendment No. 16A: A resolution approving Amendment Number 16A to the contract with Operations Management International (OMI) in the amount of \$61,819.73 for operational expenses incurred as a direct result of the January 2009 Ice Storm.

Resolution 72-09 as Recorded in the office of the City Clerk.

Arkansas Department of Aeronautics: A resolution authorizing the Fayetteville Executive Airport Staff to apply for and accept an amended 80/20 grant in the estimated amount of \$102,000.00 from the Arkansas Department of Aeronautics to fund the Terminal Building HVAC Repair Project; and approving a budget adjustment recognizing the grant revenue.

Resolution 73-09 as Recorded in the office of the City Clerk.

Cops Hiring Recovery Grant: A resolution to approve the 2009 COPS Hiring Recovery Grant application.

This item was removed from the Consent Agenda and placed in New Business.

Bid # 09-30 Drake Field HVAC Controls Upgrade: A resolution awarding Bid # 09-30 to Multi-Craft Contractors, Inc. in the amount of \$117,300.00 for Drake Field HVAC Controls Upgrade; approving a project contingency in the amount of \$12,336.00; and approving a budget adjustment in the amount of \$42,306.00. ***This resolution was Tabled at the March 17, 2009 City Council meeting to the April 7, 2009 City Council meeting.***

Resolution 74-09 as Recorded in the office of the City Clerk.

Solid Resources, Inc. Change Order No. 2: A resolution approving Change Order No. 2 to the contract with Solid Resources, Inc. to increase the contract amount by \$269,521.00 for additional debris removal monitoring and oversight associated with the January 2009 Ice Storm; approving a contingency increase of \$40,428.00; and approving a budget adjustment in the amount of \$309,949.00.

Resolution 75-09 as Recorded in the office of the City Clerk.

DRC Emergency Services, LLC Change Order No. 2: A resolution approving Change Order No. 2 to the contract with DRC Emergency Services, LLC in the amount of \$200,000.00 for additional debris removal associated with the January 2009 Ice Storm; approving a contingency increase of \$30,000.00; and approving a budget adjustment in the amount of \$230,000.00.

Resolution 76-09 as Recorded in the office of the City Clerk.

Alderman Cook moved to approve the Consent Agenda with Item # 10 Cops Hiring Recovery Grant removed from the Consent Agenda and placed in New Business. Alderman Lucas seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Unfinished Business:

Amberwood Place Appeal: An ordinance establishing a Residential Planned Zoning District titled R-PZD 08-2965, Amberwood Place, located south and east of Double Springs and Dot Tipton Road; containing approximately 39.98 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *(This ordinance was tabled at the September 2, 2008 City Council meeting to the September 16, 2008 City Council meeting. This ordinance was tabled at the September 16, 2008 City Council meeting to the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading at the October 7, 2008 City Council meeting. This ordinance was left on the Second Reading and then tabled to the December 2, 2008 City Council Meeting. This ordinance failed at the December 2, 2008 City Council meeting. This ordinance was Re-considered at the December 16, 2008 City Council meeting and then Tabled to the February 3, 2009 City Council meeting. This ordinance was Tabled at the February 3, 2009 City Council meeting to the March 3, 2009 City Council meeting.) This ordinance was Tabled at the March 3, 2009 City Council meeting to the March 17, 2009 City Council meeting. This ordinance was Tabled at the March 17, 2009 City Council meeting to the April 7, 2009 City Council meeting.*

Jeremy Pate, Development Services Director, presented an overview of the project. He explained the planned zoning district concept. He said if approved the applicant would be required to come back through after a large scale development or a final plat process which we review in very specific details in terms of drainage, street width and other details. He talked about some of the revisions and the available green space. He also said they were encouraging within the PZD that open space be utilized like community gardens, etc. The project would include 407 single family dwellings and 38 two family dwellings which was a density of 3.6 units per acre. He said that staff is in support of the project and that the changes that occurred since the onset are substantial which include trails, parks, bio-swales, rain gardens, and storm water to be approved by drainage review. There are 30 conditions of approval.

Mayor Jordan asked for comments or questions.

Alderman Lewis: What about phasing? Is there phasing?

Jeremy Pate: There is a phasing plan and the applicant would better explain it.

Mayor Jordan asked for public comment.

Justin Jorgensen, Jorgensen and Associates, gave the history on this project and how they got to this point. He compared the original plan with the new plan and spoke about the purpose of being behind the conservation neighborhood. He thanked the staff and said he was proud to be presenting a conservation neighborhood and use of low impact development strategies inline with the City's goals of sustainable development. He felt the project meets the needs of today's market and focuses on the City of Fayetteville's 2025 goals.

Mayor Jordan asked for questions from the Council.

Alderman Ferrell: A survey made by the U of A Research Survey Center for the City of Fayetteville showed a strong interest in seeing more affordable houses and more houses for first time buyers. Seventy percent of the responders said there were too few options for first time buyers and 79% of the respondents felt there were too few affordable units. I think that this is exactly what you all are trying to do. I think that's what we need and thanks for being able to be flexible and get this together.

Alderman Lewis: Thank you for all your hard work. I do appreciate all the changes and would like to add that what I notice is the ability to reduce the infrastructure. The hard conventional infrastructure is what is allowing some of the more affordable housing and saves money. You're going to be using some eco system services to allow for that and I think that's very innovative. I appreciate that. I do have questions about phasing. Are you going to move in a certain direction? Are you going to leave it alone and then only develop parts? I know a lot of people get tired of seeing these strips of red earth left raw. That's why I'm asking about the phasing.

Mr. Jorgensen said included in the packets were some plans for phasing which shows what they are going to do on phasing. He stated the middle section is going to be the primary goal because water and sewer is already available which means less disturbed area and it minimizes the amount of work. With the market as such they don't have to come in all at once and disturb the whole site. So you won't have these areas of red dirt sitting waiting for a house to be built on it.

Alderman Lucas: It's been a long time coming. I don't know how long ago it was that we were talking about affordable housing. I know I met with Charlie at Perks several times talking about affordable housing. This is really a fantastic thing that you have come up with and I appreciate the staff working so hard and you all working so hard to achieve this. It's going to be wonderful. We need this type of home there. The thing I like about it is that it's not going to be a cookie cutter type thing. It's going to have different looks and that is great. I would like to mention that at first there was an opponent to it who lived not far from this property. Then Charlie and he worked together and he came around to be one of the strongest supporters of it. He came to many meetings in support of it and unfortunately he passed away a couple of weeks ago. Otherwise I'm sure he'd be here tonight because he was in favor of this. I think on the street overlays this year is Dot Tipton Road so working with Charlie maybe we can get it complete. I hope. Thank you very much and thank you Jeremy for working so much with him.

Alderman Petty: Well first off I'm pretty impressed. I wanted to thank Mr. Sloan for one thing. We took a tour out here and he went to the effort to be onsite and provide us with updated materials while we were on tour. I really appreciated that. I was a little concerned whenever I first saw the project because it's so far out on the edge of town. I think that as we look towards the future something that I'm worried about is, are we going to be able to continue to provide food to our community cheaply and effectively? I know that this was used agriculturally before so I'm happy to see that you have gone to such lengths with the orchards and the community gardens and things like that. I think you might be able to use another community garden but that's just me. Are you going the extra mile to encourage your prospective property owners to participate in the community gardens or are they just kind of there?

Charlie Sloan: We will encourage the community gardens use and have discussed it with Alderman Petty and at the Parks meeting. There's interest in community gardens but we are concerned about how long that interest will last. We will put together the basic part of it and get it started.

Alderman Petty: Good. I'm happy to hear that. I think that you are in a unique position to provide some education and to encourage people to participate in that way. So I'm happy to hear that.

Mr. Sloan: I talked Mr. Tipton and told him we might need some with the gardens. He said he would come over if they do the work he'd tell them what to do.

Mayor Jordan asked any other questions or comments and for public comments.

Edwin France, a resident west of the project said he thought it was pretty good plan before and liked the new plan even better and voiced his approval.

Mayor Jordan asked for any other comments from the public.

City Attorney Kit Williams: This was actually reconsidered and so it was read fully three times. It was put on the third and final reading and failed. Then there was a motion to reconsider made and it was reconsidered. The only thing you might want to do is formally amend the booklet because the initial booklet and all the terms and conditions of that one have now been changed. Even though that's not part of the ordinance I think it might not be bad for you to formally accept the new design instead of the old one.

Alderman Lucas moved to amend the project to the current plan. Alderman Lewis seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

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

Ordinance 5230 as Recorded in the office of the City Clerk.

Newspaper Publishing: A resolution to limit newspaper publishing to only legally required items. **This resolution was Tabled at the March 17, 2009 City Council meeting to the April 7, 2009 City Council meeting.**

Alderman Cook: I apologize that you're just now getting this information that I promised last week. I'm sorry about that. Last time we talked about this I told you I'd bring back some numbers as far as what we're spending, where we could save, and some of the ideas I had. The top of your sheet lays out as far as the Clerk's office, the Planning office, and Solid Waste what they spent the last three years on advertising.

Those three combined in 2006 spent about \$25,500.00, 2007 \$17,800.00, and 2008 \$17,001.00. Some of my discussions with staff, as far as the Clerk's office, my recommendation would be eliminating advertising the Final Agendas and also eliminate the Board and Committee openings.

From the Planning side, from talking with Jeremy, out of his costs probably about 10% of those would have to remain as far as public notices that are required. So that's where I came up with the number at the bottom. I've got the potential savings lined out.

In Solid Waste they currently advertise six days in advance of each of the holidays. What I recommended here was cutting back on that to three days or potentially since they run all the time we could always look at the possibility of just running an ad when they are not running their regular routes. I am suggesting cutting back to three days right now.

The potential savings in 2006 could have been about \$21,000, in 2007 \$13,500, and then last year a little over \$13,000. I broke that out as General Fund savings and Solid Waste Fund savings. The Planning part has certainly gone down, that's due in part to the development falling off. As far as Planning that's what most people are concerned about but they are still going to be required to advertise any zoning changes, UDC adjustments, BOA agendas, PZD's, and any annexations. They'll still post the signs on the sites and notify the adjacent property owners so that those items won't change. We'll just be eliminating a lot of their agenda items. Those are my suggestions as far as what could potentially change.

Mayor Jordan asked for questions.

Alderman Lewis: Are these suggestions or if we pass or don't pass it, would this be it?

Alderman Cook: That's one thing I meant to ask Kit about before I came in here. I apologize Kit. I don't want to make it a requirement necessarily but I want to give each of these divisions the option to at least make these changes. We have been cutting budgets since I've been here and this will give them a little bit of wiggle room in their budget moving forward. I don't want to say no you can't do that but I just want to give them the flexibility where they don't have to do that.

City Attorney Kit Williams: In your resolution, it does say that "requests" the city to do this. That certainly makes it optional and if you want to you could formally refer to your sheet you just handed out with the potential savings. Just say as noted on the attached exhibit and that would certainly give the city staff guidance on what you want to do.

Alderman Cook: If people are uncomfortable with making the change let's give it a whirl for at least six months or so and see how it goes and see how the citizens are affected. At least give it a try would be my request.

Alderman Gray: Have you discussed with the newspaper whether or not there will be any change in our rate.

Alderman Cook: I did not. I know you asked me that the last time. I did rough numbers and based on the numbers that we were given I don't think it's going to affect the rate.

Alderman Lewis: Since it would be a trial, if moving forward they find out that there is a significant impact, then that can be accounted for seems like. Correct?

Alderman Gray: I feel that if there is a significant change we need to know that.

Alderman Cook: The Clerk gets the agendas out by email notification and they are on the City's website. We web cast these meetings and also they are on the government channel. There are other options out there from the Clerk.

Alderman Thiel: Well, I feel like this is a good thing that we have. The advertising allows people to keep up with what's going on in the City in different medias because different people use different medias. I know some of the younger folks here are really into computers and many people are. I've had some calls from people saying we can't afford a computer. We can't afford the internet. We can afford the newspaper and we get it. They really oppose this change. That doesn't really come out real clear in this resolution that this is a trial. I guess we can just wait and see if people complain and then one of us can bring this back again. I probably will vote against it just based on the contacts I've had. It's probably worth the try but I'm obviously voting for my constituents.

Alderman Ferrell: Kyle I think I support you. I haven't had any calls from any constituents. Would you be opposed to dressing this resolution up a little bit and waiting or do you want to vote tonight? I'm supportive. I would just like to have it a little clearer about the option. If you don't want to wait we can vote.

Alderman Lucas: Can't Kit fix that up tonight?

City Attorney Kit Williams: I think probably we could make the resolution a little more clear about what you're recommending for the potential savings. If you wanted to wait until the next meeting we could.

Alderman Ferrell: And a trial basis. If you want to go tonight I'm ready.

Alderman Cook: That's fine. I guess let's be clear on what you want to see then.

Alderman Ferrell: I would just like to see it say a trial basis and what you've got here in the summation. It would be easier for me to read that way. I'll support it either way but I'm just asking for that.

Alderman Lucas: I haven't had any calls either. I have had people say to me that they can't read the ads in the paper sometimes because it's so small. They do better by looking at it on TV. On the government channel they run the agenda before each meeting and several other times because I've seen it myself. I'm in support of this however we do it.

Alderman Petty: Well I guess I might be somebody that thinks we should vote on this tonight. I think we can amend it tonight to say that this is a trial basis and formally say that we'll revisit this at a specific time perhaps with reports from staff on the money that they saved compared to the same months last year or something like that. I don't see any reason we couldn't amend that tonight to vote on it.

Alderman Cook: Let's give it a whirl then. I'll make an amendment that we revisit this in six months and gauge the public comment from each of the divisions that are affected. We can review it at that point and see we want to continue. Can we attach this as an exhibit and make that part of the amendment?

Alderman Lewis: The matrix for deciding if it's successful is staff reports? Is that what we are saying?

City Attorney Kit Williams: My recommendation is you just revisit within six months and don't try to decide what you're going to look for.

Mayor Jordan asked for public comment on the amendment. Having no public comment on the amendment it was brought back to Council.

Alderman Cook moved to amend the resolution to revisit it in six (6) months. Alderman Petty seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Jonathan Gibbs, a student at the University of Arkansas, spoke against the proposal. He thought Alderman Thiel was being modest when she spoke about the proposal and also thought Alderman Ferrell was right in talking about the amendment and that it was unclear what they were trying to say. In Northwest Arkansas you have public interest in what is going on in local government. We are at a point in Arkansas's history where we need to be ready for the public to be interested in what we are doing. He asked the Council not to pass this resolution.

Alderman Lewis: I think you make a really good point. It seems like it the effort to save funding while also cleaning it up a little bit. I want there to be a movement towards diversity in our communication, not a cutting back on it, not a reduction by any means. I think that we reduce our funding here and then explore and maybe even use that available funding for increasing text messaging, Twittering, Facebooking or whatever it takes to diversify that.

Alderman Petty: Well I hope you show up at the next Council meeting John because there will be something you'll really like. You can support it. I have to say that we're not trying to stop using the papers here. I think that we all recognize that the papers are necessary for publishing things going on in the City. I think the intent of this is obviously to cut costs but the other intent is to cleanup what we publish in the papers not to get rid of all of it. It's to cut the stuff that most people don't pay attention to anyway. I hope that we can, over the course of the next year, really start using other tools that are more cost effective and that reach more people to supplement what we do in the newspapers and with the government channel and the PEG Center already. I think this is only part of the program. I do think it is necessary that we use each of the tools as

efficiently as possible. That is why I'm going to support this. I would not support cutting everything back that would be wrong.

Mayor Jordan asked shall the resolution pass therefore there was no motion or second to approve the resolution. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Resolution 77-09 as Recorded in the office of the City Clerk.

Public Hearing:

Mayor Jordan opened the Public Hearing.

A Public Hearing regarding the issuance of Series 2009 Water and Sewer Revenue Bonds in the approximate amount of \$8.5 million

Paul Becker, Finance Director: This public hearing is required by statute to enable a city to issue up to \$8.5 million for certain sewer and water improvements. Those bonds are revenue bonds which would be paid by sewer and water collection fees. The project would include various system improvements, including but limited to, the relocation, installation, upgrading of certain water distribution and sewer collection lines that would relate to components along with road construction projects within the City. Specifically the major part of this would be 265 and the widening of 265. If we have any other specific questions on the project, we have Dave Jurgens here who could answer any questions.

Mayor Jordan asked for questions.

Alderman Cook: This was a part of our rate study, it was anticipated. It's nothing new from what we discussed at the Water and Sewer Committee. Obviously 265 is a project that's high priority and this is one of the first things to get that rolling from our end.

Mayor Jordan asked for any public discussion.

There was no public comment.

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Tenant/Samples De-annexation: An ordinance concurring with Farmington Ordinance No. 2009-05, providing for the voluntary detachment of certain lands from the City of Fayetteville, and attaching said lands to the City of Farmington.

Steve Davis, representative for the Tennant/Samples: Mr. Tennant is the city attorney for Farmington and he requests that his lands that are in Fayetteville be detached and annexed into Farmington so he may continue to serve as Farmington's city attorney. Mr. Roy Hummel, a former alderman, sent a letter and was read by Mr. Davis as a matter of record. Mr. Davis also stated that Ernie Penn, Mayor of Farmington was present if the Council had any questions or comments.

Mayor Jordan asked for questions from the Council. He then asked for public comment. There were no comments made.

City Attorney Kit Williams: We've done this several times before at least twice with Farmington recently. The last time a developer had some land between the two cities that he wanted to swamp. Prior to that immediately after the annexation election there was a group of citizens that wanted to be transferred into Farmington and the City Council agreed with that so this is not so unusual. We've also done this with Springdale years gone by. This tonight is just to hear public comment. We can't consider the ordinance. That will be read if you so desire at the next City Council meeting but tonight we are just here to hear public comment.

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Westside Storage, Inc. Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Westside Storage, Inc. needed for the Ruppel Road Project.

City Attorney Kit Williams: I think we have some real good comment here from our City Engineer.

Chris Brown, City Engineer, informed the Council that Mr. Caudle came in this afternoon and brought his executed documents so that one we do not need to proceed with this particular item.

City Attorney Kit Williams: Mayor, I would recommend that we either turn down the resolution or table it indefinitely.

Alderman Thiel moved to table the resolution indefinitely. Alderman Ferrell seconded the motion. Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

This resolution was Tabled Indefinitely

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Patrick J. Tobin – Ruppel Road Project Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Patrick J. Tobin Revocable Living Trust needed for the Ruppel Road Project.

Chris Brown: The Council approved the PZD for the Links Development. One of the requirements was they had to widen Ruppel Road at Wedington to five lanes. The City Council agreed at that time to acquire the right of way as necessary. Since that time we have tried to negotiate a settlement with Mr. Tobin and have been unable to. This property is located at the northeast corner of Ruppel and Wedington. It is right of way and utility easement that is required for the widening of Ruppel Road.

Mayor Jordan asked for any public discussion.

There was no public comment.

City Attorney Kit Williams: We will continue to do whatever is possible to negotiate with Mr. Tobin. We definitely need possession of this land as quickly as possible for this project.

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

Resolution 78-09 as Recorded in the office of the City Clerk.

Mayor Jordan closed the Public Hearing.

Mayor Jordan opened the Public Hearing.

Patrick J. Tobin – Township Street Widening Condemnation: A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by the Patrick J. Tobin Revocable Living Trust needed for the Township Street Widening Project.

Chris Brown: This is the last property to be acquired on Township. There are three tracts, right of way, utility easement, and drainage easement are required on this project. We had an appraisal done and attempted to negotiate the right of way and easements needed for this property and have been unable to do so. We are ready to proceed with construction very soon with this project. We need to get this property acquired.

Mayor Jordan asked for any public discussion.

There was no public comment.

Mayor Jordan closed the Public Hearing.

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

Resolution 79-09 as Recorded in the office of the City Clerk.

Mayor Jordan closed the Public Hearing.

New Business:

Cops Hiring Recovery Grant: A resolution to approve the 2009 COPS Hiring Recovery Grant application.

Greg Tabor, Police Chief, asked for Council's approval to apply through a federal grant for five new police officers. The grant would pay for the officers for the first, second, and third years and the City would have to make a commitment to continue the officers in the fourth year. There was a commitment from the school district to fund year four for two of the officers for a period of about nine months which is the time they are actually in the schools.

Alderman Ferrell: Chief was that they pay for them one, two and three or they pay 80%?

Chief Tabor: They pay for all their salary for year one, two and three. We have to pay for their start up equipment, guns, uniforms, radios. Then in year two and three we have to pay for a uniform allowance.

Alderman Ferrell: Mr. Becker has been warning us about our tax collections being lower than anticipated. I read where cities, municipalities, counties, and other government bodies are laying people off, down sizing, and giving four day mandatory work weeks due to the economy. Currently this City has a hiring freeze. I understand the Police Chief wanting to take advantage of a federal grant but the fact is that we can't afford it. I believe a more judicious approach would be to move towards two additional officers that the feds and schools would help fund and three months a year we would have two more officers for assignment. The schools would pay for nine months a year for the two additional officers, the resource officers, but they would still be Fayetteville police officers twelve months a year. Hopefully as the economy gets better we can consider staff requests for personnel. I asked the chief at the last meeting if we ever had laid anybody off that was hired from a COPS grant. The answer was no. We certainly wouldn't want to do that. We wouldn't want to hire somebody and then train them in how to be a proficient, professional, police officer and have to let them go. I still don't think that we would want to obligate the citizens in an unsure economy that's going to go on we don't how long. I would move that we amend the resolution to add two resource officers instead of the five requested. As the economy goes along we can take another look at it.

Alderman Ferrell moved to amend the resolution to add two resource officers instead of the five requested. Alderman Lucas seconded the motion.

Mayor Jordan asked for questions.

Alderman Thiel: So how would that affect the grant? If you just did two.

Chief Tabor: We can ask for any amount from one to fifty. It really has no affect on the grant that we are applying for.

Alderman Thiel: So you'd still get some funding. It wouldn't be obviously as much.

Chief Tabor: That's correct. You would take the numbers that were given last week and divide them by five. I hope this doesn't come across wrong. School resource officers are very important however they are not a core service. We have to take care of our core services before we take care of niceties. There are core services a police department has to provide, answering calls, working traffic, and working accidents. There are more pressing needs then for school resource officers.

Alderman Ferrell: In thinking bout that at the end of the day you're still going to have \$79,785.00 a year coming from the school to help train those officers. I don't know whether you have to remain a school resource officer the whole time you're on the Fayetteville police force. I would think there would be more flexibility then that. I would think that you could be a patrol officer or whatever after a period of time. With all due respect I understand your request Chief.

Mayor Jordan: I think what the Chief was trying to say is that really does not add to your patrol force.

Chief Tabor: It could potentially add to our patrol force three months out of the year but the rest of the time it does not help us with answering calls and working accidents.

Alderman Petty: In the Agenda Session you said that you had in preparations for this request you had compared Fayetteville, with the ten largest cities in Arkansas and ten similarly sized college towns in the SEC conference. In all cases I think you said that we were short about 35 officers from the average. Now how does our crime rate in Fayetteville compare to those other communities?

Chief Tabor: I compared us to the ten largest cities in Arkansas but I think there were only four or five cities in the SEC that was comparable. This shows what a good job the police officers out there are doing because by all the calculations we should have between 140 and 158 officers. We currently have a 120. Depending on what number you want to use we are 20 to 38 officers behind the norm on figuring how many officers we need. If you look at the violent crime rate in Arkansas, based on last year's numbers, Fayetteville is the fourth lowest in violent crimes and third lowest in property crimes of those ten cities.

Alderman Cook: Is this a one time shot?

Chief Tabor: It is a one time shot with a short deadline of April 18th.

Alderman Gray: I certainly would like to see us go right on with this grant. I think we need this. I think we need the officers in our city. We certainly need them in our schools. Having worked in schools for 30 years I'm telling you they need resource officers there. I had resource officers the last few years I worked and then were very valuable. I think that in some point in time we have to say, like the Chief has said, these are core services. I think the officers that we provide on our streets and to come to our homes when we have an emergency. Our Chief has given us information that there are many calls that they need someone to send out to that they don't have anyone to send out to. It's only going to get worst. I think it would be very short sided for us as a Council to not approve being a part of this grant.

Alderman Lewis: Now let me get this straight, this funding is coming from the Recovery Act.

Chief Tabor: That's correct.

Alderman Lewis: That's why it is the one time shot essentially.

Chief Tabor: We are being told it is a one time shot. We had a meeting with the drug director with the State and asked her if there were any plans that she knew of or any other grant opportunities after this first wave. This is not the only one out there. There are several grants that we are working. The end of May is as far out as we can see any grants opportunities. I am not aware nor was she of any other opportunities on down the road as far as stimulus act money.

Alderman Lewis: The funding that City will provide from that resource?

Chief Tabor: It would have to be General Fund Revenue.

Mayor Jordan: That's my understanding.

Paul Becker: Correct.

Alderman Lewis: I don't like that either. I don't like the idea of hiring people with the idea that we don't know in three years if we can keep them. So how do you propose dealing with that?

Chief Tabor: In the worst case scenario, should the economy keep going down, and providing a fourth year comes along and we need \$189,000.00, I would hope instead of laying off we could lose those people to attrition. Can I make a promise we are going to lose four people in 2012 but our average over the last few years has been more than four people per year that we lose. My recommendation would be if that happens we would not replace those people as we lose them.

Alderman Ferrell: It's not easy. The easy thing to do is sure go after it, it's fire and police. It's not easy to sit up and say we've got to look at our books. We've got to approach this with fiduciary responsibilities that we're charged with. We have had COPS grants before and I suspect there will be COPS grants again were there's a match. We also have a DPS security department at the University of Arkansas co-located here with a lot of officers and we also have our county seat here with Washington County Sheriff Deputies. The biggest point I was making

was that we have DPS here that most of university is located inside core of the City of Fayetteville.

Alderman Thiel: I certainly appreciate Bobby's comments. I know that we had these same comments a few years ago when we lost the last COPS grant and went ahead and kept the people but of course at that time we worked some things out and it all worked. I think your comment about turnover is also something to consider. You might not lay someone off but generally you do have a fairly high rate of turnover and so that could be covered that way. I just think we'd be remised not to take advantage of \$750,000.

Chief Tabor: \$725,330.

Alderman Thiel: I just think that that's a good chunk of money. I think we need the officers. I think we're all aware that we need the officers. I know we need staff in a lot of departments. You've brought forward something that is funded to a large extent at least for short term, for at least three years. I'll support the original proposal.

Alderman Petty: Does the University Police Department serve Fayetteville off campus at all?

Chief Tabor: No, they do not.

Alderman Petty: What is our population projected to grow over the next five years can you ballpark that?

Karen Minkel: Five years ago we were expected to be around 90,000 by 2025.

Alderman Lewis: You're suggesting five additional officers? Why five? Why not six or four?

Chief Tabor: Five came from two for the school resource officers and that allows us to put one on each shift additional out on the street.

Alderman Lucas: This is really hard for me because like when you brought it up at the agenda session my first knee jerk reaction is of course police officers because I support the police and the fire. Like Adella said it's a core service. I got to thinking about it and we have not given the rest of our staff a cost of living raise because of the taxes. The other thing that Bobby mentioned is our tax base is down. It didn't seem fiscally responsible at this time to take on five new employees. We think it's free but it's not really free it's still going to cost the City money. In three years it's going to cost the City even more money and I just feel uncomfortable doing that because we may have to lay off people just to meet the budget and here we are thinking about buying into this and hiring five more. I think the two resource officers for the schools it is important that we replace those. I think also if we provide resource officers that have an influence on our kids in school that will help the crime rate in the City because they're going to be graduating and they will have an influence on these kids. I think that can be important. I think I will support Bobby in the two resource officers.

Mayor Jordan asks for public comment. There was no public comment.

Alderman Lewis: Regarding our economic development summit and all of the people we are trying to bring here, we are actively going out and trying to recruit people. I would like to know the data on whether or not there is a correlation between the number of police officers and the crime rate or does that have to more with your population and the types of community activities you have and involvement you have. I think projecting ahead we're going to need more police officers and this is an opportunity to use some recovery money.

Alderman Ferrell: There has been a direct correlation between the more educated the populous, the less crime. We're probably the most educated community in Arkansas I think aren't we?

Alderman Lewis: I think the University helps.

Alderman Thiel: Mayor, would you explain what we are voting on?

Mayor Jordan: What we are voting on is the amendment to cut it from five down to two. That's what we're voting on right now. Is there any other discussion?

Upon roll call the motion failed 3-4. Alderman Petty, Ferrell and Lucas voting yes. Alderman Lewis, Gray, Thiel, and Cook voting no. Alderman Rhoads was absent.

The amendment failed.

Mayor Jordan asked for comment on the resolution from Council and then asks for public comment. There were no comments.

Alderman Thiel moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the motion passed 5-2. Alderman Petty, Lewis, Gray, Thiel, and Cook voting yes. Alderman Ferrell and Lucas voting no. Alderman Rhoads was absent.

Resolution 80-09 as Recorded in the office of the City Clerk.

Fayette Junction Master Plan: A resolution to adopt the Fayette Junction Master Plan vision document and Illustrative Master Plan.

Karen Minkel, Director of Long Range Planning: I would like to get everyone re-acquainted with the site. This is the second complete neighborhood plan that has been completed by in-house.

Karen gave the boundaries. It was chosen by the Council as the second complete neighborhood plan in June of 2008 because it met several criteria. It meets the City Council's strategic goals for south Fayetteville. She explained the charrette process. The charrette team took that information back to the design studio and created a draft illustrative plan which was presented at a work in progress presentation. Staff refined the illustrative plan, created the vision document,

and presented it to about 75 people. The plan is based on three guiding principles, integrated and built in a natural environment, create clean tech cluster, and support multiple modal transit.

She gave an overview and discussed each slide through the presentation. She said how quickly a plan like this happens is really dependent on a number of things including market factors. There are some steps that the City can take to encourage the implementation of a vision document. Those are outlined in the document. They are divided into short term, mid term, and long term goals.

Karen concluded the slide presentation on the vision and illustrative plan. She thanked the Mayor, and the City Council for their support. She recognized the charrette team for working on this Plan as well as the members of the public who participated. We are reaching some the members of the community who haven't previously participated in a project like this.

Karen explained the Exhibit's.

Alderman Cook: You mentioned that some of these changes were made because of Planning Commission's concern with connectivity. Was staff concerned with the connectivity of the plan?

Karen Minkel: We felt that the charrette team added as much connectivity as we could given the constraints that we had to work with. I think it's challenging because in a plan like the Walker neighborhood or the downtown you have much more of a traditional street grid and so the connections that you'd make are fairly logical. I think in a plan like this where it is more green field you actually get more creativity on the front end but you can redesign and redesign to get more connectivity. I think that where we are at now is more of a decision of how much connectivity do we want to show and what are the trade offs in terms of environmental impact.

Alderman Cook: It seems like some of those additions made from just looking at it looks like there is connectivity in there. These connections make it more of a direct connection I guess. There are connections weaved in there but some of these additions are to straighten them out.

Karen Minkel said Exhibit E shows an underpass or overpass at 18th Street. The Planning Commission wanted to show an additional crossing to I-540 at 18th Street and our concern was feasibility. Funding an overpass or underpass is fairly expensive. If we were only going to choose one we would definitely chose the 15th Street which is a principle arterial. Those exhibits are the changes that would appear on a master street plan.

The next amendments are design issues. Staff's concern is not with the design themselves. The concern is to redesign and work on this illustrative plan will take significant time with no policy changes.

Mayor Jordan said he thought some of the aldermen would like to make the amendments as we go.

Alderman Thiel: The three that you just mentioned, those are the three that affect the master street plan right?

Karen Minkel: Correct.

Alderman Thiel: This would be my amendment. All three of these amendments are based on because staff recommended them because the public was involved in adopting the original and the environmental issues and the lack of feasibility on the last one. I would make an amendment to remove Exhibit C, under Exhibit D adopt 6B and remove 6A, and under Exhibit E remove it.

Mayor Jordan asks for public comment.

Johnny Self, a resident: I am more confused after seeing the movie than I was before. I am confused where this is. Is this the south part of Fayetteville?

Mayor Jordan: It's the area around Biobased. Cato Springs Road, in that whole big area.

Johnny Self: I have property on Cato Springs Road. In the urban district what is allowed on it. Is the zoning going to be changed? He described where his property was located.

Mayor Jordan: Are these amendments going to affect his property.

Alderman Lucas: The zoning.

Alderman Thiel: That's not what we are doing right now.

Mayor Jordan: Right now Mr. Self that's really not the issue. That will be something when we get to the final end of this thing that you probably ask.

Alderman Thiel: We're just talking about master streets.

Mayor Jordan: The amendments to the master street plan.

Johnny Self: Want you're voting on tonight does not affect the zoning is that correct?

Mayor Jordan: Yes. What we're doing right now doesn't have anything to do with the zoning. So we'll probably answer your questions later.

Johnny Self: Okay. Thank you.

Mayor Jordan: Now this is on the amendments.

Marcie Benning, a resident: The main connectivity that I see into this development from the north and northeast is down Brooks and South Garland Avenue. I have an issue that there are no sidewalks in that neighborhood, it is a low density, predominantly single family neighborhood. This Plan is increasing the density of the whole neighborhood. There's no way to get into it from South College or 15th Street without coming down South Garland Avenue and Brooks. There is a bridge on South Garland Avenue that is near to failing that I believe has been in the

budget for years to replace. I can't see all the density for this project channeling down South Garland Avenue and Brooks into the heart of it. The amendments are not showing any additional roads into Road Hog Park. Are you going to turn Brooks and South Garland Avenue into a four lane street or a boulevard?

John Blair, a resident: I have a concern regarding the density that is being created in this part of Fayetteville, particularly the widening of some streets. If those roads end up as I see on the plan, much wider and much heavier traffic use then I am opposed to that. I think it is a mistake to move in that direction.

Nathan Ogden, Trustee of the Joyce M. Ogden Family Trust: Our property is in this area. It is 10 acres on Razorback Road where there's a proposed visitors center and Old Main view shed. This property has been in our family for quite some time. My father fought to get it rezoned back in 1999 or 2000 when the 2020 Plan was done.

Mayor Jordan: That's not part of the amendment right now.

Alderman Thiel: Exhibit C, D, and E, we're not to F.

Alderman Thiel: But you're saying that you don't like Exhibit F. You want to remove the current one?

Nathan Ogden: We thought we were complying with the 2020 Plan. Our family has had a dream of doing something with the property and developing it. Finally when we get the financial stability and then we see. We met with Ms. Minkel and she said somebody in the proposed Fayette Junction District received a waiver and their property was left out of the rezoning. We were told that we were going to be in the Urban District and I have not been able to find out what the Urban District is. Can you make an amendment to leave our 10 ten acres out and leave it zoned as commercial. We originally fought for it in the 2020 Plan. What was eight percent commercial in the Fayette Junction area is going to be reduced down to two percent and of that six percent that is going to be cut we are three percent of that. We were totally left out of the charrette process. He asked that Council to take their time and not vote on this tonight.

Mayor Jordan: Okay we're going to vote on this block of amendments and then I do not want to do anymore amendments until we're through this whole program.

Alderman Thiel: I don't think we're going to pass this tonight. We're going to listen to comments and so forth about this. I think we need to get these amendments out of the way then go back and give people opportunity to look at the zoning and discuss things with staff once it's been aired.

Mayor Jordan asked for any other comments from the Council.

Alderman Thiel: They are to remove Exhibit C. All three are the master street issues. These were based on Planning Commission's recommendations not the Planning staff. That street goes through a floodplain but the concerns about development along that corridor on the floodplain.

Exhibit D was one that went right through a permanent easement, a conservation easement. I think that staff did decide that there was some merit to that so that's why they threw in that 6B. So I was proposing that we remove 6A and adopt 6B.

Exhibit E was not feasible economically because it was just an additional cut through under I-540 and very costly. Why put that on a master street plan at this point in time because it's really not necessary. Those three are the ones that deal with the Master Street Plan. Whatever you put on the Master Street Plan is a guide. Did that clarify the motions?

Alderman Lewis: I was just wanted to clarify because it seems like people are a little confused. The Planning Commission reviewed this project and made suggestions. The Council is now deciding whether or not to accept or deny those changes, those recommendations. Then later we will decide whether or not to accept Fayette Junction as a plan.

Alderman Petty: I didn't see a difference between 6 and 6B. Can you point that out with a laser pointer?

Karen Minkel: In Exhibit 6 the stub out implies that at some point you would build a road and make a north-south connection. We found out that this was in a permanent conservation easement so now we simply show a trail connection there.

Alderman Thiel moved to amend the resolution to remove Exhibit C, Exhibit D adopt 6B and remove 6A, and remove Exhibit E. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-1. Aldermen Petty, Lucas, Lewis, Gray, Thiel and Cook voting yes. Alderman Ferrell voting no. Alderman Rhoads was absent.

Mayor Jordan: We are to the Fayetteville Junction as a whole.

Karen Minkel: The next exhibits are design questions and do not result in any policy that would tie property owners to anything. If a property owner were to redevelop any of these sites, the local streets and houses that are designed are done in consultation with the developers, staff, and the public hearing process. Our concern is that with these redesigns will take significant staff time to redesign the document, and the Council has chosen to use the charrette process, which is simply designing in public, so that the plans are vetted by the public. We have concerns about doing significant redesign work not in a public studio space.

Exhibit F shows additional roads at Biobased properties. It shows some frontage roads and it also shows a segment that would be in the 100 year floodplain. Biobased Companies had some concerns with these additional roads as they affect their master plan they have already invested in.

Exhibit G shows a redesign of the roads at Fayette Junction. One of the goals of the Planning Commission was actually to reduce the floodplain crossing so they brought the road down. Staff's concern was his would take significant redesign work and staff time and without any substantive policy changes.

Alderman Lewis: Didn't they put a crossing through a floodplain on an earlier exhibit?

Karen Minkel: Yes. Exhibit H illustrates what I have been talking about in terms of the redesign work and time. The Planning Commission suggested that we put a road through the pocket park. Staff agreed it might be an improvement. This is the redesign and it illustrates what happens when you start redesigning. When staff did the redesign work it took two and half days and two staff members time to do a small line segment. That's our concern with the significant redesign work.

Alderman Ferrell: How far is that proposed finger park going to be from South Pass?

Karen Minkel: I don't know the mileage off the top of my head.

Alderman Ferrell: Do you think it's a mile?

Karen Minkel: I think that would be a good estimate.

Exhibit I was passed out and was based on a comment received from a Red Arrow property owner. Pebble Creek Flats is a multi-family development in this neighborhood. When the charrette team was looking at this we wanted to honor the development that had passed so we showed some multi-family on this property. We also wanted to show connectivity between what we hoped would be single-family neighborhoods. Senator Madison was concerned about the connectivity between multi-family and a single-family neighborhood. Staff's intent was to show appropriate transition from four units per acre to eight units per acre. This development expired in February of 2009 so we felt comfortable showing it to what was intended by staff. Staff was recommending Option A in Exhibit I and asked for any questions.

Alderman Lewis: The way I understand it is that this is conceptual and these are designs and these are suggestions. If I buy property in that area this is a guide that I would work with the City on. That's all it is, is that right?

Karen Minkel: That's correct. I think it important to distinguish between the master plans, and an actual site and the specifics of that site design. When we do these master plan's it's a broad brush stroke. We are looking for a consensus on a shared vision in terms of the guiding principles of the plan. The illustrative plans are a way for people to see what that density might look like in a way that might be palatable to that neighborhood. This is conceptual only so there is no guarantee the development is going to look exactly like the plan. That does into a development review process that arrives at specifics of the use, type of building, and what it will actually look like. This is meant to be a guiding document for public decisions and something the community can use as a shared vision.

Alderman Lewis: Would you say it would take significant amount of staff time away from other projects to redesign according to the Planning Commission's suggest.

Karen Minkel: If significant redesign needs to happen then I don't think this plan would come before Council for several months. Because this has been vetted by the public for so long I think it would only be fair to bring it back to the stakeholders to review. I think it would look significantly different as well.

Alderman Ferrell: I know this is going to happen, somebody in this Council will say this is the plan. A citizen is not tied to that right? It's just a tool or plan. Is this correct?

Karen Minkel: When a development come through they are tied to the zoning of their property. When you have these master plans it's meant to be a conceptual "what if". People developing in that area look to the plan to see what the community has said are some of the shared guiding principles and they try to adhere to those. Some of projects that we have seen in the downtown I think certainly are in the spirit of the guiding principles of the Downtown Master Plan but they don't look exactly like it.

Alderman Ferrell: I will agree with you. I still think its going to happen. Thank you.

Don Marr, Chief of Staff: Exhibit A is the adoption of all of the individual amendments and by amending to Exhibit A you would have one map to look at.

Alderman Lewis: I propose we amend the changes to resemble Exhibit A.

Alderman Lewis moved to amend the map to Exhibit A. Alderman Lucas seconded the motion.

Mayor Jordan asked for public comment.

Alderman Thiel: We're not adopting the plan.

Major Jordan: We're not adopting. I want everybody to understand that we're not adopting this plan tonight.

Chad Childers, Pick-it Construction: Your short term goals on one of your slides shows your first goal as rezoning. There's zoning changes all over the map. I feel like this is a way that government eventually takes property from private citizens. The Old Main view shed and visitor's center is on the property owned by the Odgen Family Trust. This will be downgraded from a C-2 zoning to urban zoning and it reduces the value of this property. Thank you.

Upon roll call the motion passed 7-0. Alderman Rhoads was absent.

Mayor Jordan: Now we are looking at the over all plan.

Alderman Petty: Even though in this plan we have laid out several potential rezonings, we are not performing those actual rezonings tonight if we vote on this, is that correct?

Karen Minkel: I want to make sure people who are watching were not confused or mislead about what this actually is. In the vision document we propose an urban zoning district. What it specifically states is that the zoning district is not taking away any uses. If you have a C-2 zoning district you're not going to lose what you can develop there. We want to allow some flexibility of uses. The C-2 zoning district would retain the uses and allow you to also do residential development in that zoning district. In the master plan we show protection of the hillside because the stakeholders felt strongly about protecting the view shed to Old Main. The University has wanted to protect this hillside as well. The document says that if the University and the City want to protect this hillside they will have to pay for it. No one is talking about taking away property unfairly. It would not take away any of the uses, it would not be a down zoning, and it is not creating an institutional type zoning.

Don Marr: This illustration is a concept plan, it is not a cartoon. It was done with the input of over 100 public participants who live and reside and own property in the area. The staff took a lot of time and due diligence and mailed notices.

Alderman Thiel: I agree with Don that there was a long public process. I feel like a lot of people did participate. Since there are still people that have concerns that did not participate in the charrette process could visit with staff rather than try to discuss it with staff back and forth here. I would like to table it until the next meeting and that gives everyone an opportunity to ask staff questions.

Alderman Lewis: I think that it's important to plan and I really appreciate the work that's in this. I think that if you don't have planning you'll get lost a long the way somewhere. Thank you.

Alderman Thiel moved to tabled this item to April 21, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 5-2. Aldermen Ferrell, Lucas, Gray, Thiel and Cook voting yes. Aldermen Petty and Lewis voting no. Alderman Rhoads was absent.

Animal Services Advisory Board: A resolution establishing an Animal Services Advisory Board.

Yolanda Fields, Community Resource Director: The City of Fayetteville is trying to be on the forefront of with dealing with the growth, changes, and challenges. Staff feels that this Advisory Board would involve the community and help us bring the best service that we possibly can bring to our pets and our citizens.

Alderman Thiel: We had something like this as an ad hoc committee a few years ago. I'm so appreciative that staff now supports this concept, I think it's crucial. I think the citizens in Fayetteville are very involved with animals and love their animals. I'm just so pleased that this is coming forward.

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

Resolution 81-09 as Recorded in the office of the City Clerk.

RZN 09-3218 (Life Styles): An ordinance rezoning that property described in rezoning petition RZN 09-3218, for approximately 1.27 acres, located north of the Sycamore Street and Saddlehorne Avenue intersection from RSF-4, Residential Single-Family, 4 units per acre, to P-1, Institutional.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director: The staff and the Planning Commission are recommending approval of this rezoning. The Planning Commission voted 9-0 to recommend this rezoning request from RSF-4 to P-1, Institutional. The intended use for this property is for expanded Lifestyles, Learning Adult Education Center. Staff recommends approve finding it is compatible with our City Plan 2025 for this area.

Mayor Jordan asks for questions.

Alderman Lewis: I love that they are moving forward on this and I think it's exciting. I drove out to that property. It is a real low area. Part of it is in the floodplain. It seems like it might be expensive changes that they're going to have to deal with on this site. I was just wondering if you worked with them on that.

Jeremy Pate: Yes. The northern part of the site, the lower part of the site, most of that will be left in green space.

Alderman Lewis: Okay, good.

Mayor Jordan asked for public comment. There were no comments made.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5231 as Recorded in the office of the City Clerk.

ADM 09-3219 Amend Chapter 166: An ordinance amending the Unified Development Code subsection 166.12: Structures Not Allowed Over Public Easements, to clarify what types of structures are permitted in easements, and to establish consistent guidelines for the installation of structures in easements.

City Attorney Kit Williams read the ordinance.

Jeremy Pate, Development Services Director: The current language states no structures shall be located within easements. The intent of this ordinance amendment is to not to allow buildings to be located within easements but to allow those structures that may be movable or with utility company and City permission items that may not be as movable but the utility company and City is okay with it in a particular location. We also clarified that above ground pools are not allowed. The Planning Commission voted 9-0 as a recommendation of approval. It was taken before our Technical Plat Review Committee which all of the utility representatives are present we asked their opinion, reviewed their comments and incorporated them in this amendment. Hopefully this will help the situation and clarify for property owners where and when they can utilize the property they own when an utility easement is encumbered upon that property and also allow the City the right to say no when its not in the best interest for the citizens.

Mayor Jordan asked for public comment. No public comment was made.

Alderman Ferrell 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 Rhoads was absent.

City Attorney Kit Williams read the ordinance.

City Attorney Kit Williams: I would like this left on the second reading for additional review.

This ordinance was left on the Second Reading.

Amend Chapter 33: An ordinance to amend §33.001 City Organizational Chart of the Code of Fayetteville.

City Attorney Kit Williams read the ordinance.

Kit Williams, City Attorney: I brought this forward on a request by the City Clerk because the current organizational chart has been amended in the past, has been very detailed and has always been out of date within about a year after it was amended. I felt it made more sense to leave the organization of the administration to the chief administrator, the Mayor and just put the basic organizational chart in here.

Alderman Petty: I've heard from a few people questioning whether or not we're giving up oversight for the decisions on this. I agree with Kit that there's a point whenever you reach consensus and we all go forward based on that consensus regardless of our previous disagreements or feelings about it. I think doing this and reorganizing this is a good thing to do.

Mayor Jordan asked for public comments. There no comments.

Alderman Ferrell 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 Rhoads was absent.

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 7-0. Alderman Rhoads was absent.

City Attorney Kit Williams read the ordinance.

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

Ordinance 5232 as Recorded in the office of the City Clerk

Agenda Additions: None

Announcements:

Don Marr gave an updated report on the ice storm debris clean up. We expect for our debris cleanup, in terms of the items reimbursed by FEMA, will conclude in about 21 days. Private streets and commercial properties will only have one single pass by City staff.

We completed the Economic Summit and will make a presentation to Council.

We hired Fritz Gisler to head up the Government Channel Division.

The City is in the process of advertising short-term for a project staff for the Communications and Marketing position that Ms. Thomas held. It is a temporary position at this point. It is not a full time position.

Alderman Thiel: I thought that during the budget discussion last year and the adoption of the budget that we had eliminated that position at the government station.

Don Marr: You did. The position that was filled is the replacement of Ric Delahoussaye who retired. It is not a new head count.

Alderman Thiel: I didn't know that.

Alderman Gray: Have we made a decision yet about our lobbyist in D.C.?

Mayor Jordan: We put it out for bids.

Don Marr: There was a RFP issued. We had three responses, Van Scoyoc, James Lee Witt & Associates and Global USA. A recommendation to Council will be on the agenda.

Alderman Thiel: Is there a Council member on that Selection Committee?

Don Marr: Yes, Alderman Cook.

Mayor Jordan: At Agenda Sessions I will be briefing Council on some items in the works to keep you informed of things. I will be handing out reports and passing out informational items.

Mayor Jordan: I want to thank the Council for their participation in the Summit.

The meeting adjourned at 9:00 PM

Lioneld Jordan, Mayor

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
Special City Council Meeting Minutes
April 16, 2009**

A special meeting of the Fayetteville City Council was held on April 16, 2009 at 5:30 PM 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, Cook, Petty, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Thiel

Pledge of Allegiance

New Business:

Double Eagle Superfund Site Small Party Settlement Agreement: A resolution approving the Double Eagle Superfund Site Small Party Settlement Agreement with the Union Pacific Railroad in the amount of \$27,500.00; and approving a budget adjustment.

Paul Becker, Finance and Internal Services Director: This is a settlement. A superfund was created at a clean-up site in Oklahoma. A Federal superfund is a clean-up site for pollution. They trace it back to the source of where those pollutants came from. During the period of 1986 to 1989 the City used a company called Waste Oil Services Company to dispose of motor oil. They took it to this site and traced it back to the City. We were a very minor user. We can agree to settle this for \$27,500 which I think would be in the City of Fayetteville's best interest. That would absolve us of any further liability.

City Attorney Kit Williams: The City was doing the right thing they thought. The oil was supposed to be reprocessed and disposed of properly. The City did not intend to have it turn into a superfund site. We were very relieved about the cost because superfund sites can run millions of dollars. It was lucky that we were a very low contributor to this particular site. This amount

is much less than the litigation cost would be for us to say that we should not pay because we were trying to do the right thing. That is not a defense anyway. I strongly recommend that we pass this resolution and pay as quickly as we can. You have a very limited amount of time to make the payment.

Alderman Lucas moved to approve the resolution. Alderman Gray seconded the motion. Upon roll call the resolution passed 6-0. Alderman Ferrell was absent during the vote. Alderman Thiel was absent.

Resolution 82-09 as Recorded in the office of the City Clerk

2009 Ice Storm Debris Clean-Up: A resolution to approve a contract with International Equipment Distributors, Inc. in the amount of \$439,500.00 plus a \$7,500.00 contingency for disposal of mulch from the ice storm clean-up and to approve a budget adjustment of \$447,000.00.

Paul Becker: This firm intends to take the chips to a secondary staging area, regrind them and then they are going to use them for bedding for chickens. If they can not get rid of them in that manner they are going to sell them as mulch. This allows for a sustainable use of the mulch. The cost comes to \$2.93 a cubic yard. We estimate that we have roughly 150,000 cubic yards of mulch.

Alderman Petty: Can you detail the FEMA requirements for disposing of the chips to get reimbursed.

Paul Becker: We have to dispose of them by May 27, 2009.

David Jurgens, Utility Department Director: That requirement is an ADEQ requirement for the permits for the three sites that are the temporary holding sites. The deadline from ADEQ is May 27, 2009 because after a certain amount of time you start getting leachate from the chips and the potential for combustion from the chips. We can request to extend that but we would rather not because the potential environmental harm it could cause by the leachate going into the ground water. The deadline we placed on the chip removal was May 20, 2007 which will give us seven days to do the site cleanup and restoration.

Alderman Lewis: We are paying them for the transportation cost?

Paul Becker: That is correct. They are going to remove it from the site and dispose of it in a sustainable way. They are going to take it to a secondary staging area where they will have to regrind it. They can not use them in the present form. Then they will deliver them.

David Jurgens: There are two pieces that have to be approved for them to be able to execute the contract. They have to obtain a storm water permit from ADEQ.

Alderman Petty: Is there something from preventing us from setting up a permanent holding site? It seems like there is a business opportunity in regrinding the chips and there is a market for it. Is this an opportunity that the City could take advantage of?

David Jurgens: We are continuing to get a great deal of debris from all of the other stuff that is being brought in by our residents and staff. We have a continuing quantity of debris to the Solid Waste site which we are chipping and grinding on site. In order to get rid of this huge volume that we have, this is more than we can handle. If it was too lucrative we would have had more than three proposals to get rid of it. I think we have the best balance. We will continue to operate with stuff that comes in and give that to our residents through mulch.

Paul Becker: There is so much there it is very difficult to get any group together to get rid of it in that short period of time. A lot of people could not handle it that quickly.

David Jurgens: Because we have seen that there might be a local market for the chicken houses we are not going to forget that and we might see if we can start selling if we have excess debris or compost. That may be a viable alternative. The question would then be do we want to continue to provide that at no charge for our customers or do want to sell that to commercial entities. We can look at that later. I do not know if the volume would support that.

Terry Gulley: We first started out looking at how to sell this and maybe offset some of our cost. Nothing came about that after contacting many different places. The big problem with that is the hauling. We do not have the ability to haul. We would have to look at hiring someone to haul it anyway. We looked about everywhere we could look to sell.

Alderman Petty: I appreciate all the thought you guys put into it. It has been the topic of conversation around town. It sounds like we have done our due diligence.

Alderman Lucas: Is this going to take care of all of our sites? Does FEMA reimburse us for any of this cost?

Paul Becker: Yes. This should be FEMA reimbursable.

Alderman Lewis: It seems like our City is contributing free capital to this company and they are going to go and sell it. Was there discussion on the percentage of the profit that they make?

David Jurgens: Absolutely. The cost of doing business, transporting it, storing it, and getting permits, just because it is the raw material doesn't mean it is the total cost of the product. We have to pay them to take the raw material because it cost more to process and haul. We tried getting the price as low as possible. This is the best we could get.

There are two things this is contingent on. There is the proposal to store it. They have a proposal with owner at a site on the south end of town very close to the raceway. It would be a temporary storage at that site. In order to do that there would have to be a temporary rezoning at that location so they can store it there before they haul it out. They have the concrete slabs on site and have storm water containment. There would be a Bill of Assurance to rezone it back to R-A, which it is currently zoned as within 120 days of the notice to proceed. That would come forward to the City Council for consideration on Tuesday. This contract would be contingent upon approval of that rezoning and the storm water permit.

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

Resolution 83-09 as Recorded in the office of the City Clerk

Agenda Additions:

Alderman Cook moved to add the following resolutions to the agenda. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Ferrell was absent during the vote. Alderman Thiel was absent.

Solid Resources, Inc. Change Order # 4: A resolution to approve Change Order No. 4 to a contract with Solid Resources, Inc. to increase the amount by \$43,056.00 and to approve a budget adjustment of \$43,056.00.

Paul Becker: Solid Resources, Inc. is the monitor on our debris removal contract. This would be Change Order # 4. This would provide for an extra 52,382 cubic yards of debris over what our final estimate had been. There is more out there than we had originally anticipated. It would also pay for monitors to be on site as we remove the chips in the final chip removal process. This would take the contract amount to \$933,609. The problem we have had with this contract is estimating how much debris is out there. It appears that we will have approximately 519,000 cubic yards.

Alderman Lewis: Is it predicted that we will have to adjust it again?

Paul Becker: No. This is our last opportunity to adjust it. After this point in time FEMA will not accept any adjustments. We are in the third phase and 12% of the third phase has been completed.

Alderman Ferrell: Do we have an expected date when we think the work will be complete?

Paul Becker: We think we will be finally complete, as far as the monitors are concerned, after the chip removal is done and that is May 20, 2009.

Terry Gulley, Transportation Services Department Director: In two weeks we will be really close to having the third pass done. It will be longer than that for commercial because we are doing that in house.

Alderman Ferrell: Just from observation there are some small stacks but nothing like it was before.

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

Resolution 84-09 as Recorded in the office of the City Clerk

DRC Emergency Services, LLC Change Order # 4: A resolution approving Change Order No. 4 to the contract with DRC Emergency Services, LLC in the amount of \$220,000.00 for additional debris removal associated with the January 2009 ice storm; and approving a budget adjustment in the amount of \$220,000.00.

Paul Becker: This is the hauling contract for the people that are doing the tree trimming and the hauling. This is the final adjustment for that contract for the completion of the third pass. The first contract was the monitor who keeps an eye on the hauler and this contract is the hauler.

Alderman Lewis: This is also the final one.

Paul Becker: Yes it is.

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

Resolution 85-09 as Recorded in the office of the City Clerk

Terry Gulley gave a brief update on the removal process. We are at 473,000 cubic yards removed. The biggest thing that changed was hangers in trees. That is one of the biggest things that have driven up the cost. Terry explained the FEMA process.

The meeting adjourned at 6:00 PM

Lioneld Jordan, Mayor

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
April 21, 2009**

A meeting of the Fayetteville City Council was held on April 21, 2009 at 6:00 PM 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 Thiel, Cook, Petty, Rhoads, Ferrell, Lewis, Mayor Jordan, Assistant City Attorney David Whitaker, City Clerk Sondra Smith, Staff, Press, and Audience.

ABSENT: Alderman Gray and Lucas

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

Consent:

Approval of the April 7, 2009 City Council meeting minutes.

The minutes were removed from the agenda.

Bid # 09-27 Landers McLarty Ford: A resolution to award a bid to Landers McLarty Ford in the amount of \$18,150.75 for the purchase of one 2009 Ford Ranger 4x4 Super Cab pickup truck.

Resolution 86-09 as Recorded in the office of the City Clerk.

Bid # 09-28 Landers McLarty Ford: A resolution to award a bid to Landers McLarty Ford in the amount of \$15,041.75 for the purchase of one Ford Ranger pickup.

Resolution 87-09 as Recorded in the office of the City Clerk.

Bid # 09-29 Lewis Ford Sales: A resolution to approve the purchase of two cab and chassis utility body trucks from low bidder Lewis Ford Sales in a total amount of \$91,962.00.

Resolution 88-09 as Recorded in the office of the City Clerk.

Ground Zero Construction, Inc.: A resolution to award to the low bidder, Ground Zero Construction, Inc. a contract for construction of drainage improvements and sidewalks for Missouri Creek and Rolling Hills Drive in the amount of \$135,018.00 plus a contingency in the amount of \$20,252.00.

Resolution 89-09 as Recorded in the office of the City Clerk.

Kid's ID Print Program: A resolution to thank Sam's Club for its \$1,000.00 contribution to fund the Kid's ID Print Program, to accept this grant and to approve a budget adjustment to recognize this revenue.

Resolution 90-09 as Recorded in the office of the City Clerk.

State Forfeiture Revenue: A resolution to approve a budget adjustment in the amount of \$21,118.00 to recognize state forfeiture revenue derived primarily from the Fourth Judicial Task Force and DEA.

Resolution 91-09 as Recorded in the office of the City Clerk.

Federal Forfeiture Revenue: A resolution to approve a budget adjustment to recognize \$812.00 in revenue as the result of federal forfeitures by the Fourth Judicial Task Force and DEA.

Resolution 92-09 as Recorded in the office of the City Clerk.

Bronze Sculpture Manhole Cover Donation: A resolution to thank Hershey and Denise Garner and to accept their donated sculptured bronze manhole cover for a storm sewer at the Blair Library.

Resolution 93-09 as Recorded in the office of the City Clerk.

EPA Wetlands Program Development Grant: A resolution authorizing the Mayor to apply for an EPA Region 6 Wetland Program Development Grant in the amount of \$250,000.00 for a stream restoration project through Sweetbriar Park and surrounding areas.

Resolution 94-09 as Recorded in the office of the City Clerk.

Sondra Smith, City Clerk requested that the minutes be removed from the Consent Agenda because they were not finished.

Alderman Ferrell moved to remove the minutes from the agenda. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 5-0. **Alderman Gray** and **Lucas** were absent. **Alderman Rhoads** was absent during the vote.

Alderman Cook moved to approve the Consent Agenda with the minutes removed from the agenda. **Alderman Petty** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Gray** and **Lucas** were absent.

Unfinished Business:

RZN 08-3084 (Candlelight Place): An ordinance rezoning that property described in rezoning petition RZN 08-3084, for approximately 0.94 acres, located at the southeast corner of Gregg Avenue and Ash Street from RSF-4, Residential Single-Family, 4 units per acre, to RMF-24, Residential Multi-Family, 24 units per acre. *This ordinance was left on the First Reading at the October 21, 2008 City Council meeting and Tabled to the November 6, 2008 City Council meeting. This ordinance was left on the Second Reading at the November 6, 2008 City Council meeting and Tabled Indefinitely. This ordinance was left on the Third Reading at the March 3, 2009 City Council meeting and Tabled to the April 21, 2009 City Council meeting.*

Jeremy Pate, Development Services Department Director: I would recommend this item be tabled indefinitely and that the property owners are notified when the applicant is ready for this to be reconsidered. That way the property owners will understand when this item is coming back before you as a Council for consideration. It has been going on for several months now and I want to make sure they are aware when this item comes back.

Alderman Cook moved to table the ordinance indefinitely. **Alderman Lewis** seconded the motion. Upon roll call the motion passed 6-0. **Alderman Gray** and **Lucas** were absent.

This ordinance was tabled indefinitely.

Fayette Junction Master Plan: A resolution to adopt the Fayette Junction Master Plan vision document and Illustrative Master Plan. **This resolution was Tabled at the April 7, 2009 City Council meeting to the April 21, 2009 City Council meeting.**

Karen Minkel, Strategic Planning & Internal Consulting Department Director: I handed out Exhibit A and Exhibit I to all the members. Exhibit A is what the Council amended the illustrative plan to at the last Council meeting. I believe the intent was to include the change that you see in Exhibit I. That was a recommendation that staff made based on some public comment about showing single family in that area which was the original intent. I think the Council intended to make that change but because it was a last minute change it was not on Exhibit A. So if the Council would like to make that amendment it would need to be made tonight before this is considered for adoption.

I passed out additional public comment that we received from Robert Sharp who was a participant in the Fayette Junction Master Plan Charrette. He wanted to say that he was encouraged by the design solutions that emerged and was particularly excited by the proposed form-based revisions along Razorback Road and the increased conductivity that this neighborhood will enjoy due to the new and extended streets.

I wanted to clarify the rezoning proposal that is included in the vision document for Fayette Junction Master Plan. This is not a rezoning that is being considered tonight. There was a proposal to rezone the Razorback Road corridor. That proposal is intended to change the form not the uses that are currently allowed on Razorback Road.

Mayor Jordan: So if someone wanted to develop the land contrary to what this master plan shows they could still bring that plan forward.

Karen Minkel: Yes.

Alderman Cook: Did you have some people contact you about the urban zoning?

Karen Minkel: One property owner contacted me and I believe we clarified what the distension was, that it wasn't taking away uses or changing uses, it was a matter of form.

Alderman Ferrell: Previously you said in reality there are really more uses allowed with this. This plan is a tool.

Karen Minkel: Yes that is correct. It is a planning tool. When we have these master plans in place and a request comes forward whether it is for development or rezoning staff uses that master plan as one of the findings as they see whether it is compatible or appropriate.

Alderman Ferrell: I think there is a lot of good in it. I think sometimes there is some confusion that it is law and it is really not, it is a guiding tool.

Alderman Lewis: What actions would change as a result of this in the City process?

Karen Minkel: It is used when staff goes through the review process in that it becomes one of the findings. It can affect City policy actions down the line. It also becomes a tool that is used when any proposal is brought forward.

Jeremy Pate: If there is a PZD or a rezoning that comes before the Council for a decision those are items that we would actually discuss what was in that plan. We would look at a rezoning or a PZD with those goals in mind, the vision of that document in mind with the recommendation that we bring forward to you.

Alderman Thiel moved to add Exhibit I to the plan. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Alderman Cook: It was something we intended to do but it just slipped through the cracks. I appreciate staff's work and the citizens that partook in this. It is a good plan I think. Staff does a great job and citizens are fairly consistent on what they want to see as far as our City development.

Alderman Lewis: I would like to thank you for taking the time to meet with the public to help clarify.

Alderman Lewis moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Resolution 95-09 as Recorded in the office of the City Clerk.

ADM 09-3219 Amend Chapter 166: An ordinance amending the Unified Development Code subsection 166.12: Structures Not Allowed Over Public Easements, to clarify what types of structures are permitted in easements, and to establish consistent guidelines for the installation of structures in easements. **This ordinance was left on the Second Reading at the April 7, 2009 City Council meeting.**

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate: The City Attorney has issued two memos for amendments and Alderman Lucas proposed an amendment as well. If you agree to that I have passed out the language that was proposed in both of those amendments. You would need to make an amendment to adopt the new exhibit.

Alderman Thiel moved to amend the ordinance as proposed. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Alderman Thiel: Is this retroactive?

Jeremy Pate: It could be. It is not going to retroactively approve all of those that are already in place.

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 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Lucas were absent.

Ordinance 5233 as Recorded in the office of the City Clerk.

Public Hearing:

Mayor Jordan opened the Public Hearing

Ozark Theatre Limited Partnership Condemnation: A resolution to authorize the City Attorney to seek condemnation of property at 70 North College Avenue owned by Ozark Theatre Limited Partnership.

There was no public comment.

Alderman Lewis: Can you explain what this means?

Assistant City Attorney David Whitaker: This means you will be granting us the authority to file suit in the name of the City of Fayetteville. It will give us the authority to expedite negotiations with the idea that we can be in court over this.

Alderman Lewis: I understand a lot of time it is resolved.

Assistant City Attorney David Whitaker: Most of the time.

Jeremy Pate: The condemnation that was approved by the Council at the last meeting has recently been resolved. We need this one piece of property. The difference between what we have offered and the request is quite significant.

Mayor Jordan closed the Public Hearing

Alderman Cook moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Resolution 96-09 as Recorded in the office of the City Clerk.

New Business:

Child Abuse Prevention Month: A resolution declaring April to be "Child Abuse Prevention Month" in the City of Fayetteville.

Mayor Jordan: This is something I asked staff to bring forward. Adella Gray has cosigned with me on this. It is to bring awareness of child abuse to the City of Fayetteville.

Mayor Jordan read the entire resolution for the public.

Alderman Lewis: Was there any particular reason for April or how did this come about?

Mayor Jordan: Little Rock contacted us and it was something they passed and they wanted other cities around Arkansas to get involved.

Sondra Smith, City Clerk: It is statewide. The North Little Rock City Clerk contacted just about all the City Clerks across the State and asked if we could get our Council and Mayor on board with this resolution. I thought it was a very worthwhile resolution. The Mayor and Alderman Gray offered to sponsor it.

Alderman Petty: If April is going to be recognized in this way is there anything that we plan to do as a City to promote that next April and on going?

Mayor Jordan: I think that is a good idea, we can do that.

Alderman Petty: I think if we don't do something like that we are going to pass a resolution and nobody will really remember.

Alderman Lewis moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Resolution 97-09 as Recorded in the office of the City Clerk.

Arkansas Western Gas Company: A resolution to approve and certify the participation of Arkansas Western Gas Company in the Arkansas tax back program and to agree to authorize DF&A to refund city sales tax back to Arkansas Western Gas Company.

Ray Boudreaux, Director of Aviation: This is an Arkansas Economic Development Commission program which allows a company to spin up with the purchase of machinery and equipment for a new operation in the State based on the number of jobs they get. Arkansas Western Gas is moving into the former P&G building and will employ more than 80 new jobs. They have requested to be part of the tax back program. The tax back program allows the cities to refund their sales tax on a certain amount of money they are using to purchase equipment. It also gives them an incentive to keep the business in town. It is a small price to pay for 80 new jobs.

Alderman Lewis: Where is the sales tax coming from?

Paul Becker: This would affect the one penny that comes from operations and capital.

Alderman Cook: They are creating 80 new jobs and putting more disposal income in the community and we will collect sales tax from that so that it the idea behind this.

Mayor Jordan: It's a great idea. Good job.

Alderman Lewis: It also maintains current jobs. They employee quite a few people already.

Alderman Ferrell moved to approve the resolution. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Resolution 98-09 as Recorded in the office of the City Clerk.

Tenant/Samples De-annexation: An ordinance concurring with Farmington ordinance No. 2009-05, providing for the voluntary detachment of certain lands from the City of Fayetteville, and attaching said lands to the City of Farmington.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate: On March 9th the City Council of Farmington passed an ordinance to accept this property into the City of Farmington. Pursuant to State law the City of Fayetteville had a public hearing for that request and this is the official action, should you approve it today, to detach this property and allow it to go into the City of Farmington. The request is from the City Attorney of the City of Farmington. This property was annexed into the City by election in 2006. The City Attorney has been the Farmington City Attorney since 1998 and wishes to continue in that capacity and without this action he would have to move or Farmington would have to find another City Attorney. Staff is recommending approval. Staff has not heard any public comment in opposition of this request.

Alderman Thiel moved to suspend the rules and go to the second reading. Alderman Cook seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Thiel moved to suspend the rules and go to the third and final reading. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Steve Davis thanked the Council on behalf of the applicant and the City of Farmington.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Lucas were absent.

Ordinance 5234 as Recorded in the office of the City Clerk.

James Lee Witt Associates Contract: A resolution approving a contract with James Lee Witt Associates, a part of Global Options, Inc. in the amount of \$78,000.00 to provide Federal Legislation Consulting Services to the City of Fayetteville.

Don Marr, Chief of Staff: There was a RFP selection committee formed on behalf of the Mayor. In 2003 the City went out to bid for services for a lobbyist firm to represent the City of Fayetteville in Washington, D.C. That contract expired January 31, 2009. We received three bids. The committee selected James Lee Witt

Don presented the Council with basis information about the firm that was selected and some of the dialogue that took place in the selection process.

Mayor Jordan: The Chief of Staff has touched on all the points. I met with those folks and feel very comfortable with them. They are Arkansas based, they understand Arkansas, and I think they will be a benefit to us in that regard. I do not like no bid contracts. We had not put this out to bid since 2003. I thought we needed to look and see what else is available for us.

Alderman Lewis: I received a question as to why we need to hire a lobbyist. I am going to respond to that question. I have done my share of lobbying and recently went to Little Rock and was reminded about the importance of having a presence all the time. Our City staff can't possibly be in Washington, D.C. and Little Rock and still run the City and complete tasks. This has the potential to gain all kinds of funding and relationships and it is a really good return on our investment because of the connections. I am really glad that you took the time to do the bidding process and find somebody that according to what you described is impressive.

Alderman Ferrell: I think when you bid things your cost tends to be a little better. This company will communicate with us every month and keep us abreast of congressional and bureaucratic changes in law and procedure. I think communication is a very big thing here.

He read a statement from Mayor Hayes of North Little Rock about James Lee Witt Associates.

Alderman Rhoads: I think there are times when it is great to have Arkansas folks doing things for Arkansans. There are also times when you want to see what else is out there. Six years ago I thought the time was right to use Van Scoyoc, the combination with University made a lot of sense. Things have changed in Washington and I think the change to this organization is very timely. I am very familiar with Witt and I think we are making a very good choice.

Alderman Petty: I think the Arkansas connections are the trump card in my consideration. Van Scoyoc only represented one City per State and funding is very competitive and I am curious how the firm would handle a situation where they have two Arkansas cities competing for the same funding. Where would priorities be placed and how would they handle that and make sure we are getting the best deal.

Don Marr: That is a very good question and part of the discussion that we had. Many times our City was being grouped in during committee discussions with a larger group. Projects are tended to be looked at based on delegation and districts and we did not see a competing issue between something being requested in Central Arkansas or Eastern Arkansas in one representatives district and yet Congressman Boozman's efforts for District 3. They tend to make the allocations based on the delegation item.

Don explained some of the things the committee looked at during the selection process.

Alderman Petty: It is up to us to identify opportunities and to work with our lobbyist to pursue those.

Don Marr: It is the preparation and the constant networking.

Alderman Cook: I agree with Bobby's comment about the communications and I felt like with our previous provider that it was rare that we actually saw them. It is kind of a perfect storm right now because James Lee Witt was in the Clinton administration and was certainly well respected in that. I think he is obviously well connected.

Don Marr: We looked at the ability to have State impact.

Alderman Lewis: There is the human component within the firm. You have a team and we are their goal and focus. You can talk to our team and get them fired up about Fayetteville.

Alderman Thiel moved to approve the resolution. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Resolution 99-09 as Recorded in the office of the City Clerk.

Social Media Communication: A resolution to include social media in citizen communications.

Alderman Petty: I would like to propose an amendment. In sections 1, 2, and 3 change the language to say *the City Council requests the City of Fayetteville, Arkansas.*

Alderman Petty moved to amend the resolution as stated. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Alderman Petty: We are trying to save money in the City and communicate with the citizens in more effective ways and reduce staff time by automating existing processes and things like that. I think there are a lot of tools out there available for us to use that we haven't been taking advantage of up to this point, tools like Facebook and Twitter. These things provide for an opportunity for that automation that we are pursuing. Our City Attorney raised a concern that since the resolution doesn't include a budget adjustment, it may not be complete because this

may require more staff resources. I think in actuality once we get things figured out it will require fewer staff resources and will actually be a boom to us in that respect.

In Fayetteville we have around 30,000 people using Facebook, the newspapers combined have about 22,000 subscribers in our area. I think that government has a duty to try and communicate with all of the citizens and take input from all of the citizens. I don't think we should restrict ourselves only to conventional sources of media like the government channel and the newspaper. The newspaper really constitutes a good faith effort on our part to communicate with the citizens. That's what this resolution is to address. I think there are a lot of benefits to using Social Media. It has a public nature, which means any comment that takes place is available for the record, it is searchable, and archived automatically. There is a lot less logistical hassle with Social Media than there is with some of the other forms of communication that we use.

What this resolution would do is request that the City would provide notices in summary using Social Media and that we would include that comment in the record. More than that it asks that we create a communications strategy for using these tools so that we know what we are doing and the citizens know how we are using the tools and that we would update that strategy annually.

Alderman Lewis: I think it is a good idea. It seems like the strategy in Section 2 needs to happen before we can ask them to do Section 1. I like the idea of requesting how we are going to do that before we request the staff to do that. Section 1 does not bind the staff to do something?

Alderman Petty: No. City staff has already started experimenting with some of these things. I think a communication strategy will emerge out of some of the practices on a trial and error way as we move forward. We could request a communications strategy before doing that but I am not sure it is really necessary since we are already using the tools and we are getting better at it as we go.

Alderman Lewis: What are we doing in regard to this?

Don Marr: I want to thank Council member Petty because he gave me a great lesson this past week on Twitter. We are evaluating and using his expertise to help us look at options available both from an IT capabilities perspective and a comprehensive communications plan. We are not scared by this that it is going to turn into some major item. There have been some things that have been brought up in the last week that I will want to talk to him about. Our plan is that the Director of Communications and Marketing would be responsible for developing a comprehensive nontraditional social networking communications plan. At some point depending on the load we may talk about different staffing allocations but we have not seen anything yet that is going to require it. I just want that to be on the radar screen so that when you get into the budget process if times are tight and it ends up being a large volume that we talk about how to do it. A staff member is maintaining our Facebook page and Mayor Jordan maintains his own page. It is amazing the amount of questions that we are getting through that avenue and we are reaching constituents that we have not heard from traditionally in the past. I think there is value in his resolution.

Alderman Ferrell: I think you might be right Matt and I will likely support this. I would like to hold off on this until the next meeting. I would like to see a summary of what our expectations are.

Alderman Petty: Sure I will do that. I will be absent at the next Council meeting.

Alderman Cook: I think all the Council members should be here to vote on this.

Alderman Petty moved to table the resolution to the May 19, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

This resolution was tabled to May 19, 2009.

2009 Water and Sewer Revenue Bonds: An ordinance authorizing the issuance and sale of not to exceed \$8,500,000 of Water and Sewer System Revenue Bonds, Series 2009, by the City of Fayetteville, Arkansas for the purpose of financing improvements to the City's Water and Sewer System; authorizing the execution and delivery of a second supplemental trust indenture pursuant to which the Series 2009 Bonds will be issued and secured; authorizing the execution and delivery of an official statement pursuant to which the Series 2009 Bonds will be offered; authorizing the execution and delivery of a bond purchase agreement providing for the sale of the Series 2009 Bonds; authorizing the execution and delivery of a continuing disclosure agreement; and prescribing other matters relating thereto.

Assistant City Attorney David Whitaker read the ordinance.

Paul Becker: We are asking the Council to authorize \$8.5 million worth of bonds to finance relocation, installation, and redevelopment of water distribution and sewer collection systems, primarily those that are related to road projects. The revenue bonds will be paid by sewer and water receipts. They were anticipated in the rates that we adopted in April of 2008. They have been approved by the Water & Sewer Committee.

Alderman Ferrell: Enterprise funds can be used for utility relocation can't they?

Paul Becker: Yes

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Thiel seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker 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 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Lewis: This is going to be used for Highway 265. Did the Highway Department contribute any?

David Jurgens: There will be a cost share contribution from the Highway Department at this point we are not able to determine that. Part of this project is to increase the existing pipeline from a 12 inch pipeline to a 36 inch pipeline and we have to bear all of the cost of the increase in size of the pipe. A large portion of the expense will be borne by the City.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 6-0. Alderman Gray and Lucas were absent.

Ordinance 5235 as Recorded in the office of the City Clerk.

Agenda Additions:

Willoughby Road Rezoning: An ordinance rezoning that property identified as Parcels 765-15560-000 and 765-15560-001, for approximately 15.2 acres, located south of Willoughby Road and 0.8 miles east of Highway 71B from R-A, Residential Agricultural to I-2, General Industrial.

Alderman Thiel moved to suspend the rules and add the ordinance to the agenda. Alderman Lewis seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Jeremy Pate: At a Special City Council meeting the city Council approved Resolution 83-09 awarding a contract the International Equipment Distributors (IED) to dispose of the mulch remaining from the ice storm debris. In the bids submitted, contractors selected sites that would meet their needs for that disposal. They would remove it from the existing sites, remulch it, and then remove it from the site and ship it to the end users. The site to be utilized by the contractor is this site. In our research of looking at the actual use of the property I-2 General Industrial Zoning District was really the only zoning district that would fit this particular use.

The petitioner agrees that the zoning of the property is solely requested to fulfill the term of the contract for this. I would like the Council to amend the ordinance and add a section that states ***the rezoning of the subject property is subject to a Bill of Assurance offered by the applicant.***

Jeremy read the Bill of Assurance.

Alderman Thiel moved to amend the ordinance to add Section 2 a Bill of Assurance. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Alderman Thiel: This site is very controversial in Ward 1. I am not sure that the citizens are aware that we are discussing the rezoning.

Mayor Jordan: We made the announcement last week that this would be coming forward.

Alderman Thiel: I understand they will be finished by May 20th. It says the contractor may work seven days per week all daylight hours.

David Jurgens: The intent to be finished by May 20th is to remove the debris from our current three sites. They will move it to this temporary site and have 120 days from the issuance of the notice to proceed to be completed at that location off Willoughby Road.

Alderman Thiel: Three months through the spring and summer?

David Jurgens: Possibly.

Alderman Thiel: They would be grinding on this site, seven days a week?

David Jurgens: That would be possible because of the density of the material that they have to haul out.

Alderman Thiel: They can work more than 10 hours per day if approved.

David Jurgens: We do not have to approve that. It would be a City administration decision to approve it or not.

Alderman Thiel: They can work 12 hours per day seven days a week grinding in this area that is not currently industrially zoned that is surrounded by neighborhood?

David Jurgens: If that is approved by the City administration.

Alderman Thiel: What was the process with this?

David Jurgens: We requested proposals from whoever wished to submit a proposal on how they would reduce the debris. We did not anticipate they would be doing the reduction here in town. In the discussions with the lowest proposer we offered staying at the current locations and that was not acceptable to do the reduction and mulching on those sites and then haul it after they grind. In the three proposals that we received the lowest two proposals had the same site selected which is this location. The third proposal had a site to dispose of it in Johnson but ADEQ would not approve that request. We really only have two viable alternatives, both of them in their proposals had this same location.

Alderman Thiel: I am very surprised that they got ADEQ approval to be able to contain this site. All of that is in a floodway. A large part of the floodway runs into the airport branch of the West Fork White River.

David Jurgens: They are actually in the process of soliciting ADEQ approval. They have submitted their request. One of the reasons we want to move the material from where it is now is because of the potential for environmental damage and pollution from runoff. In the proposal and in our discussions with them they said their intent was to have storm water containment. Any storm water would be contained and then could be pumped out and hauled away so that it would not go to the environment. That is one of the advantages of the site is that they could do that.

Alderman Thiel: I understand the urgency in this but there is no way I can support rezoning this based on the amount of destruction of that neighborhood for three months in the spring and summer. That is in a valley and that noise reverberates on either side of that hill.

Alderman Lewis: How was that site determined?

David Jurgens: It was entirely the choice of the proposer. They proposed the method by which they were going to dispose of the material in the end disposal as well as the process by which they were going to get it to the point of delivery. It was part of the bid proposal they submitted. There was no guidance or direction from the City on how their process would be. The two lowest proposals had a more beneficial reuse.

Alderman Lewis: We are paying them to haul it to a site they chose. How did they pick that site?

David Jurgens: They probably tried to find a site where they felt they could get the tractor trailers in and out without bogging down, where they could sit the chipper, and have the truck beside the grinding machine.

Alderman Lewis: They are going to do their processing from that site and then sell it from there?

David Jurgens: They will haul it away from there to wherever the final location is.

Alderman Lewis: Is there an option of exploring other places or does saying no to this site nullify the contract we have with them or are they open to more options or do they own that property?

David Jurgens: Sam Mathais signed the Bill of Assurance as the owner. We looked at the possibility of other alternatives but there are not a lot of sites that meet the requirements.

Don Marr: The contractor is here tonight. Some of the questions that you are asking are questions more appropriately answered by the contractor. The City did not make any requirement one way or the other in terms of location. This contract is contingent on the rezoning. If we do not get the rezoning we will not have a disposal contract. We need to think about our timing of the May 27th expiration of removing them and the potential cost to the City if we do not have an alternative which would be us not being reimbursed and having to do this disposal ourselves. Where we really got into this situation is there was a decision based on a lot

of public comment and a lot of comments by those of you that are elected for us not to burn debris and to find reuses for it. We are now in a situation that we have to deal with the disposal aspect of the end product. I heard from people on the committee that they had some alternatives that did not pan out.

Gary Easterling, Contractor: We looked at several places and to have the volume and a place that we could get in with tractor and trailers is very difficult in this area. I covered most of the industrial park, places in Greenland, and Springdale. We looked at probably ten different places. We had people call that had fields but that will not work because you can't get in if it gets wet.

Alderman Thiel: This site is in a floodplain.

Gary Easterling: From what I understand the part that we are going to use is in the City and it is not in the floodplain.

Alderman Thiel: You are not going to use the race track area?

Gary Easterling: No.

Alderman Thiel: The City side is a hillside that flows straight down. ADEQ understands you are looking at the upper level?

Gary Easterling: Yes. We have a plan but they have not approved it.

A discussion followed on the hours of operation and why this site was chosen.

Alderman Thiel: I understand the dilemma but I can not support it.

Alderman Ferrell: I am sympathetic. It will be a lot of traffic. We are in a situation where we have to do it and we are in mandate and it is contingent on ADEQ.

Alderman Ferrell moved to suspend the rules and go to the second reading. Alderman Petty seconded the motion. Upon roll call the motion passed 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Alderman Lewis: I am very glad we are not burning it. This is difficult. My question is related to storm water because of where it is located. I have seen lots of people say they are going to protect things from running in the rivers and it just doesn't happen. There are new technologies that are being implemented and I wonder if you would be willing to talk to me about some of those.

Gary Easterling: Definitely.

Alderman Thiel: I feel like this is something that has to happen but I can not express enough how disappointed I am that the public has not had any opportunity to weigh in on this because of the whole issue we went through to change the use of that property

Mayor Jordan: Last Thursday we made a public announcement that this meeting would be coming up and we would be discussing this. Has there been any public comment?

Don Marr: It was in the newspaper on Friday in addition to your announcement of the meeting on Thursday. Don explained the process and restrictions.

Mayor Jordan: I want the Council to understand something here even with this contract we are going to pay around \$700,000 out of the coffers of the City. Probably the easiest thing for me to have done several months ago would have been to burn it. I felt we were more of an environmentally friendly City so I opted to grind it into much. Maybe that was a mistake but I thought it was the right thing to do at the time. Now we are in a situation where we are being strapped for time or we may have to add \$200,000 to the bid to move it somewhere else. That is a lot of money.

Alderman Petty: I think you made the right decision not to burn it.

Alderman Cook: This ice storm has been a pain. The only consolation is that it is temporary.

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 6-0. Alderman Gray and Lucas were absent.

Assistant City Attorney David Whitaker read the ordinance.

Mayor Jordan asked shall the ordinance pass. Upon roll call the ordinance passed 5-1. Alderman Thiel voting no. Alderman Gray and Lucas were absent.

Ordinance 5236 as Recorded in the office of the City Clerk.

The meeting adjourned at 8:05 PM

Lioneld Jordan, Mayor

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

**Tentative Agenda
City of Fayetteville Arkansas
City Council Meeting
May 5, 2009**

A meeting of the Fayetteville City Council will be held on May 5, 2009 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:

1. Sales Tax Report – Paul Becker, Finance & Internal Services Department Director

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the April 7, 2009, April 16, 2009 Special City Council meeting and April 21, 2009 City Council meeting minutes.
2. **Insituform Technologies, Inc.:** A resolution approving renewal of a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2009 sanitary sewer main line and service lateral lining services.
3. **Runway Safety Area Improvement Project Grants:** A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue.

4. **Bid # 09-34 Runway Safety Area Improvement Project:** A resolution awarding Bid # 09-34 and approving a contract with XXXXXXXXXX in the amount of \$XXXXXXX for construction of the Runway 16 Runway Safety Area Improvement Project.
5. **McClelland Consulting Engineers, Inc.:** A resolution approving an agreement with McClelland Consulting Engineers, Inc. for Airport Engineering Services.

B. Unfinished Business: None

C. Public Hearing:

1. **Watson Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Aaron H. Watson and Patricia Watson needed for the Mt. Comfort Road widening project.

D. New Business:

1. **2009 Justice Assistance Grant (JAG):** A resolution authorizing the Fayetteville Police Department to apply for a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with \$106,765.00 to be disbursed to the City of Springdale and \$88,913.00 to Washington County.
2. **RZN 09-3233 (Physicians Specialty Hospital):** An ordinance rezoning that property described in rezoning petition RZN 09-3233, for approximately 2.97 acres, located at 3873 North Parkview Drive from R-O, Residential Office, to P-1, Institutional.
3. **ADM 09-3235 Amend Chapters 151, 161 and 162:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions, 161: Zoning Regulations, and 162: Use Units in order to classify and define animal daycare, animal boarding, and kennels, and to permit these uses in certain situations in Commercial, Industrial, and Residential-Agricultural Zoning Districts.
4. **ADM 09-3249 Amend Chapter 164:** An ordinance amending the Unified Development Code subsection 164.02: Accessory Structures and Uses, to include setback and height regulations for accessory structures.
5. **American Recovery and Reinvestment Act:** A resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the application and administration of said request.

Agenda Additions:

Announcements:

1. City Council Tour: May 4, 2009

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 of Fayetteville Staff Review Form

A. 2
Insituform Technologies, Inc.
Page 1 of 8

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

5/5/2009

City Council Meeting Date
Agenda Items Only

Shannon Jones

Submitted By

Water and Sewer

Division

Utilities

Department

Action Required:

Fayetteville City Administration recommends renewal of the construction contract with Insituform Technologies, Inc., and approving an authorization totaling \$330,000.00, for sanitary sewer lining services.

\$ 330,000.00

Cost of this request

\$ 3,595,043.00

Category / Project Budget

Sanitary Sewer Rehabilitation

Program Category / Project Name

5400.5700.5815.00

Account Number

\$ 310,174.09

Funds Used to Date

Water and Wastewater

Program / Project Category Name

02017.0009

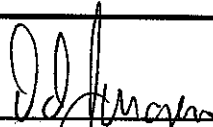
Project Number

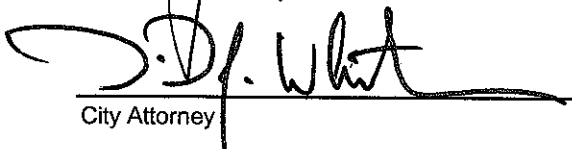
\$ 3,284,868.91

Remaining Balance

Water/Sewer

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Department Director

16 APR 09
Date
Previous Ordinance or Resolution # 104-08

City Attorney

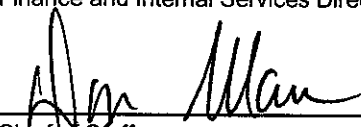
4/15/09
Date
Original Contract Date: 5/20/2008Original Contract Number: 2040

Finance and Internal Services Director

4-15-2009
Date

 Received in City
Clerk's Office

 ENTERED
4-10-09
LH


Chief of Staff

4/15/09
Date

 Received in
Mayor's Office

 ENTERED
4/15/09
P/A


Mayor

4/16/09
Date

Comments:

City Council Meeting of May 5, 2009

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: David Jurgens, Public Utilities Director
Don Marr, Chief of Staff

From: Shannon Jones, Engineering SJ

Date: April 10, 2009

Subject: Resolution approving a contract extension with Insituform Technologies, Inc. for cured-in-place sanitary sewer linings.

RECOMMENDATION

Fayetteville City Administration recommends renewal of the construction contract with Insituform Technologies, Inc., and approving an authorization totaling \$330,000.00, for sanitary sewer lining services. This contract will provide services for 2009 and is included in the Sanitary Sewer Rehabilitation project within the Fiscal Year 2009 Budget.

BACKGROUND

On April 16, 2008 the City of Fayetteville accepted sealed competitive bids for sanitary sewer main line and service lateral lining services with Insituform Technologies submitting the successful bid proposal (see attached materials). This contract may be renewed for additional periods up to four (4) additional contract periods beyond the original bid. This is the first of the four renewals. The bid schedule includes specific unit prices for various items of work; with the sanitary sewer rehabilitation program then using the pricing to complete the annual rehabilitation program. The exact needs of each rehabilitation activity cannot be explicitly defined until the final design is completed, hence the unit price bid schedule to correlate costs to project scopes.

DISCUSSION

The direct contracting with Insituform Technologies allows the City of Fayetteville to execute its sanitary sewer rehabilitation program effectively and efficiently. It is effective as the administrative delays and costs are minimized due to the annual contract and pre-established pricing. Pipes being lined under this contract are either identified by City forces through normal maintenance operations or by consultants executing Sanitary Sewer Evaluation Studies. Either way, engineering and administrative costs are held to a bare minimum as formal plans and specifications are not required. This work is an integral part of the City's ongoing program to maintain its sewer system in the most long-term yet cost effective fashion, with cured-in-place linings being by far the lowest cost strategy for applications where it is appropriate.

Although the contract allows for a limited price increase each year, Insituform has agreed to execute the work at the original price bid in 2008.

BUDGET IMPACT

Funds are available in the 2009 Sanitary Sewer Rehabilitation Project budget.

RESOLUTION NO. _____

A RESOLUTION APPROVING RENEWAL OF A CONTRACT WITH INSITUFORM TECHNOLOGIES, INC. IN THE AMOUNT OF \$330,000.00 FOR 2009 SANITARY SEWER MAIN LINE AND SERVICE LATERAL LINING SERVICES.

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 renewal of a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2009 sanitary sewer main line and service lateral lining services.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

2008 CIPP Bid Tabulation
April 16, 2008 at 2:00 p.m.

Item No.	Item Description	Approx. Qty.	Unit	Insituform Technologies		Suncoast Infrastructure	
				Unit Price In Figures	Total	Unit Price In Figures	Total
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	3500	LF	\$ 36.50	\$ 127,750.00	\$ 30.60	\$ 107,100.00
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	1500	LF	\$ 32.00	\$ 48,000.00	\$ 30.30	\$ 45,450.00
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 34.00	\$ 17,000.00	\$ 31.00	\$ 15,500.00
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	500	LF	\$ 42.00	\$ 21,000.00	\$ 32.80	\$ 16,400.00
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	100	LF	\$ 57.00	\$ 5,700.00	\$ 50.00	\$ 5,000.00
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place	100	LF	\$ 73.00	\$ 7,300.00	\$ 60.50	\$ 6,050.00
7	Internal reinstatement of Service Laterals	60	EA	\$ 0.01	\$ 0.60	\$ 150.00	\$ 9,000.00
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral	30	EA	\$ 2,000.00	\$ 60,000.00	\$ 2,900.00	\$ 87,000.00
9	Standard Mobilization (within 15 working days)	2	EA	\$ 2,000.00	\$ 4,000.00	\$ 2,500.00	\$ 5,000.00
10	Emergency Mobilization (within 3 working days)	1	EA	\$ 3,000.00	\$ 3,000.00	\$ 9,060.00	\$ 9,060.00
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF	5	EA	\$ 1,000.00	\$ 5,000.00	\$ 3,320.00	\$ 16,600.00
	Total Bid				\$ 298,750.60		\$ 322,160.00

4.0 BIDDER'S PROPOSAL

4.1 ITEMIZED DESCRIPTION OF BID PRICING

TO: City of Fayetteville
Fayetteville, Arkansas

GENTLEMEN:

The undersigned bidder, having examined the specifications and contract documents, and being fully advised as to the extent and character of the work, propose to furnish all equipment and to perform all labor and work necessary for the completion of the work described by and in accordance with the specifications and contracts for the following prices to wit.

<u>Item No.</u>	<u>Item Description</u>	<u>Approx. Qty.</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Total</u>
1	6" x 4.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>THIRTY SIX DOLLARS AND FIFTY CENTS</u>	3500	LF	<u>\$ 36.50</u>	<u>\$ 127,750.00</u>
2	8" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>THIRTY TWO DOLLARS & ZERO CENTS</u>	1500	LF	<u>\$ 32.00</u>	<u>\$ 48,000.00</u>
3	10" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>THIRTY FOUR DOLLARS & ZERO CENTS</u>	500	LF	<u>\$ 34.00</u>	<u>\$ 17,000.00</u>
4	12" x 6.0mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>FORTY TWO DOLLARS & ZERO CENTS</u>	500	LF	<u>\$ 42.00</u>	<u>\$ 21,000.00</u>

<u>Item No.</u>	<u>Item Description</u>	<u>Approx. Qty.</u>	<u>Unit</u>	<u>Unit Price In Figures</u>	<u>Total</u>
5	15" x 7.5mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>FIFTY SEVEN</u> dollars $\frac{2}{100}$ ZERO CENTS	100	LF	<u>\$ 57.00</u>	<u>\$ 5,700.00</u>
6	18" x 9mm trenchless rehabilitation by CIPP of existing sewer pipe mainline, complete in place				
	<u>SEVENTY THREE</u> dollars $\frac{3}{100}$ ZERO CENTS	100	LF	<u>\$ 73.00</u>	<u>\$ 7,300.00</u>
7	Internal reinstatement of Service Laterals				
	<u>ONE CENT</u> dollars	60	EA	<u>\$.01</u>	<u>\$.60</u>
8	Trenchless rehabilitation by CIPP of existing 4" Service Lateral				
	<u>TWO THOUSAND</u> dollars $\frac{2}{100}$ ZERO CENTS	30	EA	<u>\$ 2000.00</u>	<u>\$ 60,000.00</u>
9	Standard Mobilization (within 15 working days)				
	<u>TWO THOUSAND</u> dollars $\frac{2}{100}$ ZERO CENTS	2	EA	<u>\$ 2000.00</u>	<u>\$ 4,000.00</u>
10	Emergency Mobilization (within 3 working days)				
	<u>THREE THOUSAND</u> dollars $\frac{3}{100}$ ZERO CENTS	1	EA	<u>\$ 3000.00</u>	<u>\$ 3,000.00</u>
11	CIPP Point Repair, 6" - 12" Diameter, 10 LF				
	<u>ONE THOUSAND</u> dollars $\frac{1}{100}$ ZERO CENTS	5	EA	<u>\$ 1000.00</u>	<u>\$ 5,000.00</u>

TOTAL BID AMOUNT \$ 298,750.60

TWO HUNDRED NINETY EIGHT THOUSAND SEVEN HUNDRED FIFTY DOLLARS AND SIXTY CENTS
(In Writing)

The undersigned understands that this bid is for a term maintenance contract for the rehabilitation of sanitary sewer mainlines throughout Fayetteville, Arkansas and that the City here may choose to purchase more, less, or none of the rehabilitation, depending upon its needs. The City is under no obligation to purchase a minimum amount of any item awarded. This contract is generally for miscellaneous and unidentified rehabilitation of sanitary sewer mains and service connections using the cured-in-place pipe method.

The bidder understands that the City reserves the right to reject any or all bids, and to waive informalities in the bidding.

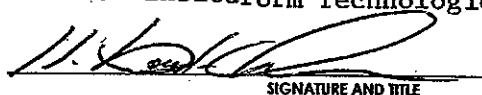
The undersigned further agrees that the proposal guaranty may be retained by the City of Fayetteville, Arkansas, provided the undersigned is one of the lowest and most advantageous bidders, and that said proposal guaranty shall remain with the City until the contract has been signed, and the bond required for the faithful performance of the contract has been made by one of the lowest responsible bidders; otherwise, proposal guaranty may be obtained from the City after forty-eight hours from the time of opening of the bids.

The undersigned hereby declares that he has had sufficient time to make all test and investigations to arrive at an intelligent estimate of the cost of doing the work, and has carefully examined the specifications and documents relating to the work covered by his bid or bids, that he agrees to do the work, and that no representation made by the City are in any sense a warranty, but are mere estimates for guidance of the CONTRACTOR.

Upon receipt of notice of the acceptance of the bid, we will execute the formal contract attached in quintuplicate, within ten days, and will deliver a Surety Bond for the faithful performance of the contract, and such other bonds as may have been required in the specifications. The bid security attached in the sum of 5% of the greatest amount of the total bid is (\$5%) is to become the property of the City if a cashier's check, and if a bond, the principal amount shall be paid to the City of Fayetteville, in the event the contract and bond are not executed within the time set forth, and to be considered as liquidated damages because the delay and additional work caused thereby are incapable of accurate ascertainment.

RESPECTFULLY SUBMITTED: Insituform Technologies, Inc.

Bidder


SIGNATURE AND TITLE

H. Douglas Thomas
V.P.-Global Procurement/Ops.Support

Seal (If bidder is a corporation)

Business Address

17988 Edison Avenue

Chesterfield, MO 63005

Telephone Number

636-530-8000

FAX Number

636-530-0751

Arkansas Contractors License Number

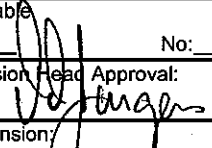
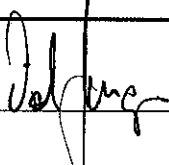
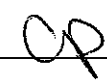
0072030409

NOTE: DO NOT DETACH BID FROM OTHER PAPERS BOUND IN THIS DOCUMENT. Fill Bid Form in with ink and submit complete with all other papers bound in this document

City Of Fayetteville - Purchase Order (PO) Request

(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*

City Of Fayetteville - Purchase Order (PO) Request (Not a Purchase Order) <i>All purchases under \$2500 shall be used on a P-Card unless medical or 1099 service related. (Call x256 with questions)</i> <i>All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us</i>						Requisition No.:		Date: 4/10/2009	
						P.O Number:		Expected Delivery Date:	
Vendor #: 1454		Vendor Name: Insituform Technologies				Mail Yes: _____ No: XX			
Address: PO Box 842358				Fob Point: Fayetteville, AR		Taxable Yes: _____ No: XX		Quotes Attached Yes: _____ No: _____	
City: Dallas		State: TX		Zip Code: 75284-2359		Ship to code:		Division Head Approval: 	
Requester: Shannon Jones/Cheryl Partain				Requester's Employee #: 2689		Extension:			
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2009 Cured In Place Lining per Term Contract	1		330,000.00	\$330,000.00	5400-5700-5815.00	02017-0009		
2					\$0.00				
3					\$0.00				
4					\$0.00				
5					\$0.00				
6					\$0.00				
7					\$0.00				
8					\$0.00				
9					\$0.00				
10					\$0.00				
*	Shipping/Handling		Lot		\$0.00				
Special Instructions:						Subtotal: \$330,000.00			
Contract # 2040, Resolution # 104-08						Tax: \$0.00			
						Total: \$330,000.00			
Approvals: Mayor: _____ Finance & Internal Services Director: _____ Dispatch Manager: _____ Department Director:  Budget Manager: _____ Utilities Manager: _____ Purchasing Manager: _____ IT Manager: _____ Other: 									

City of Fayetteville Staff Review Form

A.3
Runway Safety Area
Improvement Project Grants
Page 1 of 16

City Council Agenda Items
and
Contracts, Leases or Agreements

5/5/2009

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

1) A Resolution to apply for and accept grants from the DOT/FAA and Arkansas Department of Aeronautics for the Runway 16 RSA Improvement project.

2) Approval of a Budget Adjustment.

ESTIMATED REVENUE

\$ 3,857,000.00

Cost of this request

5550.0955.6803.00

5550.0955.6820.38

Account Number

07039 3

Project Number

\$ -

Category / Project Budget

\$ -

Funds Used to Date

\$ -

Remaining Balance

Correct Runway 16 RSA

Program Category / Project Name

Avi/ED Imp

Program / Project Category Name

Airport Fund

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

**Submitted when Grant received

Department Director

4-16-09

Date

Previous Ordinance or Resolution #

204-07

182-08

227-08

Original Contract Date:

Original Contract Number:

City Attorney

4/17/09

Date

Finance and Internal Services Director

4-20-2009

Date

Received in City
Clerk's OfficeENTERED
4/16/09

Chief of Staff

4/20/09

Date

Received in
Mayor's OfficeENTERED
4/17/09

Mayor

4/21/09

Date

Comments: Budget adjustment recognizing the grant funding will be submitted to Budget when total \$ amount of grants are available.



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan

THRU: Chief of Staff

THRU: Staff/Contract Review Committee

THRU: Terry Gulley, Transportation Director *T24*

FROM: Ray M. Boudreaux, Aviation Director *[Signature]* *for RB*

DATE: April 9, 2009

SUBJECT: Approve application and acceptance of FAA/AIP and Arkansas Aeronautics Grants to fund the Runway 16 Safety Area Improvement project. Approve a Budget Adjustment.

RECOMMENDATION: Approve application for and accept grants from the FAA (95%) and the Arkansas Department of Aeronautics (5%) to fund the Runway 16 Runway Safety Area Improvements project. Approve a budget adjustment. Signatures of the Mayor and City Clerk requested.

BACKGROUND: The Runway 16 RSA Improvement Project has been under planning and design since December 2007. The Invitation for Bids for construction was advertised April 10th and 12th and bids will be received April 28th. The FAA issues a grant award based on the actual bid price received.

DISCUSSION: Since the FAA's funding is based on the bid price, the application to the FAA for the grant must necessarily coincide with the receipt of bids. Additionally, the turn around time for the City to submit the completed grant documents to the agency is short, usually within 2-3 days. Time is of the essence and therefore in order to expedite this process, the application and acceptance of the grants is requested.

The award of the construction contract is submitted as a separate Council item. Contract award and acceptance of the grant funding should allow the project to begin construction quickly. Grant funding for the project is 95% FAA and 5% Arkansas Department of Aeronautics.

Attachments: Staff Review
Draft AIP Grant
Draft State Grant to be submitted at the end of the work

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE EXECUTIVE AIRPORT STAFF TO APPLY FOR AND ACCEPT GRANTS FROM THE FEDERAL AVIATION ADMINISTRATION AND THE ARKANSAS DEPARTMENT OF AERONAUTICS TO FUND THE RUNWAY 16 RUNWAY SAFETY AREA IMPROVEMENT PROJECT; AND APPROVING A BUDGET ADJUSTMENT RECOGNIZING THE GRANT REVENUE.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby approves a budget adjustment recognizing the grant revenues, said approval being contingent upon receipt of the federal and state grant funds.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION:		2. DATE SUBMITTED May 2009	Applicant Identifier FY082153
Application ☒ Construction ☐ Non-Construction		3. DATE RECEIVED BY STATE	State Application Identifier
Preapplication ☐ Construction ☐ Non-Construction		4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier 3-05-0020-038-2009
5. APPLICANT INFORMATION			
Legal Name: City of Fayetteville		Organizational Unit: Department: Airport Department	
Organizational DUNS: 134398903		Division:	
Address: Street: 4500 S. School, Suite F		Name and telephone number of person to be contacted on matters involving this application (give area code)	
City: Fayetteville		Prefix: Mr.	First Name: Ray
County: Washington		Middle Name:	
State: Arkansas Zip Code: 72701		Last Name: Boudreaux	
Country: United States		Suffix: Director of Aviation	
		Email: rboudreaux@ci.fayetteville.ar.us	
6. EMPLOYER IDENTIFICATION NUMBER EIM:		Phone number (give area code): 476-718-7642 FAX number (give area code): 479-718-7646	
7 1 - 6 0 1 8 4 6 2 8. TYPE OF APPLICATION: ☐ New ☒ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): (See back of form for description of letters)		7. TYPE OF APPLICANT: (See back of form for Application Types) ☒ C Other (specify)	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER TITLE: AIP 2 0 - 1 0 6		9. NAME OF FEDERAL AGENCY FAA SW Region	
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): Washington County, Arkansas		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Design Services, Land Acquisition and Construction for the Runway 16 Safety Area to including the relocation of US HWY 71 and Lancaster Drive.	
13. PROPOSED PROJECT		14. CONGRESSIONAL DISTRICTS OF	
Start Date June 2009	Ending Date December 2010	a. Applicant Third	b. Project Third
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS	
a. Federal	\$ 3,857,000.	a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON	
b. Applicant	\$	DATE:	
c. State	\$ 203,000.	b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372	
d. Local	\$	☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
e. Other	\$	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?	
f. Program income	\$	☐ Yes If "Yes" attach an explanation ☒ No	
g. TOTAL	\$ 4,060,000.00		
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Authorized Representative			
Prefix Mr.	First Name Lioneld	Suffix	
Last Name Jordan	c. Telephone number (give area code) 479-575-8330		
b. Title Mayor	e. Date Signed		
d. Signature of Authorized Representative			

DRAFT

PART II

PROJECT APPROVAL INFORMATION
SECTION AItem 1.

Does this assistance request require State, local, regional, or other priority rating?

Yes ☒ No ☐Name of Governing Body _____
Primary Rating _____Item 2.

Does this assistance request require State, or local advisory, educational or health clearances?

No ☐ Yes ☒

Name of Agency or Board _____

(Attach Documentation)

Item 3.

Does this assistance request require clearinghouse review in accordance with OMB Circular A-95?

☒ Yes ☐ No

(Attach Comments)

Item 4.

Does this assistance request require State, local, regional or other planning approval?

☐ Yes ☒ No

Name of Approving Agency _____

Date _____

Item 5.

Is the proposal project covered by an approved comprehensive plan?

☐ Yes ☒ NoCheck one: State ☐
Local ☐
Regional ☐

Location of Plan _____

Item 6.

Will the assistance requested serve a Federal installation?

☐ Yes ☒ No

Name of Federal Installation _____

Federal Population benefiting from Project _____

Item 7.

Will the assistance requested be on Federal land or installation?

☐ Yes ☒ No

Name of Federal Installation _____

Location of Federal Land _____

Percent of Project _____

Item 8.

Will the assistance requested have an impact or effect on the environment?

☐ Yes ☒ No

See instruction for additional information to be provided

Item 9.

Will the assistance requested cause the displacement of individuals families, businesses, or farms?

☐ Yes ☒ NoNumber of:
Individuals. _____
Families. _____
Businesses. _____
Farms. _____Item 10.

Is there other related Federal assistance on this project previous, pending, or anticipated?

☐ Yes ☒ No

See instructions for additional information to be provided.

PART II - SECTION C

The Sponsor hereby represents and certifies as follows:

1. Compatible Land Use. - The Sponsor has taken the following actions to assure compatible usage of land adjacent to or in the vicinity of the airport:

The Sponsor has adopted Drake Field Ordinance 2607, which regulates and restricts all land use activities in the vicinity of Fayetteville Municipal Airport, Drake Field. This ordinance was adopted January 20, 1980 and as amended.

2. Defaults. - The Sponsor is not in default on any obligation to the United States or any agency of the United States Government relative to the development, operation, or maintenance of any airport, except as stated herewith:

3. Possible Disabilities. - There are no facts or circumstances (including the existence of effective or proposed leases, use agreements or other legal instruments affecting use of the Airport or the existence of pending litigation or other legal proceedings) which in reasonable probability might make it impossible for the Sponsor to carry out and complete the Project or carry out the provisions of Part V of this Application, either by limiting its legal or financial ability or otherwise, except as follows:

4. Land. - (a) The Sponsor holds the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport, subject to the following exceptions, encumbrances, and adverse interests, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

The Sponsor holds fee simple title to Tract A and easements shown in Tract B of the attached property map, Exhibit "A". Title for Tracts A and B were approved under previous projects. Status has not changed since approval.

Land and easements acquired under AIP 3-0020-05-11 & 15 include easements, Tracts C, D, F, J, G, and K; Fee Simple Tract D, E, and H.

State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

PART II - SECTION C (Continued)

The Sponsor further certifies that the above is based on a title examination by a qualified attorney or title company and that such attorney or title company has determined that the Sponsor holds the above interests.

(b) The Sponsor will acquire within a reasonable time, but in any event prior to the start of any construction work under the Project, the following property interest in the following areas of land* on which such construction work is to be performed, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None.

(C) The Sponsor will acquire within a reasonable time, and if feasible prior to the completion of all construction work under the Project, the following property interest in the following areas of land* which are to be developed or used as part of or in connection with the Airport as it will be upon completion of the Project, all of which areas are identified on the aforementioned property map designated as Exhibit "A":

None.

5. Exclusive Rights. - There is no grant of an exclusive right for the conduct of any aeronautical activity at any airport owned or controlled by the Sponsor except as follows:

None.

State character of property interest in each area and list and identify for each all exceptions, encumbrances, and adverse interests of every kind and nature, including liens, easements, leases, etc. The separate areas of land need only be identified here by the area numbers shown on the property map.

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

PART III - BUDGET INFORMATION - CONSTRUCTION

SECTION A - GENERAL

1. Federal Domestic Assistance Catalog No..... 20.106
2. Functional or Other Breakout

SECTION B - CALCULATION OF FEDERAL GRANT

Cost Classification	Use only for revisions		Total Amount Required
	Latest Approved Amount	Adjustment + or (-)	
1. Administration expense	\$	\$	\$ 2,500.00
2. Preliminary expense			
3. Land, structures, right-of-way			380,000.00
4. Architectural engineering basic fees Final Design			56,500.00
5. Other Architectural engineering fees Const Admin.			25,000.00
6. Project inspection fees			156,000.00
7. Land development			
8. Relocation Expenses			40,000.00
9. Relocation payments to Individuals and Businesses			
10. Demolition and removal			
11. Construction and project improvement			3,400,000.00
12. Equipment			
13. Miscellaneous			
14. Total (Lines 1 through 13)			4,060,000.00
15. Estimated Income (if applicable)			
16. Net Project Amount (Line 14 minus 15)			
17. Less: Ineligible Exclusions			
18. Add: Contingencies			
19. Total Project Amt. (Excluding Rehabilitation Grants)			4,060,000.00
20. Federal Share requested of Line 19			
21. Add Rehabilitation Grants Requested (100 Percent)			
22. Total Federal grant requested (lines 20 & 21)			3,857,000.00
23. Grantee share			0.00
24. Other shares (Ark Dept of Aeronautics)			203,000.00
25. Total Project (Lines 22, 23 & 24)	\$	\$	\$ 4,060,000.00

U.S. DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION

SECTION C - EXCLUSIONS

Classification	Ineligible for Participation (1)	Excluded From Contingency Provision (2)
a.	\$	\$
b.		
c.		
d.		
e.		
f.		
g. Totals	\$	\$

SECTION D - PROPOSED METHOD OF FINANCING NON-FEDERAL SHARE

27. Grantee Share	\$ 0.00
a. Securities	
b. Mortgages	
c. Appropriations (By Applicant)	\$ 0.00
d. Bonds	
e. Tax Levies	
f. Non Cash	
g. Other (Explain)	
h. TOTAL - Grantee share	\$ 0.00
28. Other Shares	
a. State (Ark Dept of Aeronautics)	\$ 203,000.00
b. Other	\$0.00
c. Total Other Shares	
29. TOTAL	\$ 203,000.00

SECTION E - REMARKS

Standard DOT Part V Assurances:

Title IV Assurances, Dated: July 2005

Exhibit A, Dated: June 1991

PART IV PROGRAM NARRATIVE (Attach - See Instructions)

PART IV

PROGRAM NARRATIVE STATEMENT CONSTRUCTION PHASE, RUNWAY 16 SAFETY AREA IMPROVEMENTS

FAYETTEVILLE EXECUTIVE AIRPORT FAYETTEVILLE, ARKANSAS

The proposed project is located at Fayetteville Executive Airport, Drake Field, Fayetteville, Arkansas. The objective of the project is to provide a clear extended Runway Safety Area for Runway 16, in accordance with the recently completed Master Plan Update (2008).

1. This Construction Phase of the project includes the Final Design Services for the preparation of the Plans and Specifications for the relocation of US HWY 71 and Lancaster Drive from within the Runway 16 Safety Area, including; property acquisition, relocation costs, Construction of the Road Realignment and Utility Relocations, Construction Inspection, Material Testing, and related costs.



DRAFT

State Airport Aid Application – Page 1

The City/County of Fayetteville, herein called "Sponsor", hereby makes application to the Arkansas Department of Aeronautics for State funds pursuant to Act 733 of 1977, for the purpose of aiding in financing a project for the development of a municipal airport located in the city of Fayetteville Arkansas, Washington county.

Date of Request: @ completion of project Per AR Dept. Aeronautics

Name of Airport: Fayetteville Executive Airport, Drake Field

Name and address of City/County Commission sponsoring request:

City of Fayetteville, Arkansas
113 West Mountain St
Fayetteville, AR 72701

Phone Number: 479-575-8330

Fax Number: 479-575-8257

Person to Contact about project:

Ray M. Boudreaux, Director
Fayetteville Executive Airport
4500 S School Ave, Suite F

Phone Number: 479-718-7642

Cell Number: 479-601-3520

Fax Number: 479-718-7646

Name and address of Engineering Firm (if applicable):

McClelland Consulting Engineers Inc
PO Box 1229
Fayetteville AR 72702-1229

Contact Person: Wayne Jones, P E

Phone/Fax Number: 479-443-2377

Describe the work to be accomplished:

Phase I Construction: move a portion HWY 71 out of the Runway 16 Safety Area; includes land acquisition, grading and drainage, roadway re-alignment of approximately 2500 ln ft of HWY 71 and Ernest Lancaster Rd., noise mitigation/resolution of receptor #5, re-route 400ft segment of the Airport Branch channel.

State and Local Project Costs:
Please indicate:

50-50% Match

80-20% Match

90-10% Match

100%

Total Cost of Project _____
Local Share/Funds _____
Local Share/In-Kind _____
State Share _____

Federal AIP Projects:

AIP Number: 3-05-0020-038-2009

95-5% Match ☒

90-10% Match

ESTIMATED

Total Cost of Project: \$4,060,000
Federal Share: 3,857,000
State Share: 203,000
Local Share: _____

State Airport Aid Application – Page 2

Provide the information listed below as it applies to your project:

Funding:

Source of Funds: Federal AIP Grant, AR Dept Aeronautics Grant

Source of In-Kind Services: _____

Estimated starting date of project: June 2009

Estimated completion date of project: December 2010

Project will be for: New Airport ☒ Existing Airport

Is land to be leased or purchased? Yes

Description of land and cost per acre: See attachment - description map of property

Estimated land cost is \$30,000 / acre

Provide the Federal AIP Grant Number (if applicable): 3-05-0020-038-2009

State Legislators for your area:

State Senator: Sue Madison

State Representative: Lindsley Smith

State Airport Aid Application – Page 3

The sponsor agrees to furnish the Arkansas Department of Aeronautics a copy of the legal instrument affecting use of the property for an airport. In application for a new landing site or expansion of existing facility, the FAA Form 7480-1, *Notice of Landing Area Proposal*, must be approved by the FAA before review for grant can be made by the State. Applications for hangar construction or renovation funds must include a signed lease agreement. This agreement must be in compliance with all FAA grant assurances. The application must be based on bids and include a calculated return on investment.

No land, hangars, or buildings purchased with State Grant funds may be sold or disposed of without State Aeronautics Commission prior approval. All requests for sale or disposal of property will be considered on an individual case basis. No hangar (funded by a grant from the Department of Aeronautics) shall be used for non-aviation purposes without State Aeronautics Commission prior approval. All requests for non-aviation use will be considered on a case-by-case basis. Failure to receive prior approval from A.D.A. concerning land and/or building use could result in the commission requesting grant refund from the Sponsor.

No airport accepting State Grant funding may issue an Exclusive Rights lease.

All applications for navigational aids (such as NDB or ILS) must have FAA site approval before a state grant can be approved.

All Grant applications involving Federal Airport Improvement Program (AIP) funding must be accompanied by the approved FAA grant agreement with grant number assigned.

If this project is approved by the Arkansas Department of Aeronautics, and is accepted by the sponsor, it is agreed that all developments and construction shall meet standard FAA construction practices as outlined in the specifications of this agreement. Runways, Taxiways, Parking Ramps, etc. shall have a base and a thickness that will accommodate the weight of aircraft expected to operate at this airport.

All grant applicants (City and/or County) are totally responsible for compliance with all Federal, State, County, and City laws, Statutes, Ordinances, Rules, Regulations, and Executive Orders concerning contracts and purchases for which this grant is approved and issued.

It is understood and agreed that should the sponsor fail to start this project within three (3) months of the Arkansas Department of Aeronautics' date of acceptance, that this grant is null and void. It is also agreed that this project shall be completed within one year from the date of acceptance of this grant by the Arkansas Department of Aeronautics. Applications for extension will be entertained if circumstances beyond the sponsor's control occur.

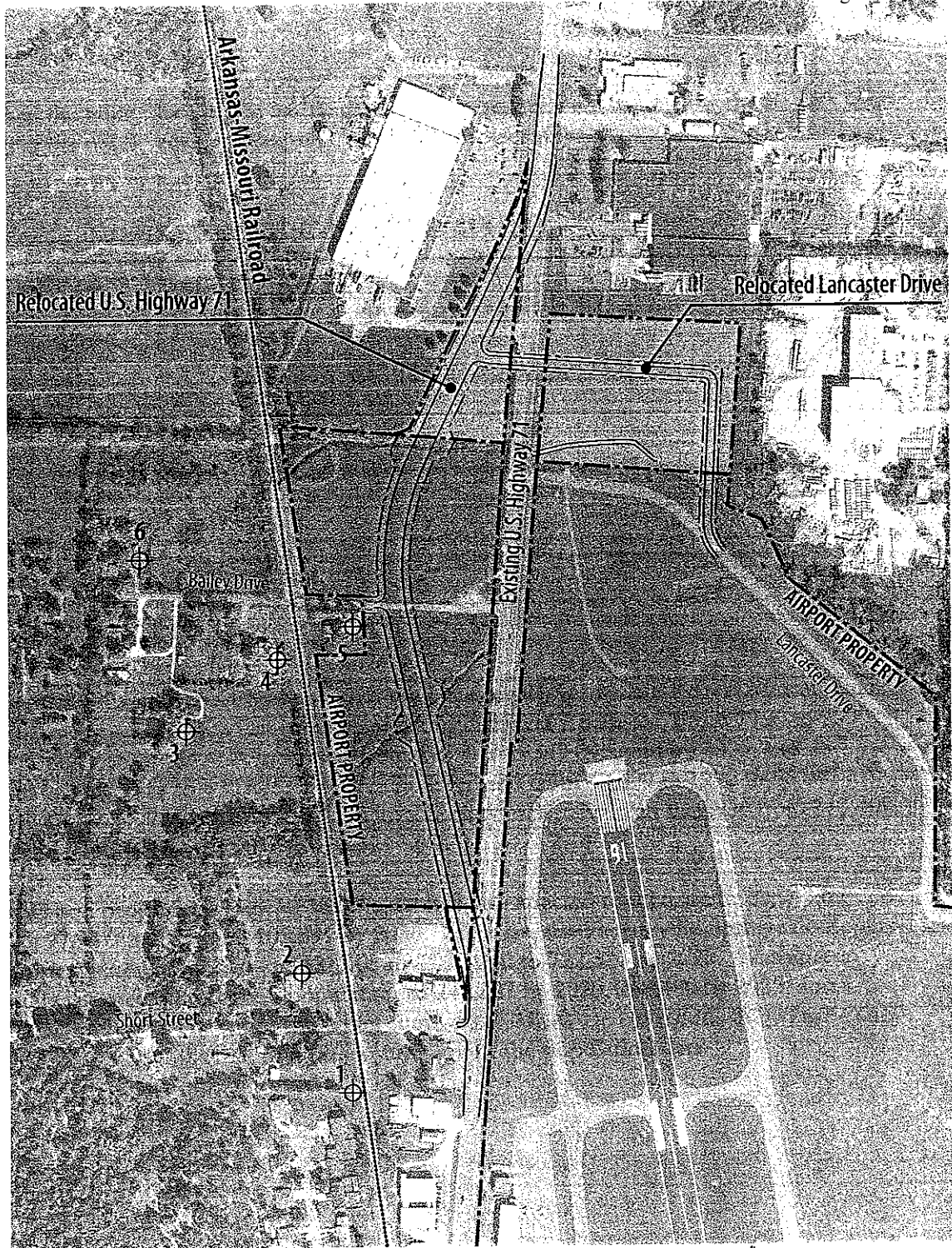
Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). Payment of grant funds are contingent upon the Department's biennium appropriation.

IN WITNESS WHEREOF, the sponsor has caused this Application for State Airport Aid to be duly executed in its name, this _____ day of _____, 20__.

Name of Sponsor

Authorized Signature

Title



Approximate Scale 1" = 500'

-  Potential Noise Receptor Site
-  Land Acquisition

Figure C10 Potential Highway Noise Receptors

City of Fayetteville Staff Review Form

A. 4
 Bid # 09-34 Runway Safety
 Area Improvement Project
 Page 1 of 8

City Council Agenda Items
 and
 Contracts, Leases or Agreements

5/5/2009

City Council Meeting Date
 Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

A Resolution to award a construction Contract to _____ Receipt of Bid 09-034, 4/28/2009, 11:05 am;
 HWY 71 Relocation (Runway 16 RSA Improvement project).

ESTIMATED

\$ 3,857,000.00

Cost of this request

\$ 223,467.00

Category / Project Budget

Correct Runway 16 RSA

Program Category / Project Name

5550.3960.7820.38

Account Number

\$ 197,667.00

Funds Used to Date

Avi/ED Imp

Program / Project Category Name

07039 3

Project Number

\$ 25,800.00

Remaining Balance

Airport Fund

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

204-07

182-08

227-08

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

 ENTERED
 4/16/09

Chief of Staff

Date

 Received in
 Mayor's Office

 ENTERED
 4/17/09

Mayor

Date

Comments:



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan
THRU: Chief of Staff
THRU: Staff/Contract Review Committee
THRU: Terry Gulley, Transportation Director
FROM: Ray M. Boudreaux, Aviation Director
DATE: April 9, 2009

T.G.
for RB

SUBJECT: Approve Award of a construction Contract to Improve Runway 16 Runway Safety Area (RSA).

RECOMMENDATION: Approve Award of a contract to the lowest responsible bidder to complete construction of the Runway 16 RSA Improvement Project. Signatures of the Mayor and City Clerk requested.

BACKGROUND: The Runway 16 RSA Improvement Project is finally ready to award. Over the last three years, beginning with the Master Plan Update, airport staff has been pursuing the funding and the completion of this project. The first step was to conduct a study of all aeronautical obstructions to the airport. The runway was connected to the GPS land system and new benchmarks were established. This project provided the accuracy necessary to plan the project designed to bring the north end RSA up to FAA standards. The second step was to study a realignment of the road outside the RSA and to conduct an Environmental Study to determine the impact of the project. We expect a Finding of No Significant Impact (FONSI) April 13, 2009. The last project was to design the project and to produce plans and specifications. The Project was advertised for bids April 10th and 12th and bids will be received April 28th. The AIP grant paperwork will be sent to us over-night when we have the bid amount for the forms. All should be in the packet for the May 5th Council meeting.

DISCUSSION: This project is essential to comply with FAA Regulations concerning standard Runway Safety Areas. The acceptable dimensions are 500 feet wide and 1000 feet long. Currently, the 16 RSA is asymmetrically shaped, shorter and impacted by the highway alignment. Not only does the highway reduce the effectiveness and safety of the RSA, traffic on the roadway is considered an obstacle and adversely affects the minimum

descent altitudes used by pilots during inclement weather conditions. Eliminating the highway and the associated obstacles will significantly improve the instrument approaches from the north. The Runway 16 RSA Improvement Project at Drake Field has received a high priority rating from the FAA.

Attachments: Staff Review
Draft Contract

RESOLUTION NO. _____

A RESOLUTION AWARDDING BID #09-34 AND APPROVING A CONTRACT WITH xxxxxxxxxxxx IN THE AMOUNT OF \$xxxxxxxxxxx FOR CONSTRUCTION OF THE RUNWAY 16 RUNWAY SAFETY AREA IMPROVEMENT PROJECT.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas, hereby awards Bid #09-34 and approves a contract with xxxxxxxxxxxx in the amount of \$xxxxxxxxxxx for construction of the Runway 16 Runway Safety Area Improvement Project, said approval being contingent upon receipt of federal and state grant funds.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

CONTRACT

THIS AGREEMENT, made and entered into on the ____ day of _____ 2009, by and between _____, herein called the Contractor, and the **City of Fayetteville**:

WITNESSETH:

That _____, for the consideration hereinafter fully set out, hereby agrees with the **City of Fayetteville** as follows:

1. That _____, shall furnish all the materials, and perform all of the work in manner and form as provided by the following enumerated Specifications, and Documents, which are attached hereto and made a part hereof, as if fully contained herein and are entitled:

Drake Field Runway 16 Safety Area Improvements, Fayetteville Municipal Airport, AIP Project 3-05-0020-038-2009

Advertisement for Bids	Payment Bond
Instructions to Bidders	General Conditions
Bid and acceptance thereof	Supplemental Conditions
Performance Bond	Specifications
	Drawings – 70 Sheets

2. That the **City of Fayetteville** hereby agrees to pay to _____ for the faithful performance of this Agreement, subject to additions and deductions as provided in the Specifications or Bid, in lawful money of the United States, the amount of _____ Dollars (\$_____).
3. The Work will be completed and ready for final payment in accordance with the General Conditions within **150** days after the date when the Contract Time commences to run, as provided in the Notice to Proceed.
4. Liquidated Damages: **City of Fayetteville** and _____, recognize that time is of the essence of this Agreement and the **City of Fayetteville** will suffer financial loss if the Work is not completed within the times specified above, plus any extensions thereof allowed in accordance with the General Conditions. 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 _____, agree that as liquidated damages for delay (but not as a penalty) _____, shall pay **City of Fayetteville Four Hundred Dollars (\$400.00)** for each day that expires after the time specified in Paragraph 3 for completion and readiness for final payment.

5. That within **30 days** of receipt of an approved payment request, **the City of Fayetteville** shall make partial payments to _____, on the basis of a duly certified and approved estimate of work performed during the preceding calendar month by _____, LESS the retainage provided in the General Conditions, which is to be withheld by the **City of Fayetteville** until all work within a particular part has been performed strictly in accordance with this Agreement and until such work has been accepted by the **City of Fayetteville**.
6. That upon submission by _____, of evidence satisfactory to the **City of Fayetteville** that all payrolls, material bills, and other costs incurred by _____, in connection with the construction of the work have been paid in full, final payment on account of this Agreement shall be made within **60 days** after the completion by _____, of all work covered by this Agreement and the acceptance of such work by the **City of Fayetteville**.
7. It is further mutually agreed between the parties hereto that if, at any time after the execution of this Agreement and the Surety Bond hereto attached for its faithful performance and payment, the **City of Fayetteville** shall deem the Surety or Sureties upon such bond to be unsatisfactory or if, for any reason such bond ceases to be adequate to cover the performance of the work, _____ shall, at its expense, within **5 days** after the receipt of notice from the **City of Fayetteville**, furnish an additional bond or bonds in such form and amount and with such Surety or Sureties as shall be satisfactory to the **City of Fayetteville**. In such event, no further payment to _____, shall be deemed to be due under this Agreement until such new or additional security for the faithful performance of the work shall be furnished in manner and form satisfactory to the **City of Fayetteville**.
8. Changes, modifications, or amendments in scope, price or fees to this contract shall not be allowed without a prior formal contract amendment approved by the Mayor and the City Council **in advance** of the change in scope, cost or fees.
9. **Freedom of Information Act.** City contracts and documents prepared while performing city contractual work are subject to the Arkansas Freedom of Information Act. If a Arkansas Freedom of Information Act request is presented to the City of Fayetteville, McClinton-Anchor, a Division of APAC 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 photocopying cost pursuant to the FOIA may be assessed for this compliance.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and date first above written, in three (3) counterparts, each of which shall, without proof or accounting for the other counterparts be deemed an original Contract.

SEAL:

WITNESSES:

By _____

Title

ATTEST:

CITY OF FAYETTEVILLE

City Clerk

By _____
Lioneld Jordan, Mayor

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

5/5/2009

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

1) A Resolution to enter into an Agreement with McClelland Consulting Engineers, Inc. for Airport engineering services. Contact info: Wayne Jones, P.E., PO Box 1229, Fayetteville AR 72702-1229, 479-443-2377, Fax 479-443-9241, wjones@mccllelland-engrs.com.

Cost of this request

Category / Project Budget

Serv / Chgs

Program Category / Project Name

5550.3960.5314.00

Avi/ED Imp

Account Number

Funds Used to Date

Program / Project Category Name

Various

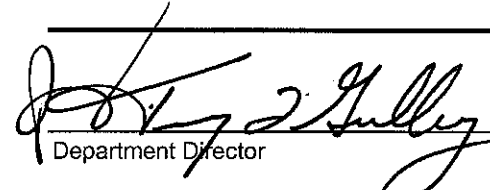
\$

Airport Fund

Project Number

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

 Department Director

 4-13-09
 Date

Previous Ordinance or Resolution # _____


 City Attorney

 4/16/09
 Date

Original Contract Date: _____

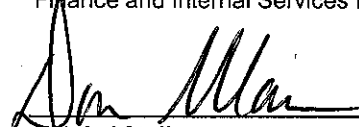
Original Contract Number: _____


 Finance and Internal Services Director

 4-16-2009
 Date

 Received in City
 Clerk's Office

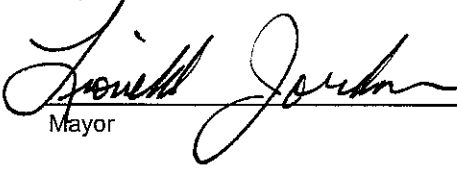
 ENTERED
 4-14-09


 Chief of Staff

 4/19/09
 Date

 Received in
 Mayor's Office

 ENTERED
 4/16/09


 Mayor

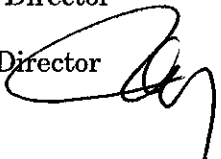
 4/19/09
 Date

Comments:



AVIATION DIVISION
FAYETTEVILLE EXECUTIVE AIRPORT • DRAKE FIELD

CITY COUNCIL AGENDA MEMO/STAFF CONTRACT REVIEW MEMO

TO: Mayor Jordan
THRU: Chief of Staff
THRU: Staff/Contract Review Committee
THRU: Terry Gulley, Transportation Director
FROM: Ray M. Boudreaux, Aviation Director 
DATE: April 9, 2009
SUBJECT: Approve Award of contract with McClelland Consulting Engineers for Airport Engineering Services. Signatures of the Mayor and City Clerk.

RECOMMENDATION: Approve Award of a three (3) year contract with two (2) one year extensions with McClelland Consulting Engineers for Airport Engineering Services. Signatures of the Mayor and City Clerk.

BACKGROUND: The FAA requires that airports contract with airport consulting engineering firms to provide engineering services for airport projects. A request for qualifications was issued which resulted in two qualified applicants. A selection committee was formed by Purchasing to review the applications. McClelland Consulting Engineers was selected unanimously. MCE has held the contract for Airport Engineering Services for more than 20 years.

Attachments: Staff Review
Contract (3 copies)

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN AGREEMENT WITH
McCLELLAND CONSULTING ENGINEERS, INC. FOR AIRPORT
ENGINEERING SERVICES.**

**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 McClelland Consulting Engineers, Inc. for airport engineering services. A copy of the Agreement, marked Exhibit "A," is attached hereto and made a part hereof.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

April 10, 2009

Mr. Ray Boudreaux
Airport Manager,
Fayetteville Municipal Airport
4500 S. School Suite F
Fayetteville, AR 72701

Re: Basic Agreement 2009
Fayetteville Municipal Airport

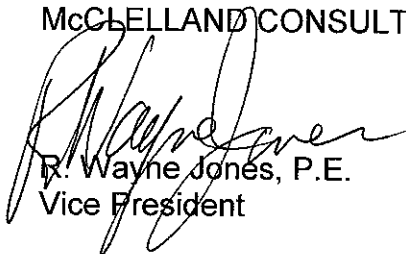
Dear Mr. Boudreaux:

In response to your request and our selection as the Airport Engineer for the next three years, please find three (3) copies of our Basic Agreement for 2009.

Please advise if you need further information regarding this Amendment.

Sincerely,

McCLELLAND CONSULTING ENGINEERS, INC.



R. Wayne Jones, P.E.
Vice President

Enclosure: Basic Agreement 2009 (3 copies)

CITY OF FAYETTEVILLE AGREEMENT FOR ENGINEERING SERVICES

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Agreement entered into and executed this 5th day of May, 2009, by and between the City of Fayetteville acting by and through its Mayor hereinafter called the CITY OF FAYETTEVILLE and McClelland Consulting Engineers, Inc. with offices in Fayetteville, Arkansas, hereinafter called MCE, is intended to endure for a minimum period of three years from the time of its formal execution, extendable by contract amendment to not more than five years.

WITNESSETH:

Whereas, the CITY OF FAYETTEVILLE is planning to effect improvements to Drake Field, Fayetteville's municipal airport; and Whereas the CITY OF FAYETTEVILLE'S forces are fully employed on other urgent work that prevents their early assignment to the aforementioned work; and Whereas MCE'S staff is adequate and well qualified and it has been determined that its current work load will permit completion of the plans for the various projects on schedule;

Now therefore, it is considered to be in the best public interest for the CITY OF FAYETTEVILLE to obtain assistance of MCE'S organization in connection with said engineering services. In consideration of the faithful performance of each party of the mutual covenants and agreements set forth hereinafter, it is mutually agreed as follows:

SECTION I - EMPLOYMENT OF ENGINEER

The CITY OF FAYETTEVILLE agrees to employ MCE to perform, and MCE agrees to perform, professional engineering services in connection with the projects set forth in the Sections to follow; and the CITY OF FAYETTEVILLE agrees to pay and MCE agrees to accept, as specified in the Sections to follow as full and final compensation for work accomplished in the specified time.

SECTION II - DESCRIPTION OF THE PROJECTS

The services provided by MCE are anticipated to include but not necessarily be limited to studies, investigations, reports, funding applications, design services, preparation of construction drawings and specifications, bidding services, and engineering services during construction related to:

- Additional T-Hangar Unit Expansion(s).
- 60x60 Small Corporate Hangars.
- East Side Corporate Aprons.
- East Side Parallel Taxiway Extension.
- Runway Extension Projects to South.
- Individual Corporate Hangars and Parking Aprons.
- GA Parking Aprons and Sunscreen Development.
- Airport Security Improvement Projects.
- Runway 16 RSA Project continuation.
- Extension of Lancaster Drive.
- Airport Layout Plan Sheet Updates
- Maintenance and Rehabilitation of Pavements.
- Airfield Marking
- Airfield Lighting.

These services, when requested by the CITY OF FAYETTEVILLE, will be described in specific Task Orders to this AGREEMENT FOR ENGINEERING SERVICES.

Additional services a may be included as determined by the CITY OF FAYETTEVILLE by executing Amendments to this BASIC AGREEMENT or by specific Task Orders. Such additional services may include: other projects identified by the Master Plan update, completing air spacing forms; topographic surveys; developing city-required drainage plans; formulating Large Scale Development Plans; performing utility searches, when applicable; and other airport related tasks which are outside the basic scope of services.

SECTION III – INFORMATION & SERVICES

The CITY OF FAYETTEVILLE will furnish any specifications, standards and other information that may relate to the project including GPS survey data. Aerial mapping data will be provided, free of charge, to MCE on magnetic media.

SECTION IV - SERVICES TO BE FURNISHED BY THE ENGINEER

MCE will provide the preliminary study, design, construction administration, and construction inspection services necessary to complete the following tasks under this Contract.

- A. Develop a schedule for each project upon the receipt of the notice to prepare a Task Order for each project.
- B. Attend preliminary conferences alone or with CITY OF FAYETTEVILLE representative, local officials, State and Federal agencies, utility companies and others regarding the proposed project, its general design, functions and impact.
- C. Provide surveying, mapping, and related services as required to prepare Right-of-Way/Easement documents for the "CITY OF FAYETTEVILLE'S" use in acquisition activities.

- D. Provide all field survey data from field work for designing the project and this shall be tied to the "CITY OF FAYETTEVILLE'S" GPS control network.
- E. Obtain, interpret and evaluate geotechnical data for pavement design and embankment stability.
- F. Conduct preliminary design and prepare preliminary construction limits, required right of way, ownership map, perform all needed stability analyses, design of detours where needed, and preparation of maintenance of traffic plans detailing needed signing and striping during construction, as well as for permanent application after the completion of street construction.
- G. Conduct final designs to prepare construction plans and specifications including final construction details and quantities, special provisions, cost estimates, make final field inspection with CITY OF FAYETTEVILLE, make any needed plan changes as a result of the final field inspection and all other work required to advertise and receive bids.
- H. Furnish plans to all utility companies affected by the project and shall conduct a coordination meeting among all affected utility companies to enable them to develop utility agreements regarding any necessary utility relocations.
- I. Prepare Contract Documents (Plans, Specifications, and Estimates). These documents shall be in accordance with sound engineering principles. MCE shall coordinate closely with the FAA's Airports Development Office to provide copies of the Plans and Specifications and cost estimates for review as required by the FAA. When projects are FAA-funded, detailed Specifications shall be developed using FAA "Standards for Specifying Construction for Airports" AC 150/5370-10, or other appropriate standards approved for use by the FAA. MCE will obtain a

specimen copy of the General Provisions and applicable prevailing wage rates from the FAA and the Arkansas Department of Labor for incorporation into the Specifications for the proposed project.

- J. Assist the CITY OF FAYETTEVILLE in advertising, answering bid questions, receiving of bids on the various phases of work, evaluating bids received, recommending award of bids, and award of construction contracts.
- K. Establish benchmarks for elevation control and locate horizontal work to Fayetteville's GPS Control System and provide construction reference points for alignment of the project components.
- L. Provide construction administration during the construction process including attending pre-construction conferences, visiting the site at least once per month, reviewing Shop Drawings and samples, assisting with Change Orders, preparing monthly Contractor Pay Estimates, and preparing final "Record Drawings".
- M. Provide construction inspection on either a full time or an as-needed basis during construction as required by each Task Order.

The street and parking projects will be designed and constructed to meet local standards in accordance with the CITY OF FAYETTEVILLE'S adopted criteria. These designs shall be based on Standard Specifications for Highway Construction 1996 or 2003 Edition of the AHTD and latest special provisions and City of Fayetteville Specifications except that metric units will not be used. The design concept with regard to street alignment, pavement section, geometrics, detours, right-of-way, and utility relocation shall be submitted by MCE and approved by the CITY OF FAYETTEVILLE prior to beginning design work.

SECTION V - COORDINATION WITH OWNER

As each Task Order is developed and approved the scope of engineering services and fees will be finalized. MCE shall hold conferences throughout the design of the project with representatives of the CITY OF FAYETTEVILLE to the end that the design, as perfected, shall have full benefit of the CITY OF FAYETTEVILLE'S knowledge and be consistent with the current policies and construction practices of the CITY OF FAYETTEVILLE. The CITY OF FAYETTEVILLE reserves the right to accept or reject any or all plans, but this stipulation will not relieve MCE of responsibility for the design of the project.

SECTION VI - OFFICE LOCATION FOR REVIEW OF WORK

Review of the work as it progresses under this Agreement shall be made at the CITY OF FAYETTEVILLE'S office.

SECTION VII - PRELIMINARY SUBMISSION

MCE shall submit three (3) sets of preliminary plans for each submittal at 35%, 65%, and 95%, and meet with the CITY OF FAYETTEVILLE'S staff following each submittal.

SECTION VIII - FINAL SUBMISSION

The final submission for the construction contract shall consist of the following:

- A. One (1) copy of all design calculations.
- B. The originals of all drawings, specifications and contract documents. All design drawings on magnetic media shall be submitted on disks compatible with AutoCAD Release 2007 software.

- C. The estimated cost of construction and a detailed estimate of time in calendar days required for completion of the contract.
- D. Three (3) copies of the final plans for CITY OF FAYETTEVILLE'S use.

SECTION IX - ENGINEER RESPONSIBILITY DURING "BIDDING" AND "CONSTRUCTION" PHASES

During the "Bidding" phase of the project, MCE shall provide all engineering and administrative services needed to obtain bids for the construction project, evaluate the bids, and consult with and advise the CITY OF FAYETTEVILLE as to the acceptability of the best bidder.

During the "Construction" phase of work, MCE shall provide administrative and engineering services including resident construction inspection services to determine whether the Contractor has met the requirements of the design plans and Specifications. MCE shall review the Contractor's progress payment requests based on the actual quantities of contract items completed and accepted, and shall make a recommendation to the CITY OF FAYETTEVILLE regarding payment.

SECTION X - SUBCONTRACTING

Prior to entering into fee negotiations, the CITY OF FAYETTEVILLE shall approve selection of all sub-consultants to MCE. The CITY OF FAYETTEVILLE reserves the right to reject without prejudice at his discretion MCE'S selection of firms for any subcontracted tasks.

SECTION XI - TIME OF BEGINNING AND COMPLETION

MCE shall begin work under each separate Task Order within ten (10) days of notice to proceed and shall complete the plans for the construction contract within the time stipulated in each respective Task Order.

The stipulated completion time in each Task Order shall be predicated upon the fact that the CITY OF FAYETTEVILLE will promptly provide all pertinent requested information in its possession, and will conduct reviews/approvals of interim work in an expeditious manner (5 working days per submittal).

SECTION XII - FEES AND PAYMENTS

A. Engineering Planning and Design Services Preceding Construction:

MCE shall provide, as enumerated individually in each respective Task Order, application for funding, engineering study, surveying, geotechnical investigation, design, bidding, and easement preparation services for a specifically stated fee amounts.

Each Task Order shall also list fee amount for the individual tasks for the Design Phase Services work scope identified therein. The basis of this fee and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should MCE establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period

specified in the Agreement for completion of work and such modification warrants such adjustment.

Additionally, each Task Order shall contain an Appendix, which covers the classification and salary rate for all personnel anticipated to be assigned to this project by MCE.

Payment to MCE by the CITY OF FAYETTEVILLE for Design Phase Services shall be made within 30 days after the date of billing. The amount due will be for services rendered during the previous month. Final payment for Design Phase Services shall be made upon the CITY OF FAYETTEVILLE'S approval and acceptance with the satisfactory completion of the "Design" phase of the project.

B. Construction Phase Services:

MCE shall provide, as enumerated individually in each respective Task Order, construction administration, construction staking, construction inspection, and construction materials testing for a specifically stated fee amounts.

Each Task Order shall also list fee amount for the individual tasks for the Construction Phase Services work scope identified therein. The basis of this fee and justification for the fee shall be contained in an Appendix attached to each Task Order. Adjustment of the fee may be made should MCE establish and the CITY OF FAYETTEVILLE agree that there has been, or is to be, a significant change in scope, complexity or character of the services to be performed; or if

the CITY OF FAYETTEVILLE decides to shorten the duration of work from the time period specified in the Agreement for completion of work and such modification warrants such adjustment.

Additionally, each Task Order shall contain an Appendix which covers the classification and salary rate for all personnel anticipated to be assigned to this project by "MCE".

Payment to MCE by the CITY OF FAYETTEVILLE for Construction Phase Services shall be made within 30 days after the date of billing. The amount due will be for services rendered during the previous month. Final payment for Construction Phase Services shall be made upon the "CITY OF FAYETTEVILLE'S" approval and acceptance with the satisfactory completion of the "Construction" phase of the project.

SECTION XIII - CHANGES

The CITY OF FAYETTEVILLE may at any time, by written order, make changes within the general scope of the contract in the work and services to be performed. If any such change causes an increase or decrease in the cost of, or the time required for, performance of this contract, an equitable increase or decrease shall be made in the upper limit contract amount, including fee or time of required performance, or both, and the contract shall be modified in writing accordingly.

Any claim by MCE for adjustment under this clause must be asserted with thirty (30) days from the date of receipt by MCE of the notification of change; provided, however, that the CITY OF FAYETTEVILLE, if it decides that the facts justify such action, may receive and act upon any such claim asserted at any time prior to the date of final payment under this contract. Failure to agree to any adjustment shall be cause for a dispute concerning a question of fact within the meaning of the clause of this contract entitled SECTION XVI - MISCELLANEOUS PROVISIONS, (1) Dispute Resolutions. However, nothing in this clause shall excuse MCE from proceeding with the contract as changed.

SECTION XIV - OWNERSHIP OF DOCUMENTS

All documents, including original drawings, disks of CADD drawings and cross sections, estimates, specifications, field notes, and data are and shall remain the property of the CITY OF FAYETTEVILLE. MCE may retain reproduced copies of drawings and copies of other documents. The CITY OF FAYETTEVILLE shall not be restricted in the subsequent use of the design, design documents or ideas incorporated in the work. However, MCE shall bear no responsibility for such reuse of the design unless specifically agreed to it writing.

SECTION XV - POSTPONEMENT OR CANCELLATION OF THE CONTRACT

It is understood that the CITY OF FAYETTEVILLE will have the right to suspend or cancel the work at any time.

- A. Postponement - Should the CITY OF FAYETTEVILLE, for any reason whatsoever, decide to postpone the work at any time, the CITY OF FAYETTEVILLE will notify MCE, who will immediately suspend work. Should

the CITY OF FAYETTEVILLE decide during such suspension not to resume the work, or should such suspension not be terminated within a year, the work shall be canceled as hereinafter provided.

- B. Cancellation - Should the CITY OF FAYETTEVILLE, for any reason whatsoever, decide to cancel or to terminate the use of MCE'S service, the CITY OF FAYETTEVILLE will give written notice thereof to MCE, who will immediately terminate the work. If the CITY OF FAYETTEVILLE so elects, MCE may be instructed to bring a reasonable stage of completion to those items whose value would otherwise be lost. MCE shall turn over all data, charts, survey notes, figures, drawings and other records or information collected or produced hereunder whether partial or complete. Upon such termination of MCE'S services, MCE shall be paid a proportional amount of the total fee, less prior partial payments, based on the ratio of work done to the total amount of work to be performed.

SECTION XVI - MISCELLANEOUS PROVISIONS

- A. Dispute Resolution - Any dispute concerning a question of fact in connection with the work and having a financial value of \$10,000, or less, shall be referred for determination to the Mayor of the City of Fayetteville whose decisions in the matter shall be final and conclusive. Disputes resulting from claims greater than \$10,000 shall be subject to mediation.

- B. Responsibility for Claims and Liability - MCE shall save harmless the CITY OF FAYETTEVILLE from all claim and liability due to MCE's activities, or those of MCE'S sub-consultants, agents, or employees during the time this contract is in force.
- C. General Compliance with Laws - MCE shall comply with all Federal, State and local laws and ordinances applicable to the work. MCE shall be a Professional Engineer, licensed in the State of Arkansas.
- D. Engineer's Endorsement - MCE shall endorse and recommend all plans, Specifications, estimates and engineering data furnished by it. All design shall be checked in accordance with accepted engineering practices. All plan quantities shall be checked and verified.
- E. That, the Airport Director or his designated representative will direct and coordinate MCE's efforts and will be the source of instructions to MCE and shall have the authority to interpret the CITY OF FAYETTEVILLE's policy as necessary to maintain MCE's work schedule and to administer the BASIC AGREEMENT.
- F. That, the CITY OF FAYETTEVILLE shall make available to MCE all technical data in the CITY OF FAYETTEVILLE's possession, including maps, surveys, borings, and other information required by MCE and relating to his work.
- G. That, the estimates of cost for the Projects provided for herein are to be prepared by MCE through exercise of his experience and judgment in applying presently available cost data, but it is recognized that MCE has no control over cost of labor and materials conditions, so he cannot warrant that the project construction costs will not vary from his cost estimates.

- H. That, MCE's direct expenses are defined as the costs incurred on or directly for the Project, other than the Salary and General Overhead Costs. Such direct expenses shall be computed on the basis of actual purchase price for items obtained from commercial sources plus a 5% mark-up. Direct expenses shall include, but not be limited to, necessary transportation costs, including mileage at MCE's current rate per mile when MCE's own automobiles are used, meals and lodging, laboratory tests, and reproduction charges.
- I. That, in Geotechnical investigation work and in determining subsurface conditions for the Project, the characteristics may vary greatly between successive test point and sample intervals. MCE will perform this work in accordance with generally accepted soils engineering practices and makes no other warranties, expressed or implied, that conditions actually encountered in the field may not vary from those found during the investigation work.
- J. That, the CITY OF FAYETTEVILLE, shall pay for all costs of publishing advertisements for bids and for obtaining permits and licenses that may be required by local, State, or Federal authorities and shall secure the necessary land, easements and rights-of-way as described by MCE.
- K. That, in the event of any legal or other controversy requiring the services of MCE in providing expert testimony in connection with the Project, except suits or claims by third parties against the CITY OF FAYETTEVILLE arising out of errors or omissions of MCE, the CITY OF FAYETTEVILLE shall pay MCE for services rendered in regard to such legal or other controversy, on a basis to be negotiated.

- L. That, visits to the construction site and observations made by MCE as part of his services shall not relieve the construction Contractor(s) of his obligation to conduct comprehensive inspections of the work sufficient to ensure conformance with the intent of the Contract Documents, and shall not relieve the construction contractor(s) of his full responsibility for all construction means, methods, techniques, sequences, and procedures necessary for coordinating and completing all portions of the work under the construction contract(s) and for all safety precautions incidental thereto.
- M. That, MCE, when called for in specific Task Orders, shall provide an on-site Resident Inspector and will make reasonable efforts to guard the CITY OF FAYETTEVILLE against defects and deficiencies in the work of the contractor(s) and to help determine if the construction contract has been fulfilled. The Resident Inspector's day-to-day observation will not, however, cause MCE to be responsible for those duties and responsibilities which belong to the construction contractor(s) and which include, but are not limited to, full responsibility for the techniques and sequences of construction and the safety precautions incidental thereto, and for performing the construction work in accordance with the Contract Documents. The Resident Inspector shall have the authority to reject both unsatisfactory workmanship and materials. His primary duties are as follows:
1. Check construction activities to determine compliance with the Plans and Specifications. Inform the Contractor and CITY OF FAYETTEVILLE of any work that is in noncompliance.
 2. Check that all testing required by the Specifications is performed.

3. Visit the testing laboratory to determine if it has the equipment and qualified personnel necessary to conduct the tests required by the Specifications.
4. Review test reports and certificates for conformance with the Specifications.
5. Maintain a file of test reports and certifications.
6. Inform the Contractor of deficiencies in order that corrections can be made and retesting performed prior to covering any substandard work with additional material.
7. Document quantities of materials used on the project by actual measurements and computations in a field notebook or computer printouts retained in a folder.
8. Maintain a diary, which should contain daily entries made and signed by the Resident Observer. Each entry should include the following, plus any additional pertinent data:
 - (A) Date and weather conditions.
 - (B) Names of important visitors.
 - (C) Construction work in progress and location.
 - (D) Size of Contractor's work force and equipment in use.
 - (E) The substance of important conversations with the Contractor concerning conduct, progress, changes, test results, interpretations of Specifications or other details.
9. Submittal of FAA Form 5370-1, Construction Progress and Inspection Report, or equivalent form to the appropriate FAA field office. The frequency of submittal shall be established at the Pre-Construction Conference.

- N. It is further agreed that the CITY OF FAYETTEVILLE, the Federal Aviation Administration, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers, and records of MCE which are directly pertinent to the work hereunder, for the purpose of making audit, examination excerpts and/or transcriptions. Records under this Section shall be maintained and made available during performance on FAA grant work under this AGREEMENT and until three years from date of final FAA grant payment for the project. In addition, those records which relate to any "dispute" appear under an FAA grant agreement, or litigation, or the settlement of claims arising out of such performance, or costs or items to which an audit exception has been taken, shall be maintained and made available until three years after the date of resolution of such appeal, litigation, claim or exception.
- O. In accordance with Executive Order 11246, entitled "Equal Employment Opportunity", as amended by Executive Order 11375, and as supplemented in Department of Labor Regulations, MCE agrees that he will not discriminate against any employee or applicant for employment because of race, religion, age, color, sex, or national origin.
- P. In executing this AGREEMENT, MCE acknowledges that he has visited the site of the work, that he is familiar with the conditions and characteristics of the site, and that he fully understands the nature, extent and character of the project and the time limitations placed thereupon. He further states that he has discussed the proposed work with the representatives of the CITY OF FAYETTEVILLE.
- Q. MCE hereby assures that he has and will comply with the Title VI and DBE requirements set forth in Exhibit "C", hereinafter.

- R. MCE hereby states that he has performed planning and design engineering on previous through his laboratory facilities, he has previously performed pertinent work on other airport projects, as well as other projects of a similar nature, and that he has the staff and capabilities to perform the work described herein, in a professional and timely manner.
- S. Exhibit A, CERTIFICATION OF MCE, is attached to, and made a part of this AGREEMENT FOR ENGINEERING SERVICES, per requirement of the FAA.
- T. MCE will provide the Federal Aviation Administration with three (3) copies of the updated Airport Layout Drawing at the conclusion of each AIP project.
- U. MCE will perform the duties of the "consultant" set forth in the CONSTRUCTION MATERIALS QUALITY CONTROL PROGRAM, attached hereafter as Exhibit B.

SECTION XVII - SUCCESSORS AND ASSIGNS

The CITY OF FAYETTEVILLE and MCE each binds itself and its partners, successors, executors, administrators, and assigns to the other party of this Agreement, except as above, neither the CITY OF FAYETTEVILLE nor MCE shall assign, sublet or transfer its interest in this Agreement without written consent of the other. Nothing herein shall be construed as creating any possible personal liability on the part of any officer or agent of any public body which may be party hereto.

SECTION XVIII - COVENANT AGAINST CONTINGENT FEES

MCE warrants that it has not employed or retained by company or person, other than a bonafide employee working solely for MCE, to solicit or secure this contract, and that it has

not paid or agreed to pay any company or person, other than a bonafide employee working solely for MCE, any fee, commission, percentage, brokerage fee, gifts, or any other consideration, contingent upon or resulting from the award or making of this contract.

For breach or violation of this warranty, the CITY OF FAYETTEVILLE shall have the right to annul this contract without liability.

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

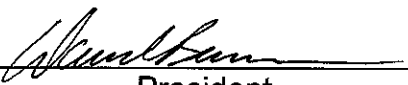
FOR THE CITY OF FAYETTEVILLE

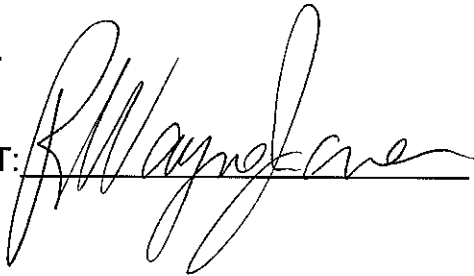
By: _____
Mayor

ATTEST: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.

By: _____
President

ATTEST: _____

Date: 7-10-09

**EXHIBIT A TO BASIC AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES
DATED May 5, 2009**

CERTIFICATION OF ENGINEER

I hereby certify that I am President and a duly authorized representative of the firm of McClelland Consulting Engineers, Inc. whose street address is 1810 North College Avenue, Fayetteville, Arkansas, and that neither I nor the above firm hereby represented has:

- a. employed or retained for a commission, percentage, brokerage, contingent fee, or other consideration, any firm or person (other than a bona fide employee working solely for me or the above consultant) to solicit or secure this contract.
- b. agreed, as an express or implied condition for obtaining this contract, to employ or retain the service of any firm or person in connection with carrying out the contract, or
- c. paid or agreed to pay any firm, organization, or person (other than a bona fide employee working solely for me or the above consultant) any fee, contribution, donation, or consideration of any kind for, or in connection with, procuring or carrying out the contract.

I acknowledge that this certificate is to be furnished to the Federal Aviation Administration of the United States Department of Transportation, in connection with this contract involving participation of Airport Improvement Program (AIP) funds and is subject to applicable state and federal laws, both criminal and civil.

7-10-09
(Date)


President

**EXHIBIT B TO BASIC AGREEMENT
BETWEEN OWNER AND ENGINEER
FOR PROFESSIONAL SERVICES
DATED May 5, 2009**

CONSTRUCTION MATERIALS QUALITY CONTROL PROGRAM

1. The Consultant shall prepare a "Construction Materials Quality Control Plan" to be submitted to the Federal Aviation Administration (FAA) for approval at the time of final Plans and Specifications submittal. At a minimum, the Plan shall list all materials to be tested during construction, the appropriate time for testing, the ASTM test designation, name by which the test is commonly referred, the frequency of testing required, the method of sampling, and the acceptance criteria or tolerances permitted for each type of test. The Plan will be reviewed by the FAA project manager and must be approved along with the final Plans and Specifications for construction.
2. The Consultant shall prepare a "Construction Materials Quality Control Summary" to be submitted monthly to the FAA. At a minimum., the Summary shall include a list of all tests performed showing the date, location, pass or fail, results of retests, and whether or not the test is eligible or ineligible under the A.I.P. program. The Summary will include a certification that all testing was completed in accordance with the "Construction Materials Quality Control Plan".
3. The Consultant shall prepare a summary of materials not passing and the penalty called for by the Specifications. This summary shall be submitted to the FAA monthly and will indicate when and to what extent penalties are imposed. The penalties assessed will be itemized in the following pay request to the FAA.

EXHIBIT "C" **To Basic Agreement**

DISADVANTAGED BUSINESS ENTERPRISE (DBE) ASSURANCES

1. The requirements of Federal Regulations at Title 49 CFR Part 26, apply to this agreement as follows:

(a) To ensure nondiscrimination in the award and administration of DOT-assisted contracts in the Department's highway, transit, and airport financial assistance programs;

(b) To create a level playing field on which DBEs can compete fairly for DOT-assisted contracts;

(c) To ensure that the Department's DBE program is narrowly tailored in accordance with applicable law;

(d) To ensure that only firms that fully meet this part's eligibility standards are permitted to participate as DBEs;

(e) To help remove barriers to the participation of DBEs in DOT-assisted contracts;

(f) To assist the development of firms that can compete successfully in the marketplace outside the DBE program; and

(g) To provide appropriate flexibility to recipients of Federal financial assistance in establishing and providing opportunities for DBEs.

2. The contractor, sub recipient or subcontractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this contract, which may result in the termination of this contract or such other remedy as the recipient deems appropriate.

City of Fayetteville Staff Review Form

C. 1
Watson Condemnation and Possession
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

5/8/2009

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 the City Attorney to seek condemnation and order of possession of certain lands owned by Aaron H. Watson; Patricia Ann Watson, joint tenants with right of survivorship, necessary for Mount Comfort Road Widening Project.

\$ 12,500.00

Cost of this request

\$ 19,343,175.00

Category / Project Budget

Mt. Comfort (Alpine to Ruppel Rd)

Program Category / Project Name

4450.9520.5805.00

Account Number

\$ 5,005,981.64

Funds Used to Date

Land Acquisition

Program / Project Category Name

06035.1500

Project Number

\$ 14,337,193.36

Remaining Balance

Transportation Bond St Improvements

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

04/16/09

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

4/17/2009

Date

Finance and Internal Services Director

4-17-2009

Date

Received in City
Clerk's Office



Chief of Staff

4/18/09

Date

Received in
Mayor's Office



Mayor

4/22/09

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff
Jeremy Pate, Development Services Director

From: Chris Brown, ^{CB}Interim City Engineer

Date: April 16, 2009

Subject: Approval of Resolution authorizing the City Attorney to seek condemnation and order of possession for certain lands owned by Aaron H. Watson; Patricia Ann Watson, joint tenants with right of survivorship, necessary for the Mount Comfort Road Widening Project.

RECOMMENDATION:

Staff recommends approval of a resolution authorizing the City Attorney to seek possession by condemnation of a portion of property owned by Aaron H. Watson; Patricia Ann Watson, joint tenants with right of survivorship at the Northeast corner of the intersection of Salem Road and Mount Comfort Road.

BACKGROUND:

The Mount Comfort Widening project is a part of the Transportation Bond Program. Two separate construction contracts will be let for this project. The first Contract includes widening at I540 and reconfiguration of the Shiloh Drive Intersections. Work under this contract is has begun.

Contract 2 includes widening Mount Comfort to four lanes from Alpine Drive to Ruppel Road, with signalization at Ruppel and Salem. This contract has been advertised, and bids will be received on April 28th.

DISCUSSION:

The property owned by the Watsons is located at the northeast corner of Salem Road and Mount Comfort Road. Therefore, right of way and easements are needed along the south and the west side of their property. New right of way to be acquired is 1,711 sf. A utility easement of 2945 sf adjacent to the new right of way is needed as well.

The City has offered \$12,340 for the right of way and easements to be acquired. The property owner has provided a counter offer of \$80,000. In staff's opinion, this counter offer is not commensurate with the damages to the property.

Right of way and easements have been acquired from 58 of 60 property owners affected by Contract 2, with a verbal agreement from the 59th property. Therefore, the Watson

property is the only property left to acquire for Contract 2. Acquisition of the right of way and easements on this property is necessary in order to move forward to construction.

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. The agenda item staff review form indicates \$12,500 as the cost of this request. It should be noted that this is an estimate and that the final cost is subject to negotiation with the property owner or by court order. It is anticipated that the appraised value will be deposited into the Registry of the Circuit Court as just compensation.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE CITY ATTORNEY TO SEEK CONDEMNATION AND POSSESSION OF CERTAIN LANDS OWNED BY AARON H. WATSON AND PATRICIA WATSON NEEDED FOR THE MT. COMFORT ROAD WIDENING PROJECT.

WHEREAS, the City of Fayetteville and Aaron H. Watson and Patricia Watson have been unable to agree on a fair price for the property owned by Aaron H. Watson and Patricia Watson that is needed for right-of-way and a utility easement across a portion of Parcel No.765-13586-001; and,

WHEREAS, the City of Fayetteville needs to gain possession of this property promptly to begin work on improvements to Mt. Comfort Road.

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 City Attorney to file suit to seek court ordered possession of property located on Parcel No. 765-13586-001 and owned by Aaron H. Watson and Patricia Watson that is needed for right-of-way and a utility easement for improvements to Mt. Comfort Road, and to pay into the Registry of the Circuit Court just compensation therefor.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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



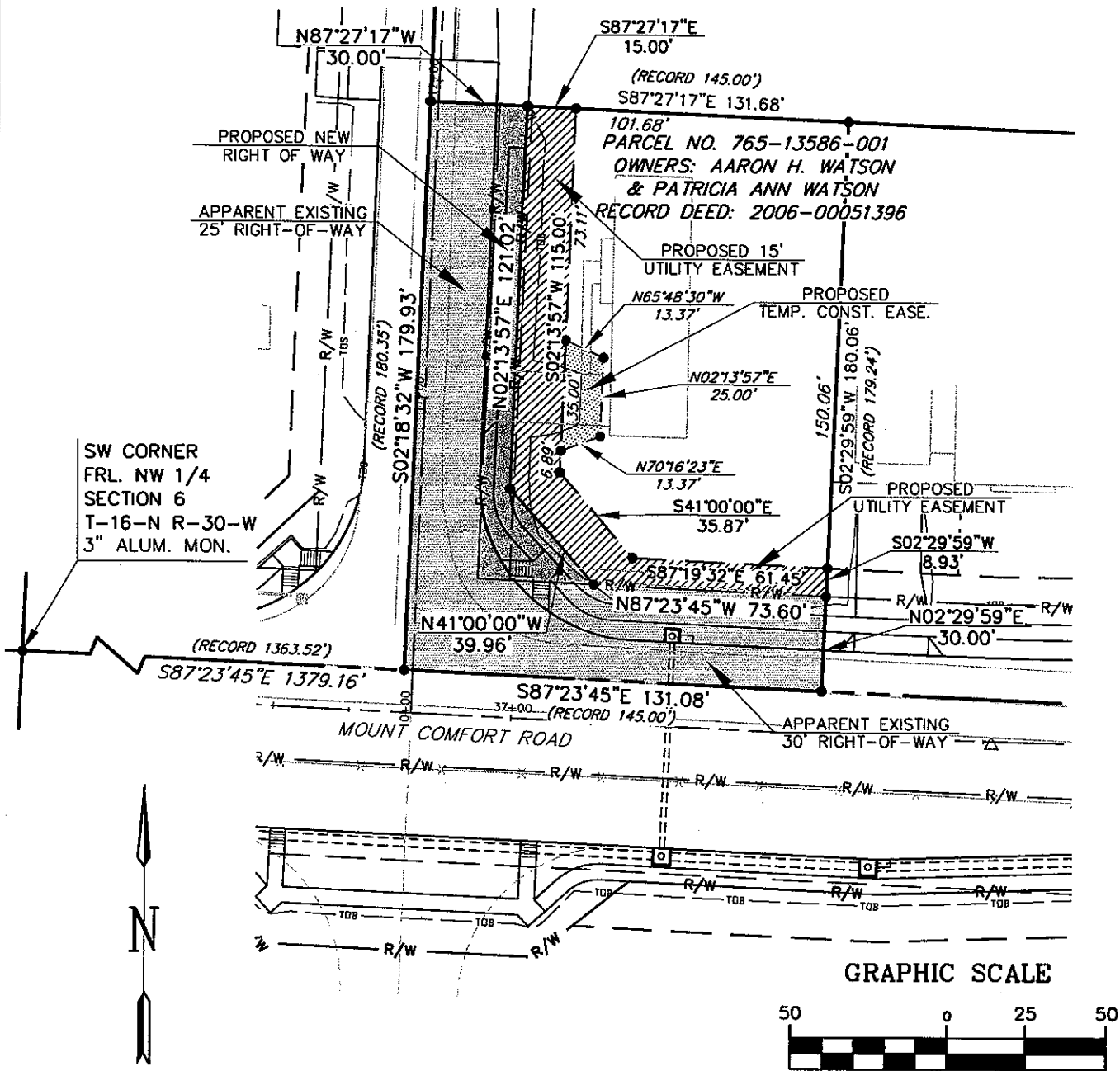
20 10 0 20
HORIZ. SCALE: 1"=200'
VERT. SCALE: 1"=



ENGINEERING DIVISION
113 W. MOUNTAIN STREET
PHONE: (479) 575-8206 FAX NO: (479) 575-8202

Mount Comfort Road
Watson Property

DRAWN BY:	CHECKED BY:	DATE: April 2009	SHEET NO. #
SIGNED:		P.E. NO. #	



BEARINGS BASED ON
CITY MONUMENTS J9 & I9

--- TOB --- TOB --- TOP-BANK/TOE-SLOPE LINE
 --- R/W --- EXISTING PROPERTY LINE
 --- R/W --- 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 Fayetteville Mount Comfort Road\Drawings\SUR\ACQUISITION\Dwg\FMC_VROW16_EX.dwg

GARVER ENGINEERS

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

D. 1
2009 Justice Assistance Grant (JAG)
Page 1 of 24

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

5/5/2009

City Council Meeting Date
Agenda Items Only

G. Tabor
Submitted By

Patrol
Division

Police
Department

Action Required:

Approval of the 2009 Justice Assistance Grant (JAG) Local Solicitation application.

\$ 456,807.00

Cost of this request

\$ 456,807.00

Category / Project Budget

JAG Local Solicitation - 2009

Program Category / Project Name

1010-2920-various

Account Number

\$ -

Funds Used to Date

Grant

Program / Project Category Name

\$ 456,807.00

Remaining Balance

General

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

[Signature]
Department Director

4-17-09
Date

Previous Ordinance or Resolution #

[Signature]
City Attorney

4/22/09
Date

Original Contract Date:

Original Contract Number:

Paul A. Bueh
Finance and Internal Services Director

4-22-09
Date

Received in City
Clerk's Office

ENTERED
4-17-09

[Signature]
Chief of Staff

Date

Received in
Mayor's Office

ENTERED
4/22/09

[Signature]
Mayor

4/22/09
Date

Comments:



FAYETTEVILLE

D. 1
2009 Justice Assistance Grant (JAG)
Page 2 of 24

THE CITY OF FAYETTEVILLE, ARKANSAS

POLICE DEPARTMENT

To: Lioneld Jordan, Mayor and Fayetteville City Council

From: Greg Tabor, Acting Chief of Police 

Date: April 17, 2009

Re: Approval of 2009 Justice Assistance Grant Local Solicitation Application

Background

The U.S. Department of Justice, Office of Justice Programs' Bureau of Justice Assistance has announced the 2009 Justice Assistance Grant for local agencies. This announcement is based in part on population and violent crime rates and is given to Fayetteville, Springdale and Washington County to share. This grant does not require any local cash matching funds. This is the fifth year for this grant to be a shared grant with these other agencies.

Discussion

The Fayetteville Police Department has been selected \$207,129 for the purchase law enforcement equipment not funded in recent budgets. The largest portion of this funding will be spent outfitting all of our patrol officers with Tasers. Fayetteville has worked diligently to increase the number of available Tasers to be assigned to our law enforcement officers. Tasers are a critical component of any officer's arsenal to effectively subdue aggravated suspects without subjecting our officers and/or suspects to physical injury. Tasers purchased by the Fayetteville Police Department will have video capabilities. Please see budget detail worksheet for complete listing of equipment to be purchased.

Within this grant, Springdale will receive \$160,765 to purchase six (6) fully equipped marked patrol vehicles. Washington County will receive \$88,913 to support the purchase of a fully equipped marked patrol vehicle, evidence drying cabinet, a breathe alcohol concentration (BAC) machine, and tasers for their field officers.

Recommendation

Staff recommends approval of the 2009 Edward Byrne Memorial Local Solicitation Grant Application in the amount of \$456,807.00 for the purchase of the above mentioned law enforcement equipment. If you should have any comments or question regarding this grant application, please contact me at extension 581.

Budget Impact
None

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE FAYETTEVILLE POLICE DEPARTMENT TO APPLY FOR A 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$456,807.00, \$207,129.00 OF WHICH WILL BE USED BY THE FAYETTEVILLE POLICE DEPARTMENT FOR THE PURCHASE OF EQUIPMENT WITH \$106,765.00 TO BE DISBURSED TO THE CITY OF SPRINGDALE AND \$88,913.00 TO WASHINGTON COUNTY.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby authorizes the Fayetteville Police Department to apply for a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment, with \$106,765.00 to be disbursed to the City of Springdale, and \$88,913.00 to Washington County.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

APPLICATION FOR FEDERAL ASSISTANCE		2. DATE SUBMITTED	Applicant Identifier
1. TYPE OF SUBMISSION Application Non-Construction	3. DATE RECEIVED BY STATE		State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY		Federal Identifier
5. APPLICANT INFORMATION			
Legal Name City of Fayetteville, Arkansas		Organizational Unit Police Department	
Address 100-A West Rock Street Fayetteville, Arkansas 72701-6191		Name and telephone number of the person to be contacted on matters involving this application Cohea, Judy (479) 587-3581	
6. EMPLOYER IDENTIFICATION NUMBER (EIN) 71-6018462		7. TYPE OF APPLICANT Municipal	
8. TYPE OF APPLICATION New		9. NAME OF FEDERAL AGENCY Bureau of Justice Assistance	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER: 16.804 CFDA 16.804 - Recovery Act - Justice Assistance TITLE: Grants - Localities		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT 2009 JAG Local Solicitation	
12. AREAS AFFECTED BY PROJECT Cities of Fayetteville, Springdale, and Washington County, Arkansas			
13. PROPOSED PROJECT Start Date: July 01, 2009 End Date: June 30, 2010		14. CONGRESSIONAL DISTRICTS OF a. Applicant b. Project AR03	
15. ESTIMATED FUNDING		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
Federal	\$456,807	This preapplication/application was made available to the state executive order 12372 process for review on 04/30/2009	
Applicant	\$0		
State	\$0		
Local	\$0		
Other	\$0		

Program Income	\$0	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? N
TOTAL	\$456,807	

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS REQUIRED.

Close Window

Program Abstract

Applicant: City of Fayetteville, Arkansas on behalf of 4th Judicial District Drug Task Force
Project Title: 2009 JAG Local Solicitation

Goals:

1. To purchase needed law enforcement equipment not funded locally due to budget constraints.
2. To upgrade obsolete law enforcement equipment and software not funded locally due to budget constraints.
3. To have fully implemented all grant funded purchases and upgrades within twelve (12) months of grant award notification.

Strategies:

Update specifications and issue request for bids in a timely manner to meet our goals, meet documented purchasing policies and procedures of each agency, and track grant funding following generally accepted accounting principles. Grant funds will be drawn down on a reimbursement basis to the City of Fayetteville's Project Accounting System. This system itemizes each transaction and supporting documentation electronically, and is monitored by our grants administrator and internal auditor to insure accuracy.

Deliverables/Plans:

Major deliverables include seven (7) fully equipped patrol vehicles, eighty (80) Tasers with camera recording capability, a forensic video enhancement system, coplogic and policy management software, and nine (9) Cannondale police mountain bicycles.

Program Narrative

Project objectives are to purchase and/or upgrade needed law enforcement equipment and software (see budget detail worksheet) not funded locally due to budget constraints. Our project timeline is to have fully implemented all grant funded purchases and upgrades within twelve (12) months of grant award notification. All items identified in this grant application have updated specifications and quotes ready to issue purchase orders in a timely manner. These grant funded purchases will meet documented purchasing policies and procedures of each agency and track grant funding following generally accepted accounting principles.

The City of Fayetteville has a long history of obtaining, tracking, and reporting on federal grant funds. To date, no operational or financial discrepancies have been identified. Grant funds will be drawn down on a reimbursement basis to the City of Fayetteville's Project Accounting System. This system itemizes each grant transaction and supporting documentation electronically by project number, and is monitored by our grants administrator and internal auditor to insure accuracy.

The following details the type of programs to be funded by this JAG award:

The Taser X26 is designed to incapacitate suspects by transmitting electrical pulses into the body affecting the sensory and motor functions of the peripheral nervous system. The Taser X26 will commonly be used by Fayetteville police officers as a safer, less-lethal means of controlling suspects who become combative, disorderly or refuse to submit to arrest procedures. This weapon will be assigned to uniformed personnel, and the Taser X26 will help reduce injuries to both suspects and our law enforcement officers.

The Taser Cam is an integrated video system accessory that records more than 90 minutes of audio and video during a Taser X26 deployment. When affixed to the Taser X26, the Taser Cam is a video camera, audio recording device, and the power supply for the less-lethal weapon. The Taser Cam will commonly be used by Fayetteville police officers as a means of documentation and accountability each time the Taser X26 weapon is utilized.

The Fayetteville Police Department Bike Patrol Unit was established in 1996 with officers responsible for patrolling our entertainment, downtown, park, trails and merchant areas on Cannondale police equipped mountain bikes. The unit is also responsible for covering special events such as University of Arkansas football games, Bikes, Blues and BBQ, Hogeye Marathon, Joe Martin Stage Race and Lights of the Ozarks. The Fayetteville Police Department utilizes police mountain bike patrols as part of its community-oriented style of policing. Interaction between bike officers, citizens and the business community is more personalized with the use of bicycles. This mode of transportation allows officers to get to calls and locations quicker in high-density traffic areas. Although the primary role of the bike unit is to educate, inspect and enforce laws, bike officers often assist with bicycle safety and education programs. Our current bicycle fleet is thirteen years old and in need of replacement in order to continue this program.

The Fayetteville Police Department K-9s are utilized to assist police officers to track suspects, search for articles or evidence of a crime, conduct building searches, assist in the arrest or apprehension of felons, search for lost persons, and detect the presence of narcotics. Our K-9 teams are nationally certified in the detection of cocaine, methamphetamine, marijuana and heroin. One of our dogs is scheduled to retire in 2009 due to age and health issues, and this K-9 will need to be replaced in order to continue this program. The cost of the K-9 includes training of the dog and handler.

The Fayetteville Police Department will utilize funds to purchase equipment (roller tape measures, fiberglass tape measures, spray paint, chalk, laptop computer, accident diagramming software, etc.) to assist the Accident Reconstruction Unit with diagraming both serious and fatal injury accident scenes. This equipment will also be used to investigate, diagram, and document other crime scenes such as homicides, rapes, robberies and other serious felonies.

The VIDMIC is a fully operational shoulder microphone, still photo camera, and digital audio/video recorder wrapped into one device. The VIDMIC will be utilized by Fayetteville police officers for documentation and accountability. The video will enhance our officers safety, training, performance, and professionalism. This device will assist in the successful prosecution of suspects, protect officers and our agency from false allegations and frivolous lawsuits.

Window tint meters measure light transmittance through automobile glass. Window tint meters will be utilized by Fayetteville police officers who are responsible for traffic enforcement. These devices will assist officers in accurately determining the lawful levels of light transmission for motor vehicles with tinted windows as prescribed by Arkansas Code Annotated 27-37-306.

The DrySafe Forensic Evidence Drying Cabinet requires two filters, #ACF300S and #ACFHEPA. The filters clean the incoming "drying" air and clean the exhaust, protecting employees from toxic chemicals and fumes.

The forensic video enhancement software would allow investigators to enhance images of surveillance photographs and video. The system would have the ability to change a VHS or 35mm to digital and then enhance the images. Enhancement of the images would allow for more suspects to be identified and apprehended.

The MP5 line item is funding to replace our tactical team weapons. Most of our MP5's are over 10 years old and are in need of replacement. These weapons receive a lot of wear and tear from our vigorous training activities, warrant services, and emergency responses.

The bar code upgrade is a system upgrade to our current evidence bar code scanning system. This upgrade would be for the purchase of new bar code scanners with better performance and technology capabilities than our current system. Our current scanners are no longer in production and support for repairs is limited.

The department is currently involved in a policy review and revision as it prepares for application into the CALEA accreditation process. Many of our current policies will require amendments to meet the strict standards held by CALEA. With well over one hundred sworn officers, policy revisions have become a laborious endeavor involving tasks by several people. Policy management software will enable the review and revision process to be completed in a less timely and more efficient manner. Having software designed specifically for policy management will enable administrative personnel instant access for document versioning and content search. The software would also support delivery and acceptance of policy changes via e-mail. The department would be able to maintain an electronic form of its policy manual that is easily accessible by its personnel.

Joint Firing Range Equipment items to be purchased with these grant funds include a dueling tree target system, a portable hostage target, a portable plate rack target system, and a portable popper target. All of these items are the same brand system that Washington County Sheriffs Office has in place and all of these items will work with the current target systems. These targets are heavy duty and made from T-500 grade steel and are very bullet resistant to eliminate ricochets.

The City of Springdale will use its portion of the Edward Byrne Memorial Local Solicitation Grant Program funds for the purchase of marked patrol units. These items are normally requested through alternate sources but have not been funded at a rate to keep up with our aging fleet due to the recent economic down turn and budget restrictions. Springdale's planned purchases will include six (6) Crown Victoria Police Interceptor cars, along with the equipment needed to outfit them, to include Blue lights, prisoner partitions, consoles, siren speakers, switch boxes, Mobile Data Terminal (MDT) mounts and docking stations, weapon retention racks, along with stripping for the outside of the vehicles.

Springdale which operates a home storage program along with a fleet system for new officers, and officers who live outside the boundaries of the program, over the past few years we have seen an increase in our maintenance costs along with an increased age and mileage of our current fleet. Currently at least 60% of our fleet is 5 years old or older, with the oldest marked units being 8 years old. We have 22 cars with 2008 maintenance costs that exceed 75% of the resale value of the marked units, along with at least 8 units with an excess of 100,000 miles. This was a large contributor to us being 46% over our maintenance budget for 2008.

These purchases will allow us to reduce the amount of downtime for our officers and our patrol units so that we are able to serve our community at the high standards we have set. These vehicles will be used as replacement vehicles, and not as an addition to our fleet. With their addition we should see a savings in fuel and maintenance costs along with a reduction in our carbon footprint in the city. Springdale's portion of this grant funding is \$160,765. For detailed costs of the above mentioned purchases please see the attached budget summary.

Washington County will be spending its' portion of the grant funds on a patrol vehicle, Breathe Alcohol Concentration (BAC) Machine, Tasers with cameras, and an evidence drying cabinet. The fully equipped marked patrol vehicle will for fleet expansion. The BAC

machine is an unfunded mandated upgrade by the State of Arkansas and a necessary instrument in prosecuting driving while intoxicated arrests. As stated above, the Taser X26 with camera will be assigned to uniformed personnel, and the Tasers will help reduce injuries to both suspects and our law enforcement officers. The evidence drying cabinet is used by crime scene investigators to dehydrate moistened evidence for secure transportation and minimize the possibility of contamination of evidence.

Edward Byrne Memorial
Recovery Southern Border Grant Program
FY 2009

Budget Summary

A. Personnel	\$	-
B. Fringe Benefits	\$	-
C. Travel	\$	-
D. Equipment	\$	455,403.14
E. Supplies	\$	1,403.86
F. Construction	\$	-
G. Consultants/Contracts	\$	-
H. Other	\$	-
Total Direct Costs	\$	456,807.00
I. Indirect Costs	\$	-
TOTAL PROJECT COSTS	\$	456,807.00
Federal Request	\$	456,807.00
Non-Federal Amount	\$	-

Edward Byrne Memorial
JAG - Local Solicitation
FY 2009

D. 1
2009 Justice Assistance Grant (JAG)
Page 12 of 24

Budget Detail Worksheet

Item	Computation	Cost	Total
D. Equipment			
<u>City of Fayetteville</u>			
Accident Reconstruction Equipment	1 @ \$2,000 plus tax	\$ 2,185.00	
Cannondale Police Mountain Bikes	9 @ \$1,700 plus tax	16,299.25	
Joint Firing Range Equipment	1 @ \$2,500 plus tax	2,731.25	
Tint Meters	2 @ \$145 plus tax	316.83	
Bar Code Upgrade	1 @ \$5,000 plus tax	5,381.25	
Cop Logic Software	1 @ \$17,000 plus tax	18,101.25	
EDMS Software	1 @ \$6,000 plus tax	6,441.25	
VIDMICS	4 @ \$700 plus tax	3,049.25	
Forensic video enhancement software	1 @ \$17,000 plus tax	18,101.25	
Kid Print ID System	1 @ \$7,588 plus tax	8,124.52	
L-tron Scanners	30 @ \$450 plus tax	14,391.25	
Policy Management Software	1 @ \$16,415 plus tax	17,481.15	
K-9	1 @ \$9,000 plus tax	9,621.25	
Mp5 Rifles	7 @ \$1,792 plus tax	13,377.89	
Taser Cameras	48 @ \$400 plus tax	20,433.25	
Tasers X26	48 @ \$975 plus tax	49,689.25	
	Total Fayetteville Equipment	\$ 205,725.14	
<u>City of Springdale</u>			
Marked Patrol Vehicles	6 @ \$26,794.16	\$ 160,765.00	
	Total Springdale Equipment	\$ 160,765.00	
<u>Washington County Sheriffs Office</u>			
Marked Patrol Vehicle	1 @ \$26,794.16	\$ 26,794.16	
Breathe Alcohol Concentration (BAC) Machine	1 @ \$7,535 plus tax	8,068.35	
Tasers X26 w/ Cameras	32 @ \$1,375 plus tax	48,070.00	
Criminal Evidence Drying Cabinet	1 @ \$5,565.32 plus tax	5,980.49	
	Total Washington County Equipment	\$ 88,913.00	
	Total Equipment	\$ 455,403.14	
E. Supplies			
<u>City of Fayetteville</u>			
Evidence Drying Cabinet Filter	2 @ \$500 plus tax	1,092.50	
Evidence Drying Cabinet Filter-HEPA	1 @ \$285 plus tax	311.36	
	Total Fayetteville Supplies	1,403.86	
	Total Supplies	\$ 1,403.86	
	Budget Total	\$ 456,807.00	

Budget Narrative (Attachment 2)

A. Personnel

None

B. Fringe Benefits

None

C. Travel

None

D. Equipment

City of Fayetteville

The Fayetteville Police Department will utilize \$2,000 of grant funds to purchase accident reconstruction equipment, including but not limited to roller tape measures, fiberglass tape measures, spray paint, chalk, laptop computer, and accident diagramming software, to assist in diagramming both serious and fatal injury accident scenes. This equipment will also be used to investigate, diagram, and document other crime scenes such as homicides, rapes, robberies and other serious felonies.

The Fayetteville Police Department Bike Patrol Unit was established in 1996 with officers responsible for patrolling our entertainment, downtown, park, trails and merchant areas on Cannondale police equipped mountain bikes. Our current bicycle fleet is thirteen years old and in need of replacement in order to continue this program. Nine (9) Cannondale Police Mountain Bicycles will be purchased for \$1,700 each resulting in a total cost of \$16,299.25 including tax.

Joint Firing Range Equipment items to be purchased with these grant funds include a dueling tree target system, a portable hostage target, a portable plate rack target system, and a portable popper target. All of these items are the same brand system that Washington County Sheriffs Office has in place and all of these items will work with the current target systems. These targets are heavy duty and made from T-500 grade steel and are very bullet resistant to eliminate ricochets. The purchase of these targets will have a total cost of \$2,731.25.

Window tint meters will be utilized by Fayetteville police officers who are responsible for traffic enforcement. These devices will assist officers in accurately determining the lawful levels of light transmission for motor vehicles with tinted windows as prescribed by Arkansas Code Annotated 27-37-306. Two (2) Window Tint Meters will be purchased for a total tax included cost of \$316.83.

The bar code upgrade is a system upgrade to our current evidence bar code scanning system. Our current scanners are no longer in production and support for repairs is limited. The cost for this upgrade is \$5,381.25.

CopLogic software is a desk officer online reporting system that offers citizens a convenient way to report minor incidents, crime tips, submit forms, etc. through an online service available 24 hours a day, 7 days a week and increases officer efficiency. This software and licenses will have a total purchase price of \$18,101.25.

The Police Department has begun to make use of the City's Electronic Data Management System (EDMS) for digitally storing and indexing items previously handled in paper format only by sharing a software license with our Accounting Office. These EDMS items include arrests, warrants, tickets, officer daily reports, and payroll. These grant funds will be used to purchase a EDMS software users license dedicated to the Police Department for a total purchase price of \$6,441.25.

The VIDMIC is a fully operational shoulder microphone, still photo camera, and digital audio/video recorder wrapped into one device. The VIDMIC will be utilized by Fayetteville police officers for documentation and accountability. Grant funds will be used to purchase four (4) VIDMICs at a total purchase price of \$3,049.25.

The forensic video enhancement system will allow investigators to enhance images of surveillance photographs and video. The system will have the ability to change a VHS or 35mm image format to digital and then enhance the images. The purchase of this system will cost a total of \$18,101.25.

The Kid's ID Print System has been in use by the Fayetteville Police Department for over seven years, and can not be updated nor maintained. This is a highly used system that provides identification of over 600 children per year. \$8,124.52 of grant funds will be used to purchase a new system so that this program can continue.

L-tron scanners are hand-held 2-D bar code scanners used to retrieve data for populating electronic data fields within our e-Ticketing System and accident reporting forms. Funds will be used to purchase one scanner for each of our 30 patrol vehicles at a total cost of \$14,391.25

With well over one hundred sworn officers, policy revisions have become a laborious endeavor involving tasks by several people. Policy management software will enable the review and revision process to be completed in a less timely and more efficient manner. The total cost for this system will be \$17,481.15.

The Fayetteville Police Department K-9s are utilized to assist police officers to track suspects, search for articles or evidence of a crime, conduct building searches, assist in the arrest or apprehension of felons, search for lost persons, and detect the presence of narcotics. One of our dogs is scheduled to retire in 2009 due to age and health issues, and this K-9 will need to be replaced in order to continue this program. The \$9,621.25 cost of the K-9 includes training of the dog and its' handler.

Our tactical team weapons are over 10 years old and are in need of replacement. These grant funds will be used to purchase seven (7) MP5 or AR15 Rifles at a total cost of \$13,377.89

The Taser Cam will be used by Fayetteville police officers as a means of documentation and accountability each time the Taser X26 weapon is utilized. Forty-eight (48) Taser Cams will be purchased at a total cost of \$20,433.25.

The Taser X26 is designed to incapacitate suspects by transmitting electrical pulses into the body affecting the sensory and motor functions of the peripheral nervous system. This weapon will be assigned to uniformed personnel, and the Taser X26 will help reduce injuries to both suspects and our law enforcement officers. Total costs to purchase forty-eight (48) Taser X26's will be \$49,689.25.

City of Springdale

All of Springdale's \$160,765 in grant funding will be used to purchase six (6) new fully equipped marked patrol vehicles. These vehicles are replacements, and not an addition to our fleet. With these replacement vehicles, Springdale should see a savings in fuel and maintenance costs along with a reduction in our carbon footprint in the city.

Washington County

Washington County will be spending its' \$88,913 on a patrol vehicle, Breathe Alcohol Concentration (BAC) Machine, Tasers with cameras, and an evidence drying cabinet. The fully equipped marked patrol vehicle will cost \$26,794.16. The BAC machine is an unfunded mandated upgrade by the State of Arkansas and will cost Washington County a total of \$8,068.35. As stated above, the Taser X26 with camera will be assigned to uniformed personnel, and the Tasers will help reduce injuries to both suspects and our law enforcement officers. Total costs to purchase thirty-two (32) Taser X26's with cameras will be \$48,070.00. The evidence drying cabinet is used by crime scene investigators to dehydrate moistened evidence for secure transportation and minimize the possibility of contamination of evidence. This evidence drying cabinet has a total purchase price of \$5,980.49.

E. Supplies

City of Fayetteville

The DrySafe Forensic Evidence Drying Cabinet requires two filters, #ACF300S and #ACFHEPA. These filters clean the incoming "drying" air and clean the exhaust, protecting employees from toxic chemicals and fumes. Filter #ACF300S typically last six to nine month and costs \$500 per filter resulting in the need to purchase two filters at a total tax included cost of \$1,092.50. Filter #ACFHEPA typically last eighteen months and costs \$367.33 tax included.

F. Construction

None

G. Consultants/Contracts

None

H. Other

None

I. Indirect Costs

None

OMB APPROVAL
NUMBER 1121-0140

EXPIRES 06/30/2009

STANDARD ASSURANCES

The Applicant hereby assures and certifies compliance with all applicable Federal statutes, regulations, policies, guidelines, and requirements, including OMB Circulars A-21, A-87, A-102, A-110, A-122, A-133; Ex. Order 12372 (intergovernmental review of federal programs); and 28 C.F.R. pts. 66 or 70 (administrative requirements for grants and cooperative agreements). The applicant also specifically assures and certifies that:

1. It has the legal authority to apply for federal assistance and the institutional, managerial, and financial capability (including funds sufficient to pay any required non-federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.

2. It will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

3. It will give the awarding agency or the General Accounting Office, through any authorized representative, access to and the right to examine all paper or electronic records related to the financial assistance.

4. It will comply with all lawful requirements imposed by the awarding agency, specifically including any applicable regulations, such as 28 C.F.R. pts. 18, 22, 23, 30, 35, 38, 42, 61, and 63, and the award term in 2 C.F.R. § 175.15(b).

5. It will assist the awarding agency (if necessary) in assuring compliance with section 106 of the National Historic Preservation Act of 1966 (16 U.S.C. § 470), Ex. Order 11593 (identification and protection of historic properties), the Archeological and Historical Preservation Act of 1974 (16 U.S.C. § 469 a-1 et seq.), and the National Environmental Policy Act of 1969 (42 U.S.C. § 4321).

6. It will comply (and will require any subgrantees or contractors to comply) with any applicable statutorily-imposed nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); The Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. §§1681, 1683, 1685-86); and the Age Discrimination Act of 1975 (42 U.S.C. §§ 6101-07); see Ex. Order 13279 (equal protection of the laws for faith-based and community organizations).

7. If a governmental entity:

- a. it will comply with the requirements of the Uniform Relocation Assistance and Real Property Acquisitions Act of 1970 (42 U.S.C. § 4601 et seq.), which govern the treatment of persons displaced as a result of federal and federally-assisted programs; and
- b. it will comply with requirements of 5 U.S.C. §§ 1501-08 and §§ 7324-28, which limit certain political activities of State or local government employees whose principal employment is in connection with an activity financed in whole or in part by federal assistance.

Close Window

h1>U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS
OFFICE OF THE CHIEF FINANCIAL OFFICER

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Acceptance of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying," 2 CFR Part 2867, "DOJ Implementation of OMB Guidance of Nonprocurement Debarment and Suspension," and 28 CFR Part 83, "Government-wide Debarment and Suspension," and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, 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 making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) 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 grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all sub-recipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS (DIRECT RECIPIENT)

As required by Executive Order 12549, Debarment and Suspension, and implemented at 2 CFR Part 2867, for prospective participants in primary covered transactions, as defined at 2 CFR Section 2867.20(a):

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal,

Certifications

State, or local) terminated for cause or default.

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 83, Subpart F, for grantees, as defined at 28 CFR Sections 83.620 and 83.650:

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

- (a) 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;
- (b) Establishing an on-going drug-free awareness program to inform employees about
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) 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 (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will
 - (1) Abide by the terms of the statement; and
 - (2) 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;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7th Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted
 - (1) 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
 - (2) 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;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

Certifications

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

Close Window

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

Certification as to Recovery Act Reporting Requirements

On behalf of the applicant entity named below, I certify the following to the Office of Justice Programs, U.S. Department of Justice:

I have personally read and reviewed the section entitled "Accountability and Transparency under the Recovery Act" in the program announcement for the Recovery Act grant program identified above. I have also read and reviewed section 1512(c) of the American Recovery and Reinvestment Act of 2009 (Public Law 111-5), concerning reporting requirements for grants. I agree that the applicant will comply with the reporting requirements set forth therein with respect to any grant the applicant may receive under the Recovery Act grant program identified above.

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs, and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant entity (that is, the entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Lioneld Jordan, Mayor

Printed Name of Certifying Official

Mayor

Title of Certifying Official

City of Fayetteville, Arkansas

Full Name of Applicant Entity

May 6, 2009

Date

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

Recovery Act – Justice Assistance Grant (JAG) Program

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

On behalf of the applicant State or unit of local government (including tribal government) named below, I certify the following to the Office of Justice Programs ("OJP"), U.S. Department of Justice:

I have personally read and reviewed the section entitled "Eligibility" in the program announcement for the Recovery Act grant program named above. I also have personally read and reviewed section 1511 of the American Recovery and Reinvestment Act of 2009 (the "Recovery Act"), which requires a specific certification prior to receipt of Recovery Act funds for infrastructure investments.

Initial the statement that applies:

 X The applicant identified below **does not intend to use** any portion of any funds received under this Recovery Act grant program for any infrastructure investment. Should this intention change, the applicant will promptly notify OJP, and (except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law) will not draw down, obligate, or expend any funds received under this Recovery Act program for any infrastructure investment project until section 1511 of the Recovery Act has been satisfied, and an adequate project-specific certification has been executed, posted, and submitted to OJP.

 The applicant identified below **does intend to use** some or all of any funds received under this Recovery Act grant program for one or more infrastructure investment projects. Except to the extent, if any, that OJP has given prior written approval to expend funds to conduct the review and vetting required by law, I agree that the applicant entity will execute, post, and submit to OJP, prior to obligating, expending, or drawing down funds for such project, a project-specific certification that satisfies all of the requirements of section 1511 (including execution by the Governor, mayor, or other chief executive, as appropriate) for each such infrastructure investment project.

Page 2 of 2

U.S. DEPARTMENT OF JUSTICE
OFFICE OF JUSTICE PROGRAMS

General Certification as to Requirements for Receipt of Funds
for Infrastructure Investments

I acknowledge that a false statement in this certification may be subject to criminal prosecution, including under 18 U.S.C. § 1001. I also acknowledge that Office of Justice Program grants, including certifications provided in connection with such grants, are subject to review by the Office of Justice Programs and/or by the Department of Justice's Office of the Inspector General.

I have authority to make this certification on behalf of the applicant (that is, the governmental entity applying directly to the Office of Justice Programs).

Signature of Certifying Official

Lioneld Jordan

Printed Name of Certifying Official

Mayor

Title of Certifying Official

City of Fayetteville, Arkansas

Full Name of Applicant Government Entity

May 6, 2009

Date

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

5/5/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders

Submitted By

Planning

Division

Development Services

Department

Action Required:

RZN 09-3233: (Physicians Specialty Hospital, 175): Submitted by CEI Engineering Associates, Inc. for property located at 3873 North Parkview Drive. The property is zoned R-O, Residential Office, and contains approximately 2.97 acres. The request is to rezone the subject property to P-1, Institutional.

Cost of this request

\$

Category / Project Budget

Program Category / Project Name

Account Number

\$

Funds Used to Date

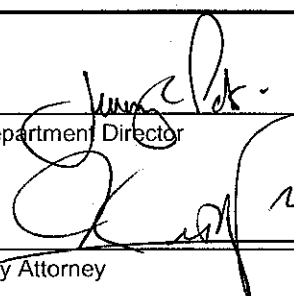
Program / Project Category Name

Project Number

\$

Remaining Balance

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☐

Department Director

04.16.09

Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

4-16-09

Date

Original Contract Number:

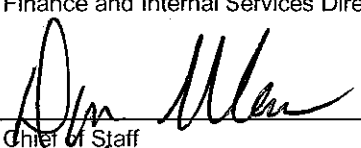

Finance and Internal Services Director

4-16-2009

Date

 Received in City
Clerk's Office

 ENTERED
4/16/09
WOB

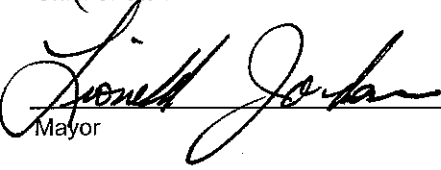

Chief of Staff

4/18/09

Date

 Received in
Mayor's Office

 ENTERED
4/16/09
FTH


Mayor

4/19/09

Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Director of Development Services 

From: Dara Sanders, Current Planner

Date: April 6, 2009

Subject: Rezoning for Physician's Surgery Center (RZN 09-3233)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from R-O, Residential Office to P-1, Institutional located at 3873 North Parkview Drive.

BACKGROUND

The subject property is located on North Parkview Drive, north of Joyce Boulevard and south of the Park Apartments, a multiple-family development. The 2.96-acre tract is currently developed for the Physician's Surgery Center with one medical office/hospital building and associated parking.

In 1991, the Planning Commission approved a development request to construct a medical office building on the subject property, a permitted use in the R-O, Residential Office zoning district. In 2007, the applicant submitted a large scale development application to the Planning Division for an expansion of the existing office building. Staff determined that the proposed use of the property had shifted from a medical office to an out-patient surgery operation, which would require a conditional use permit to operate a hospital (Use Unit 4) in the R-O zoning district. The Planning Commission approved the applicant's development request (LSD 07-2536) to add a 20,506-foot addition to the structure and Conditional Use request to operate a hospital use in the R-O zoning district (CUP 07-2539). In 2008, the Planning Commission approved a new Conditional Use request to allow for a 3rd floor addition to the structure, finding that an expansion of the hospital use on the subject property is compatible with the surrounding area. Any expansion or change of use would require a new conditional use permit under the current R-O zoning.

The applicant proposes to rezone the property from R-O, Residential Office to P-1, Institutional so that the underlying zoning district will accurately reflect the use and development of the property that was approved previously by the Planning Commission.

DISCUSSION

This item was heard at the regular Planning Commission meeting on March 23, 2009. The Planning Commission voted 9-0-0 to forward this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 09-3233, FOR APPROXIMATELY 2.97 ACRES, LOCATED AT 3873 NORTH PARKVIEW DRIVE FROM R-O, RESIDENTIAL OFFICE, TO P-1, INSTITUTIONAL

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

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

From R-O, Residential Office to P-1, Institutional, as shown on Exhibits "A" and "B" attached hereto and made a part hereof.

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

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

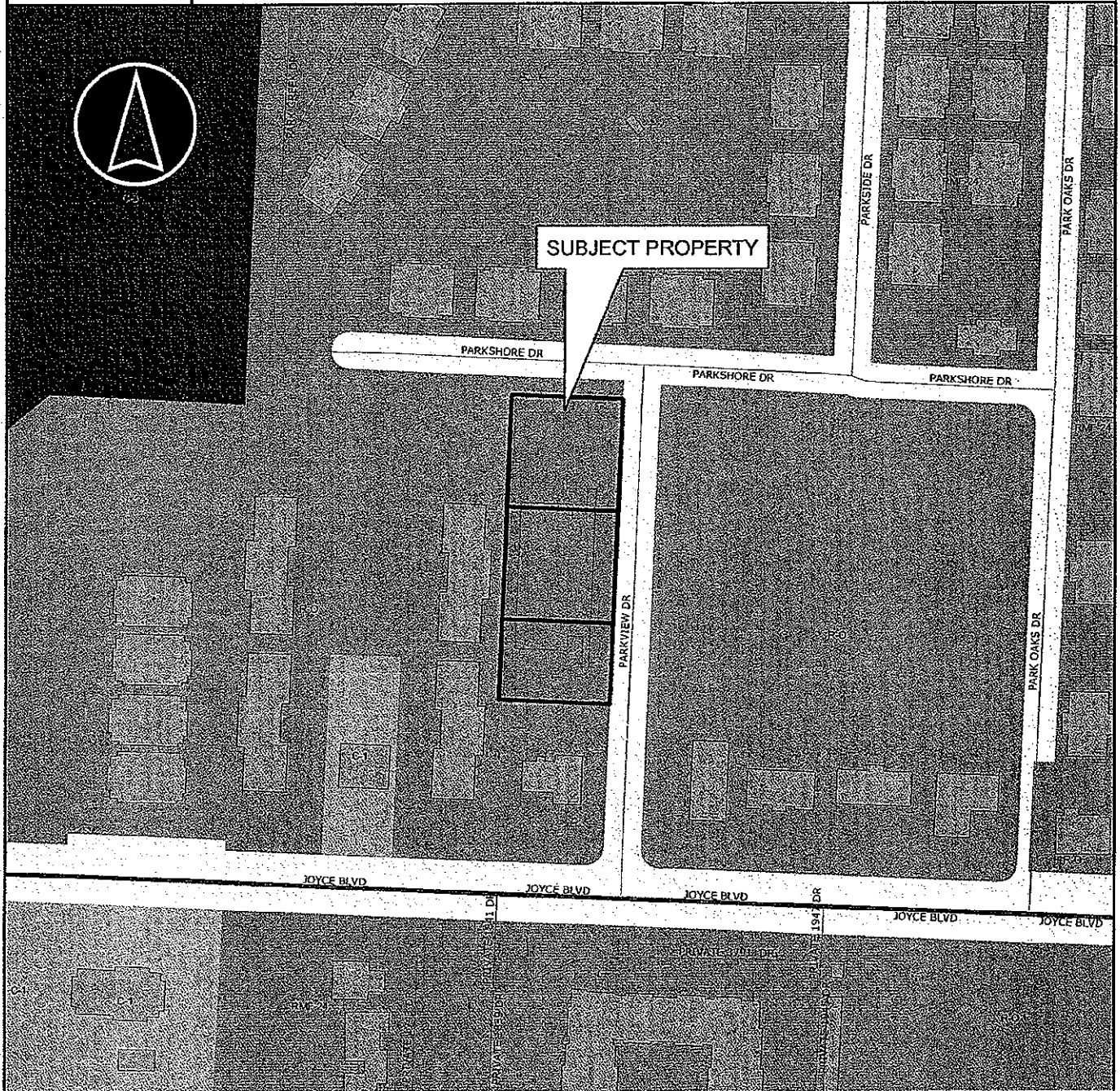
By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "A"

RZN09-3233

Close Up View

PHYSICIAN'S SPECIALTY HOSPITAL**Overview**

0 75 150 300 450 600 Feet

EXHIBIT "B"
RZN 09-3233

PER WARRANTY DEED FILE NO. 2005-00044753

LOTS 13, 14, & 15, VANTAGE SQUARE, UNIT 2, A SUBDIVISION TO THE CITY OF
FAYETTEVILLE, ARKANSAS, AS SHOWN ON PLAT OF RECORD IN PLAT BOOK 10
AT PAGE 79-80, PLAT RECORDS OF WASHINGTON COUNTY, ARKANSAS.



PC Meeting of March 23, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

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

TO: Fayetteville Planning Commission
 FROM: Dara Sanders, Current Planner
 Matt Casey, Assistant City Engineer
 THRU: Jeremy Pate, Director of Current Planning
 DATE: ~~March 17, 2009~~ *Updated March 24, 2009*

RZN 09-3233: (PHYSICIAN'S SPECIALTY HOSPITAL, 175): Submitted by CEI ENGINEERING ASSOCIATES, INC. for property located at 3873 NORTH PARKVIEW DRIVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 2.97 acres. The request is to rezone the subject property to P-1, Institutional.

Planner: Dara Sanders**BACKGROUND:**

Property Description: The subject property is located on North Parkview Drive, north of Joyce Boulevard and south of the Park Apartments, a multiple-family development. The 2.96-acre tract is currently developed for the Physician's Surgery Center with one medical office/hospital building and associated parking.

History: In 1991, the Planning Commission approved a development request to construct a medical office building on the subject property, a permitted use in the R-O, Residential Office zoning district. In 2007, the applicant submitted a large scale development application to the Planning Division for an expansion of the existing office building. Staff determined that the proposed use of the property had shifted from a medical office to an out-patient surgery operation, which would require a conditional use permit to operate a hospital (Use Unit 4) in the R-O zoning district. The Planning Commission approved the applicant's Large Scale Development request (LSD 07-2536) to add a 20,506-foot addition to the structure and Conditional Use requests for off-site parking (CUP 07-2540) and to operate a hospital use in the R-O zoning district (CUP 07-2539). In 2008, the Planning Commission approved a new Conditional Use request to allow for a 3rd floor addition to the structure, finding that an expansion of the hospital use on the subject property is compatible with the surrounding area. Any expansion or change of use would require a new conditional use permit under the current R-O zoning.

SURROUNDING LAND USE AND ZONING:

Direction from Site	Land Use	Zoning
North	Multi-family apartment complex	RMF-24
South, East, and West	Professional office	R-O

Proposal: The applicant proposes to rezone the property from R-O, Residential Office to P-1, Institutional so that the underlying zoning district will accurately reflect the use and development of the property that was approved previously by the Planning Commission.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding the rezoning request RZN 09-3233 (Physician's Surgery Center) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>March 23, 2009</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: _____	Second: _____	Vote: <u>9-0-0</u>	
CITY COUNCIL ACTION: Required <u>YES</u>			
Date: _____	☐ Approved	☐ Denied	

INFRASTRUCTURE:

Streets: The site has access to Parkview Drive. This is a fully developed two lane city street.

Water: Public water is available to the property. There is a 4" main along Parkview Drive.

Sewer: Sanitary sewer is available to the site. There is an 8" public main along the west property line of this parcel.

Drainage: Standard improvements and requirements for drainage will be required for the development. This property is affected by the 100-year floodplain.

Police: It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as Residential Neighborhood Area, which recognizes conventional subdivision development but encourages traditional neighborhood development that incorporates low-intensity non-residential uses.*

FINDINGS OF THE STAFF

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

Finding: The proposed P-1 zoning is consistent with the City's Residential Neighborhood Area land use designation to encourage traditional neighborhood development that incorporates non-residential uses. Based on the City's adopted land use planning objectives and principles, staff finds that the subject property, along Joyce Boulevard, in close proximity to an Urban Center Area, surrounded by other existing and approved health care and professional office uses, and relatively dense residential development, would be more appropriately regulated under the P-1 zoning district than the current Residential Office (R-O) zoning designation.

In 2007 and 2008, the Planning Commission found that the hospital use at this location was compatible with the adjacent properties and the surrounding neighborhoods. Staff has not received any complaints regarding the hospital use, or any indication of land use compatibility issues. Staff finds that the request to rezone to P-1, Institutional is an appropriate designation for the current use and for future development on the property.

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

Finding: The Physician's Specialty Hospital provides a medical service not only to the citizens of Fayetteville but to the entire region. This specialized medical service provides same-day medically necessary and elective surgery procedures that do not require extended hospital stay or supervision. Staff finds that the Hospital provides increased access to health care for the residents of Northwest Arkansas. Staff finds that the proposed zoning is justified and needed to allow for the facility to adapt or continue serving persons with medical needs in a growing community.

While the Physician's Specialty Hospital has already obtained conditional use approval from the Planning Commission to operate a hospital (Use Unit 4) on the subject property, staff finds that the rezoning request is justified to avoid the delay and expense of having to obtain a new conditional use permit for any future expansion.

Staff recommends in favor of the rezoning request, finding that rezoning the property to P-1, Institutional, which allows city-wide uses (Use Unit 1), cultural and recreational facilities (Use Unit 4), and government facilities (Use Unit 5) would be compatible with surrounding land uses and zoning. Staff also finds that the P-1 zoning district would more accurately reflect and govern the existing use and development of the property than the current R-O zoning. Future development on the site under P-1 would continue to be compatible under the City's standard development regulations. Additionally, the bulk and area requirements of the R-O and the P-1 zoning districts have similar setback requirements and maximum

building area percentages; therefore, staff finds that the intensity and density allowed on the subject property will not substantially change as a result of the rezoning request.

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

Finding: It is expected that a rezoning from R-O to P-1 would result in the potential for a slight increase in traffic compared with that allowed under the existing zoning. However, during review of the previously approved conditional use request, staff and the Planning Commission found that the hospital use as proposed by the applicant, would not create a noticeable increase in traffic to the property or result in a dangerous traffic condition. This site is accessed off of an improved local street (Parkview Drive) connecting directly to an improved Principal Arterial street, Joyce Boulevard. The existing street infrastructure is capable of supporting the volumes of traffic that could be generated under the P-1 zoning.

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

Finding: Staff finds that the proposed zoning would not create undesirable impacts to public services, or a density that is incompatible with the surrounding area, based on a review of infrastructure, existing land uses, and the development potential of the property. The property is currently being utilized for a medical office and hospital facility. The change in zoning to P-1 would not permit uses that would adversely impact 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.

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

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

Finding: Not applicable. Staff recommends in favor of the requested zoning.

Fayetteville Unified Development Code

161.16 District R-O, Residential Office

- (A) *Purpose.* The Residential-Office District is designed primarily to provide area for offices without limitation to the nature or size of the office, together with community facilities, restaurants and compatible residential uses.

- (B) *Uses.*

- (1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 5	Government facilities
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 12	Offices, studios and related services
Unit 25	Professional offices

- (2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 11	Manufactured home park
Unit 13	Eating places
Unit 15	Neighborhood shopping goods
Unit 24	Home occupations
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

- (C) *Bulk and area regulations.*
(Per dwelling unit for residential structures)

- (1) *Lot width minimum.*

Manufactured home park	100 ft.
Lot within a manufactured home park	50 ft.
Single-family	60 ft.
Two-family	60 ft.
Three or more	90 ft.

- (2) *Lot area minimum.*

Manufactured home park	3 acres
Lot within a manufactured home park	4,200 sq. ft.
Townhouses:	
Development	10,000 sq. ft.
Individual lot	2,500 sq. ft.
Single-family	6,000 sq. ft.
Two-family	6,500 sq. ft.
Three or more	8,000 sq. ft.
Fraternity or Sorority	1 acre

- (3) *Land area per dwelling unit.*

Manufactured home	3,000 sq. ft.
Townhouses & apartments:	
No bedroom	1,000 sq. ft.
One bedroom	1,000 sq. ft.
Two or more bedrooms	1,200 sq. ft.
Fraternity or Sorority	500 sq. ft. per resident

- (D) *Density.*

Units per acre	24 or less
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- (E) *Setback regulations.*

Front	15 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Front, in the Hillside Overlay District	15 ft.
Side	10 ft.
Side, when contiguous to a residential district	15 ft.
Side, in the Hillside Overlay District	8 ft.
Rear, without easement or alley	25 ft.
Rear, from center line of public alley	10 ft.
Rear, in the Hillside Overlay District	15 ft.

- (F) *Building height regulations.*

Building Height Maximum	60 ft.
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Height regulations. Any building which exceeds the height of 20 feet shall be set back from any side boundary line of an adjacent single family district an additional distance of one foot for each foot of height in excess of 20 feet.

- (G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code No. 1965, App. A., Art. 5(x); Ord. No. 2414, 2-7-78; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.041; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4726, 7-19-05; Ord. 4943, 11-07-06; Ord. 5079, 11-20-07; Ord. 5195, 11-6-08; Ord. 5224, 3-3-09)

Fayetteville Unified Development Code

161.26 District P-1, Institutional

(A) *Purpose.* The Institutional District is designed to protect and facilitate use of property owned by larger public institutions and church related organizations.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 26	Multi-family dwellings
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	30 ft.
Front, if parking is allowed between the right-of-way and the building	50 ft.
Side	20 ft.
Side, when contiguous to a residential district	25 ft.
Rear	25 ft.
Rear, from center line of public alley	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in P-1 Districts, provided, however, that any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet.

(G) *Building area.* On any lot the area occupied by all buildings shall not exceed 60 % of the total area of such lot.

(Code 1965, App. A., Art. 5(XI); Ord. No. 2603; Ord. No. 2603, 2-19-80; Ord. No. 2621, 4-1-80; Ord. No. 1747, 6-29-70; Code 1991, §160.042; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5073, 11-06-07; Ord. 5195, 11-6-08)

ENGINEERING DIVISION COMMENTS

RZN 09-3233: (PHYSICIAN'S SPECIALTY HOSPITAL, 175): Submitted by CEI ENGINEERING ASSOCIATES, INC. for property located at 3873 NORTH PARKVIEW DRIVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 2.97 acres. The request is to rezone the subject property to P-1, Institutional. Planner: Dara Sanders

Public water is available to the property. There is an 8" main along Parkview Drive.

Sanitary sewer is available to the site. There is an 8" public main along the west property line of this parcel.

The site has access to Parkview Drive. This is a fully developed two lane city street.

Standard improvements and requirements for drainage will be required for any development. This property is not affected by the 100-year floodplain.

Date 2/25/09

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 RZN 09-3233: (Physician's Specialty Hospital, 175): Submitted by CEI Engineering Associates, Inc., for property located at 3873 N. Parkview Drive 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 2.97 acres.

It is the opinion of the Fayetteville Police Department that this RZN will not substantially alter the population density, and will not create an appreciable or undesirable increase in the load on police services. This RZN will not create an appreciable increase in traffic danger and congestion.

Sincerely,

Captain William Brown
Fayetteville Police Department

Fire Department Comments

From: David Williams
To: Lintvedt, Karl; Sanders, Dara
Date: 3/18/09 8:46AM
Subject: Re: comments for planning items (due 2/20)

Dara,

I have not had a chance to review this yet. I do not feel it will effect any of the department's services by changing to P-1.

Thanks,

David Williams
Fire Marshal
Fayetteville Fire Dept.
email: dwilliams@ci.fayetteville.ar.us

>>> Dara Sanders 3/13/2009 >>>

David,

Have you had a chance to look at this request? I will be out of the office all of next week. Please forward your comments to one of the other planners on Monday if you can't send them today.

Thanks!

Dara Sanders
Planning Division
City of Fayetteville

>>> Karl Lintvedt 2/25/2009 10:40 AM >>>

Police, Fire, and Engineering:

The following item from today's Technical Plat Review agenda requires comments from your department regarding potential impacts on City services. I've attached a map to give you an idea of the project's location and scale. Please return the comments by Friday, March 6, and feel free to contact me with any questions you might have. As always, we appreciate your help.

RZN 09-3233: (PHYSICIAN'S SPECIALTY HOSPITAL, 175): Submitted by CEI ENGINEERING ASSOCIATES, INC. for property located at 3873 NORTH PARKVIEW DRIVE. The property is zoned R-O, RESIDENTIAL OFFICE and contains approximately 2.97 acres. The request is to rezone the subject property to P-1, Institutional. Planner: Dara Sanders

Thanks,

Karl Lintvedt
Planning Technician
City of Fayetteville
479-718-7688

CC: Fulcher, Jesse; Garner, Andrew



Consolidated Land Development Services

3317 SW "I" Street • Bentonville, AR 72712 • (479) 273-9472 • Fax (479) 273-0844

February 23, 2009

City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701
(479) 575-8267

**RE: Rezone – Written Description
Physicians Specialty Hospital
CEI Project # 23586.0**

On behalf of Physicians Surgery Center, CEI Engineering Associates, Inc. is requesting a rezoning of the property indicated on the attached rezone application and per the attached legal description. Rezoning is requested from an R-O zoning district to a P-1 zoning district.

Rezoning of the afore mentioned property is requested to provide a better zoning for the current use of the property and to clean up conditional uses on the property.

Land use for the proposed zoning will remain the same as well as traffic and appearance as what is currently approved.

Thank you for your consideration on this matter and please do not hesitate to contact us with questions or comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jake Wineman', with a long, sweeping horizontal line extending to the right.

Jake Wineman, RLA
Project Manager



Consolidated Land Development Services

3317 SW "I" Street • Bentonville, AR 72712 • (479) 273-9472 • Fax (479) 273-0844

February 23, 2009

City of Fayetteville
125 W. Mountain St.
Fayetteville, AR 72701
(479) 575-8267

**RE: Rezone – Written Statements
Physicians Specialty Hospital
CEI Project # 23586.0**

A rezone from the current R-O zoning district to a P-1 zoning district is consistent with the current use of the property and rezoning to this district would effectively clean up the conditional use permits approved for the site.

Under current usage the rezone should not increase the amount of traffic generated.

Under current usage there should not be an increase on public utilities or infrastructure due to the rezone.

Thank you for your consideration on this matter and please do not hesitate to contact us with questions or comments.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jake Wineman', written over a horizontal line.

Jake Wineman, RLA
Project Manager

RZN09-3233

Close Up View

PHYSICIAN'S SPECIALTY HOSPITAL



SUBJECT PROPERTY

PARKSHORE DR

PARKSHORE DR

PARKSHORE DR

PARKSIDE DR

PARK OAKS DR

PARKVIEW DR

PARK OAKS DR

JOYCE BLVD

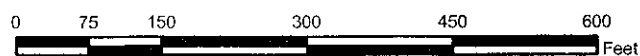
JOYCE BLVD

JOYCE BLVD

JOYCE BLVD

JOYCE BLVD

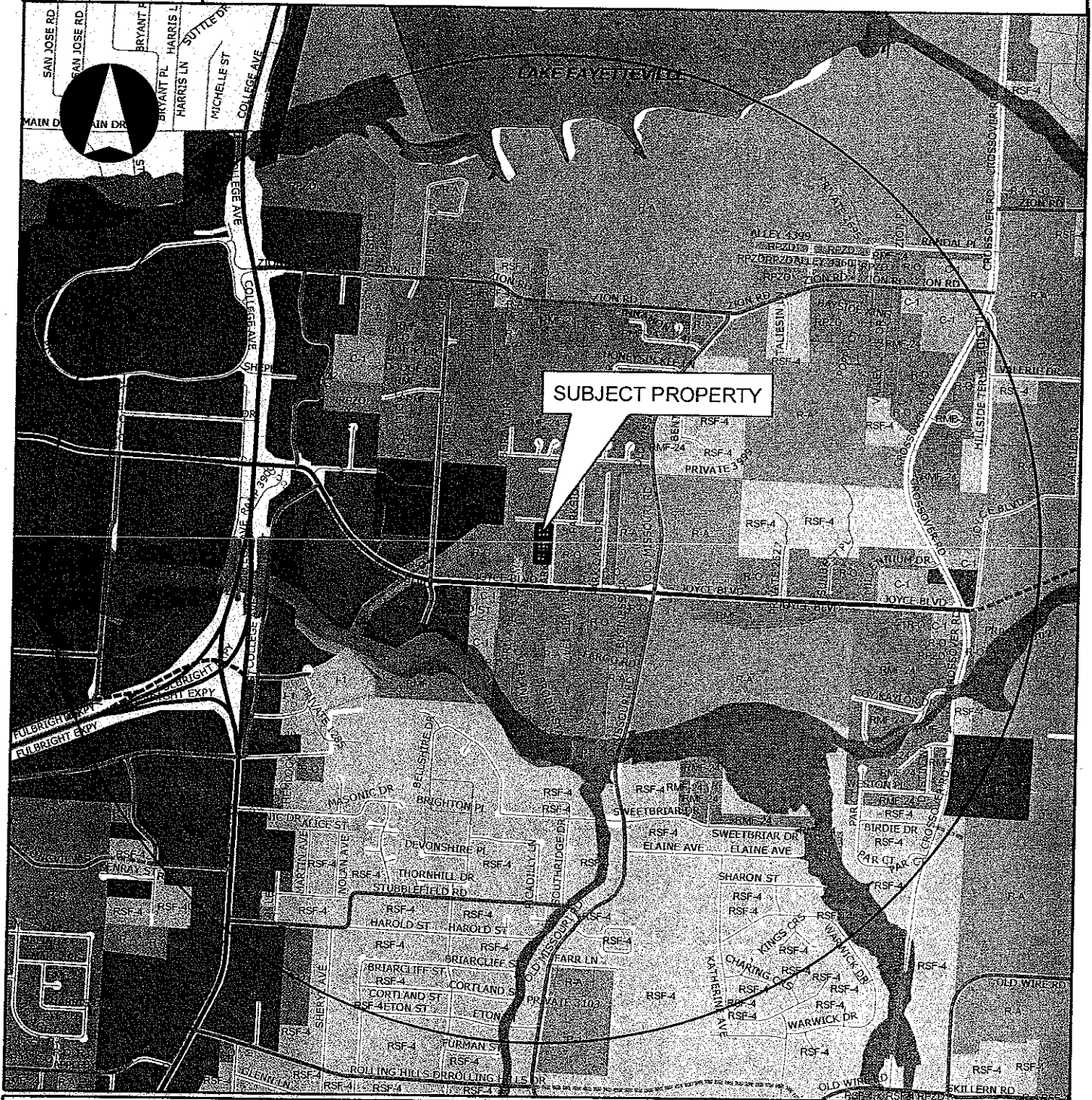
Overview



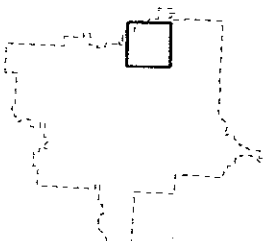
RZN09-3233

One Mile View

PHYSICIAN'S SPECIALTY HOSPITAL



Overview



Legend

Subject Property

RZN09-3233

Boundary

Planning Area

Overlay District

Outside City

Legend

Hillside-Hilltop Overlay District

0 0.25 0.5 1 Miles

City of Fayetteville Staff Review Form

D. 3
ADM 09-3235 Amend Chapters
151, 161 and 162
Page 1 of 12

City Council Agenda Items
and
Contracts, Leases or Agreements

5/5/2009

City Council Meeting Date
Agenda Items Only

Andrew Garner
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 09-3235 (UDC Amendment: Animal Boarding): An ordinance amending Chapters 151, 161, and 162 of the Unified Development Code in order to classify and define animal daycare, animal boarding, and kennels, and to permit these uses in certain commercial, industrial, and residential-agricultural zoning districts.

Cost of this request

n/a
Category / Project Budget

Program Category / Project Name

Account Number

n/a
Funds Used to Date

Program / Project Category Name

Project Number

n/a
Remaining Balance

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Department Director

04/16/09
Date

Previous Ordinance or Resolution #

City Attorney

4-16-09
Date

Original Contract Date:

Paul A. Bush

4-17-2009
Date

Original Contract Number:

Chief of Staff

4/18/09
Date

Received in City
Clerk's Office



Mayor

4/19/09
Date

Received in
Mayor's Office



Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Operations

From: Jeremy Pate, Director of Development Services X

Date: April 15, 2009

Subject: UDC Amendments for Animal Boarding and Daycare (ADM 09-3235)

BACKGROUND

With the adoption of the animal ordinance amendments in 2007, the City of Fayetteville's zoning regulations do not currently permit overnight commercial animal boarding in any zoning district except for property zoned R-A, Residential Agricultural. The reason for this regulation is typically associated with nuisances that come about from large numbers of dogs being kept outside and issues associated with commercial boarding such as noise, odor, waste disposal, aesthetics, etc.

The zoning and development codes do not have a specific classification or definition for animal day care. Animal day cares have been historically permitted in Fayetteville similar to a small veterinary animal clinic where animals are kept inside, with the exception of being walked outside on a leash. If animals are allowed outside in open dog runs, play areas or kennels, it is considered to be a kennel, and falls under commercial animal boarding, according to staff's interpretation of the Fayetteville Unified Development Code (UDC).

Staff has recently been evaluating a request by a citizen who desires to operate a doggie day care, animal boarding and retail business on her property zoned C-2, Thoroughfare Commercial. Because of the restriction of any kind of commercial animal boarding to only R-A districts, there is no opportunity currently to review this request, unless the property is rezoned. Staff has drafted an ordinance to present to the Planning Commission and City Council to permit animal boarding and the associated uses in the C-2 zoning district as a conditional use.

PROPOSAL

The proposal before you is to amend several chapter of the UDC regarding animal daycare, animal boarding and kennels as summarized below and attached in full to this staff report:

ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE XV: UNIFIED DEVELOPMENT CODE OF THE CITY OF FAYETTEVILLE, TO AMEND CHAPTERS 151: DEFINITIONS, 161: ZONING REGULATIONS, AND 162: USE UNITS IN ORDER TO CLASSIFY AND DEFINE ANIMAL DAYCARE, ANIMAL BOARDING, AND KENNELS, AND TO PERMIT THESE USES IN CERTAIN SITUATIONS IN COMMERCIAL, INDUSTRIAL, AND RESIDENTIAL-AGRICULTURAL ZONING DISTRICTS.

WHEREAS, the City of Fayetteville zoning regulations do not have a clear classification or definition for animal day care and boarding; and

WHEREAS, the City of Fayetteville zoning regulations do not currently permit overnight commercial animal boarding in any zoning district except for property zoned R-A, Residential-Agricultural; and

WHEREAS, the City of Fayetteville recognizes that the Unified Development Code needs to be revised to clearly define animal daycare, animal boarding, kennels, and to permit these uses in various intensities depending on the zoning and land uses.

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 §151.01 Definitions of the Unified Development Code as follows:

Animal daycare. (Zoning) A facility that provides day or nighttime supervision for three or more animals. Animals are kept inside the facility, except animals are permitted to be walked on a leash outside. Facilities that contain outdoor dog runs, play areas, or kennels are not considered an animal daycare.

Kennel. (Zoning) A structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility that keeps animals commercially and has open dog runs, outside play areas, or any areas where animals are kept or left outside.

MARK-UP
UDC Amendment Animal Boarding

Chapter 151: Definitions is amended by adding a definition for Animal Daycare, and removing and replacing the definition of Kennel.

151.01 Definitions

Animal daycare. (Zoning) A facility that provides day or nighttime supervision for three or more animals. Animals are kept inside the facility, except animals are permitted to be walked on a leash outside. Facilities that contain outdoor dog runs, play areas, or kennels are not considered an animal daycare.

Kennel. (Zoning) A structure or facility used for the purpose of breeding two or more litters of puppies or kittens within any twelve month period. A facility used for commercially boarding more than three dogs or cats or combination thereof at any time shall be considered a "Kennel. A facility that keeps animals commercially and has open dog runs, outside play areas, or any areas where animals are kept or left outside.

Chapter 162: Use Units is amended by adding a new Use Unit 43, Animal Boarding and Training, and removing and replacing the following sections.

162.01 Establishment/Listing

The various use units referred to in the zoning district provisions are herein listed in numerical order. Within the use units, the permitted uses are ordinarily listed in alphabetical order. In these use units where there is a preliminary descriptive statement (which may mention specific uses) in addition to the detailed list of uses, the detailed list shall govern. The asterisk (*) next to a specific use indicates that the use has special conditions as required by Chapter 163, Use Conditions and Chapter 164 Supplemental Regulations.

Unit 1	City-wide uses by right
Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 10	Three-family dwellings
Unit 11	Manufactured home park
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 24	Home occupation
Unit 25	Professional offices

Unit 26	Multi-family dwellings
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 28	Center for collecting recyclable materials
Unit 29	Dance halls
Unit 30	Extractive uses
Unit 31	Facilities emitting odors & facilities handling explosives
Unit 32	Sexually oriented business
Unit 33	Adult live entertainment club or bar
Unit 34	Liquor stores
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 37	Manufactured homes
Unit 38	Mini-storage units
Unit 39	Auto salvage and junk yards
Unit 40	Sidewalk Cafes
Unit 41	Accessory dwellings
Unit 42	Clean technologies
Unit 43	Animal Boarding and Training

(G) *Unit 7. Animal husbandry.*

(1) *Description.* Unit 7 consists of livestock raising and related activities which are ordinarily objectionable to other uses and require, therefore, a buffer strip when abutting a C or R District.

(2) *Included uses.*

Animal farms for show, breeding, and training	
Farms with livestock	
Kennel	
Livestock services:	•Animal hospitals •Shipping of livestock •Training of horses •Veterinarian's treatment areas
Recreational uses:	•Guest ranch •Riding stable * •Rifle range •Rodeo ground

(QQ) *Unit 43. Animal Boarding and Training.*

(1) *Description.* Unit 43 consists of services such as animal boarding, training, kennels, outdoor animal daycare and related activities which have outdoor space for animal exercise and other activities and may therefore result in noise and aesthetic impacts and may pose compatibility issues when adjacent to commercial or residential uses without adequate buffers in place.

(2) *Included uses.*

Animal boarding
Animal training
Kennels
Outdoor animal daycare
Outdoor dog runs
Other outdoor animal activity

(L) *Unit 12. Offices, studios, and related services.*

(1) *Description.* Unit 12 consists of offices, studios, medical and dental labs and other compatible or supporting services and sales.

(2) *Included uses.*

Advertising agency	
Artist's studio	
Computing service	
Data processing service	
Drafting service	
Dental clinic	
Financial institution	
Funeral home	
Medical clinic	
Office buildings	
Social and welfare agencies	
Sale of supplies and equipment:	•Architects and artists supplies •Business machines •Dental supplies •Medical and optical supplies •Office furnishings
Scientific instruments	
Services:	•Auto parking garage •Blueprinting •Bail bonding agency •Employment agency •Photocopying •Printing •Ticket office, transportation and amusement •Travel agency •Veterinary small animal out-patient clinic •<u>Animal daycare (10 animals or less)</u>

(Q) *Unit 17. Trades and services.*

(1) *Description.* Unit 17 consists of establishments engaged primarily in providing household and automotive maintenance and similar services which fulfill recurrent needs of residents of nearby areas, but are generally incompatible with primary retail districts because they break the continuity of retail frontage.

(2) *Included uses.*

Retail trade establishments, general:	•Automotive sales, service and repair, including body shop * •Buses •Manufactured home sales •Motorcycle sales, including service and repair •Truck sales, including service and repair •Trailer sales, camping, hauling, travel •Used car lots •Farm supplies and equipment and repair
General merchandise establishment:	•Direct selling
Merchandise vending	

machine operations	
Institutional furniture and furnishings	
Marine craft, sales & service:	•Boats and accessories
Medical and orthopedic appliances	
Personal help:	•Animal daycare •Animal hospital •Auctioneer •Bindery •Body piercing •Cabinetmaker •Frozen food locker •Drapery service •Linen supply and industrial laundry •Packing and crating •Rug cleaning •Tattoo services •Taxidermist •Tool sharpening repair service •Armature rewinding •Auto wash •Electrical repair service •Furniture repair •Motor repair •Radio and television repair •Reupholstery •Rug repair

Chapter 161: Zoning Regulations is amended by removing and replacing the following sections.

161.03 District R-A, Residential-Agricultural

(A) *Purposes.* The regulations of the agricultural district are designed to protect agricultural land until an orderly transition to urban development has been accomplished; prevent wasteful scattering of development in rural areas; obtain economy of public funds in the providing of public improvements and services of orderly growth; conserve the tax base; provide opportunity for affordable housing, increase scenic attractiveness; and conserve open space.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 8	Single-family dwellings
Unit 9	Two-family dwellings
Unit 37	Manufactured homes
Unit 41	Accessory dwellings
Unit 43	Animal Boarding and Training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 4	Cultural and recreational facilities
Unit 5	Government facilities
Unit 20	Commercial recreation, large sites
Unit 24	Home occupations
Unit 36	Wireless communications facilities
Unit 42	Clean technologies

(C) *Density.*

Units per acre	One-half
----------------	----------

(D) *Bulk and area regulations.*

Lot width minimum	200 ft.
Lot Area Minimum:	
Residential:	2 acres
Nonresidential:	2 acres
Lot area per dwelling unit	2 acres

E) *Setback requirements.*

Front	Side	Rear
35 ft.	20 ft.	35 ft.

(F) *Height requirements.* There shall be no maximum height limits in the A-1 District, provided, however, that any building which exceeds the height of 15 feet shall be setback from any boundary line of any residential district a distance of 1.0 foot for each foot of height in excess of 15 feet. Such setbacks shall be measured from the required setback lines.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(1); Ord. No. 1747, 6-29-70; Code 1991, §160.030; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08)

161.18 District C-2, Thoroughfare Commercial

(A) *Purpose.* The Thoroughfare Commercial District is designed especially to encourage the functional grouping of these commercial enterprises catering primarily to highway travelers.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities
Unit 12	Offices, studios and related services
Unit 13	Eating places
Unit 14	Hotel, motel, and amusement facilities
Unit 15	Neighborhood shopping goods
Unit 16	Shopping goods
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 25	Professional offices

Unit 33	Adult live entertainment club or bar
Unit 34	Liquor store

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 3	Public protection and utility facilities
Unit 21	Warehousing and wholesale
Unit 28	Center for collecting recyclable materials
Unit 29	Dance Halls
Unit 32	Sexually oriented business
Unit 35	Outdoor music establishments
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 40	Sidewalk Cafes
Unit 42	Clean technologies
Unit 43	Animal Boarding and Training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front	50 ft.
Side	None
Side, when contiguous to a residential district	15 ft.
Rear	20 ft.

(F) *Height regulations.* In District C-2 any building which exceeds the height of 20 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 20 feet. No building shall exceed six stories or 75 feet in height.

(G) *Building area.* On any lot, the area occupied by all buildings shall not exceed 60% of the total area of such lot.

(Code 1965, App. A., Art. 5(VI); Ord. No. 1833, 11-1-71; Ord. No. 2351, 6-2-77; Ord. No. 2603, 2-19-80; Ord. No. 1747, 6-29-70; Code 1991, §160.036; Ord. No. 4034, §3, 4, 4-15-97; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4727, 7-19-05; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

d. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 5028, 6-19-07; Ord. 5128, 4-15-08; Ord. 5195, 11-6-08)

161.24 District I-1, Heavy Commercial And Light Industrial

(A) *Purpose.* The Heavy Commercial District is designed primarily to accommodate certain commercial and light industrial uses which are compatible with one another but are inappropriate in other commercial or industrial districts. The Light Industrial District is designed to group together a wide range of industrial uses, which do not produce objectionable environmental influences in their operation and appearance. The regulations of this district are intended to provide a degree of compatibility between uses permitted in this district and those in nearby residential districts.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 4	Cultural and recreational facilities
Unit 5	Government Facilities

Unit 6	Agriculture
Unit 12	Offices, studios and related facilities
Unit 13	Eating places
Unit 17	Trades and services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 25	Professional offices
Unit 27	Wholesale bulk petroleum storage facilities with underground storage tanks
Unit 42	Clean technologies

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 19	Commercial recreation, small sites
Unit 20	Commercial recreation, large sites
Unit 28	Center for collecting recyclable materials
Unit 36	Wireless communications facilities
Unit 38	Mini-storage units
Unit 43	Animal Boarding and Training

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	50 ft.
Front, when adjoining C, I, or P districts	25 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I, or P districts	10 ft.
Rear, when adjoining C, I, or P districts	10 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-1 District, provided, however, that any building which exceeds the height of 25 feet shall be set back from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

(Code 1965, App. A., Art. 5(VIII); Ord. No. 2351, 6-2-77; Ord. No. 2430, 3-21-78; Ord. No. 2516, 4-3-79; Ord. No. 1747, 6-29-70; Code 1991, §160.039; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. No. 4178, 8-31-99; Ord. 4992, 3-06-07; Ord. 5028, 6-19-07; Ord. 5195, 11-6-08)

161.25 District I-2, General Industrial

(A) *Purpose.* The General Industrial District is designed to provide areas for manufacturing and industrial activities which may give rise to substantial environment nuisances, which are objectionable to residential and business use.

(B) *Uses.*

(1) *Permitted uses.*

Unit 1	City-wide uses by right
Unit 3	Public protection and utility facilities
Unit 5	Government Facilities

Unit 6	Agriculture
Unit 7	Animal husbandry
Unit 12	Offices, studios and related services
Unit 18	Gasoline service stations & drive-in restaurants
Unit 20	Commercial recreation, large sites
Unit 21	Warehousing and wholesale
Unit 22	Manufacturing
Unit 23	Heavy industrial
Unit 28	Center for collecting recyclable materials
Unit 42	Clean technologies
Unit 43	Animal Boarding and Training

(2) *Conditional uses.*

Unit 2	City-wide uses by conditional use permit
Unit 31	Facilities emitting odors and facilities handling explosives.
Unit 36	Wireless communications facilities
Unit 38	Mini-storage Units
Unit 39	Auto salvage and junk yards

(C) *Density.* None.

(D) *Bulk and area regulations.* None.

(E) *Setback regulations.*

Front, when adjoining A or R districts	100 ft.
Front, when adjoining C, I or P districts	50 ft.
Side, when adjoining A or R districts	50 ft.
Side, when adjoining C, I or P districts	25 ft.
Rear	25 ft.

(F) *Height regulations.* There shall be no maximum height limits in I-2 Districts, provided, however, that any building which exceeds the height of 25 feet shall be setback from any boundary line of any residential district a distance of one foot for each foot of height in excess of 25 feet.

(G) *Building area.* None.

City of Fayetteville Staff Review Form

D. 4
ADM 09-3249 Amend Chapter 164
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

5/5/2009

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

Action Required:

ADM 09-3249 (UDC Ch. 164.02 Accessory Structures and Uses): An ordinance amending Ch. 164.02 (A)(3) and (4) of the Unified Development Code to include setback and height regulations for accessory structures.

Cost of this request

n/a
Category / Project Budget

Program Category / Project Name

Account Number

n/a
Funds Used to Date

Program / Project Category Name

Project Number

n/a
Remaining Balance

Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

Department Director

04.16.09
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

4-16-09
Date

Received in City
Clerk's Office

ENTERED
4-16-09

Chief of Staff

4-16-2009
Date

Received in
Mayor's Office

ENTERED
4/16/09

Mayor

4/19/09
Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy Pate, Development Services Director *J*

From: Jesse Fulcher, Current Planner

Date: April 14, 2009

Subject: UDC Ch. 164.02 Accessory Structures and Uses Amendments (ADM 09-3249)

RECOMMENDATION

Planning staff recommends amending the Unified Development Code Chapter 164.02 to permit certain accessory structures to be located as close as five (5) feet from a rear property line and three (3) feet from a side property line. This would provide flexibility for homeowners to locate accessory structures within residential districts, which have average rear and side setbacks of fifteen (15) feet and five (5) feet respectively. However, property owners who utilize the reduced setbacks will be limited to a maximum building height of ten (10) feet and the accessory structure may not be larger than 50% of the size of the principal structure. Accessory structures greater than ten (10) feet in height, or that are permitted to exceed 50% the size of the principal structure shall be located in accordance with the building setbacks required by the zoning district in which it is located. These provisions shall not prohibit the installation of an accessory structure closer to the property line if permitted by the underlying zoning district.

BACKGROUND

The City's Unified Development Code (UDC) categorizes a principal structure as the primary and larger building on a lot, such as a single-family home, and an accessory structure as the smaller and subordinate building or use on a lot, such as a garden shed. The City's UDC recognizes the basic differences between a principal and accessory structure, however, the same building setbacks are applied to both types of structures. It is common in other municipalities to allow a reduced setback for accessory structures. The intent in providing different setbacks is to provide more flexibility in siting the accessory structure, which tends to have less impact and often less permanence than principal structures.

DISCUSSION

This item was heard at the regular Planning Commission meeting on April 13, 2009 and forwarded by vote of 8-0-0 with a recommendation for approval to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE UNIFIED DEVELOPMENT CODE SUBSECTION 164.02: ACCESSORY STRUCTURES AND USES, TO INCLUDE SETBACK AND HEIGHT REGULATIONS FOR ACCESSORY STRUCTURES.

WHEREAS, the City of Fayetteville Unified Development Code defines accessory structures as “customarily incidental and subordinate to the principal structure;” and

WHEREAS, accessory structures tend to have less impact and often less permanence than principal structures; and

WHEREAS, the City of Fayetteville recognizes that if accessory structures are permitted closer to side and rear property lines, height and size restrictions will minimize the mass and scale of the structure;

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 repeals and replaces § 164.02 (A)(3) of the Unified Development Code, as follows:

- (3) *Height and Setback Restrictions.* Accessory structures ten (10) feet or less in height shall maintain a minimum side setback of three (3) feet and a minimum rear setback of five (5) feet from the property lines. Accessory structures greater than ten (10) feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby amends § 164.02 (A)(4) of the Unified Development Code by including the following sentence at the end of the paragraph, as follows:

Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.

PASSED and APPROVED this ____ day of ____, 2009.

APPROVED:

By: _____
LIONELD JORDAN, Mayor

ATTEST:

By: _____
SONDRA SMITH, City Clerk/Treasurer

Mark-up Ordinance

CHAPTER 164: SUPPLEMENTARY ZONING REGULATIONS

164.01 Accessory Commercial Uses

Permitted accessory uses in RMF and R-O Districts shall include accessory commercial uses of the types included in Unit 12 provided that:

- (A) *Convenience.* Such uses are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said building.
- (B) *Gross floor area.* Do not occupy more than 10% of the gross floor area of the building in which located.
- (C) *Signs.* Have no signs or other advertising visible from outside the zoning lot on which located.
- (D) *Location.* Are located in or contiguous to the lobby of the principal building.
- (E) *Lobby entrance.* Have at least one lobby entrance.

(Code 1965, App. A., Art. 7 (2); Ord. No. 1747, 6-29-70; Code 1991, §160.077; Ord. No. 4100, §2 (Ex. A), 6-16-98)

164.02 Accessory Structures And Uses

Accessory Structures And Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning, Chapters 160 through 165, and to the following general conditions:

(A) Accessory structures.

- (1) *When erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, **UNLESS** such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.

- (2) *Integral part of principal structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.

- (3) *Where erected. Height and Setback Restrictions.* ~~No accessory structure shall be erected in any required setback.~~ Accessory structures ten (10) feet or less

in height shall maintain a minimum side setback of three (3) feet and a minimum rear setback of five (5) feet from the property lines. Accessory structures greater than ten (10) feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which is it located.

- (4) *Size of accessory structure(s).* An accessory structure(s) shall be 50% or less of the size of the principal structure. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. **Accessory structures that exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.**

- (B) *Swimming pools.* Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4817, 1-3-06)

(Code 1965, App. A., Art. 7(24); Ord. No. 1747, 6-29-70; Ord. No. 3132, 10-1-85; Code 1991, §160.094; Ord. No. 4100, §2 (Ex. A), 6-16-98)

Cross reference(s)—Parking and Loading, Ch. 172.



PC Meeting of April 13, 2009

THE CITY OF FAYETTEVILLE, ARKANSAS

PLANNING DIVISION CORRESPONDENCE

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

TO: Fayetteville Planning Commission
FROM: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: ~~March 25, 2009~~ Updated April 14, 2009

ADM 09-3249: Administrative Item (AMENDMENT TO CHAPTER 164.02: ACCESSORY STRUCTURES AND USES) Submitted by Planning Staff to amend the setback and height regulations for accessory structures.

Planner: Jesse Fulcher

BACKGROUND

The City's Unified Development Code (UDC) categorizes a principal structure as the primary and larger building on a lot, such as a single-family home, and an accessory structure as the smaller and subordinate building or use on a lot, such as a garden shed. The City's UDC recognizes the basic differences between a principal and accessory structure, however, the same building setbacks are applied to both types of structures. It is common in other municipalities to allow a reduced setback for accessory structures. The intent in providing different setbacks is to provide more flexibility in siting the accessory structure, which tends to have less impact and often less permanence than principal structures.

DISCUSSION

The Fayetteville Board of Adjustment (BOA) has reviewed many variance requests to permit accessory structures within the side or rear building setback. As a result of these frequent requests, the BOA recommended an ordinance in 2006 to reduce the building setbacks for accessory structures. The Ordinance Review Committee had concerns that the setback reductions could allow for large and potentially objectionable accessory structures very close to property lines. Suggestions from the Ordinance Review Committee included: 1) a better definition of an accessory structure to which the reduced setback would apply; 2) size limitations; and 3) height limits for the structures and a potential increase in setbacks as the height of the structure increased.

PROPOSAL

The UDC defines an accessory use or structure as *"a use or structure on the same lot with, of a nature and size of 50% or less, and customarily incidental and subordinate to, the principal use or structure."* This size limitation is reiterated in Chapter 164.02(A)(4) Accessory Structures and Uses. In addition, the area that can be occupied by all buildings "building area" is restricted to 40-50% in many residential single-family zoning districts, further regulating the size of an

accessory structure. These regulations, in combination with a height limitation, should provide the clarification that was requested by the Ordinance Review Committee in 2006.

Planning staff recommends amending Chapter 164.02 to permit accessory structures to be located as close as five (5) feet from a rear property line and three (3) feet from a side property line. This would provide flexibility in siting accessory structures within residential districts, which have average rear and side setbacks of fifteen (15) feet and five (5) feet respectively. However, property owners who utilize the reduced setbacks will be limited to a maximum building height of ten (10) feet. Accessory structures greater than ten (10) feet in height, or that are permitted to exceed 50% the size of the principal structure shall be located in accordance with the building setbacks required by the zoning district in which it is located. These provisions shall not prohibit the installation of an accessory structure closer to the property line if permitted by the underlying zoning district.

RECOMMENDATION

Planning Staff recommends forwarding **ADM 09-3249** to the City Council with a recommendation for approval.

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Motion: **Zant**

Second: **Myres**

Vote: **8-0-0**

Meeting Date: **April 13, 2009**

Comments: _____

TITLE XV UNIFIED DEVELOPMENT CODE

CHAPTER 164: SUPPLEMENTARY ZONING REGULATIONS

164.01 Accessory Commercial Uses

Permitted accessory uses in RMF and R-O Districts shall include accessory commercial uses of the types included in Unit 12 provided that:

- (A) *Convenience.* Such uses are located entirely within a multi-family dwelling or office building as an accessory use for the convenience of the occupants of said building.
- (B) *Gross floor area.* Do not occupy more than 10% of the gross floor area of the building in which located.
- (C) *Signs.* Have no signs or other advertising visible from outside the zoning lot on which located.
- (D) *Location.* Are located in or contiguous to the lobby of the principal building.
- (E) *Lobby entrance.* Have at least one lobby entrance.

(Code 1965, App. A., Art. 7 (2); Ord. No. 1747, 6-29-70; Code 1991, §160.077; Ord. No. 4100, §2 (Ex. A), 6-16-98)

164.02 Accessory Structures And Uses

Accessory Structures And Uses. Accessory structures and uses shall be subject to the applicable use conditions set forth in Zoning Chapters 160 through 165, and to the following general conditions:

(A) Accessory structures.

- (1) *When erected.* No accessory structure shall be erected on any property prior to the construction of the principal structure, ~~UNLESS~~ such accessory structure shall have been approved by the Planning Commission as a conditional use. An approved accessory structure erected prior to the principal structure shall not be inhabited.
- (2) *Integral part of principal structure.* An accessory structure erected as an integral part of the principal structure shall be made structurally a part thereof, shall have a common wall therewith, and shall comply in all respects with the requirements of the building code applicable to the principal structure.
- (3) *Where erected.* ~~Height and Setback Restrictions.~~ No accessory structure shall be erected in any required setback. Accessory structures ten (10) feet or less in height shall maintain a minimum side setback of three (3) feet and a minimum rear setback of five (5) feet from the

property lines. Accessory structures greater than ten (10) feet in height shall meet the setback requirements of the zoning district in which it is located. All accessory structures shall conform to the front setbacks of the zoning district in which it is located.

- (4) *Size of accessory structure(s).* An accessory structure(s) shall be 50% or less of the size of the principal structure. Any accessory structure(s) requested that is greater than 50% the size of the principal structure shall be allowed only as a conditional use and shall be granted in accordance with §163, governing applications of conditional use procedures; and upon the finding that the requested structure is designed to be compatible with the principal structure on the property and those on surrounding properties. Accessory structures exceed 50% of the size of the principal structure shall meet the setback requirements of the zoning district in which it is located.

- (B) *Swimming pools.* Swimming pools shall not be located in any required front setback.

(Code 1965, App. A., Art. 7 (1); Ord. No. 1747, 6-29-70; Ord. No. 2177, 12-16-75; Ord. No. 3131, 10-1-85; Code 1991, §160.076; Ord. No. 4100, §2 (Ex. A), 6-16-98; Ord. 4817, 1-3-06)

164.03 Accessory Residential Uses In Nonresidential Districts

- (A) *Attached residential use.* Attached residential uses shall be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a use by right. Density limitations for attached residential uses in such zoning districts shall be governed by §161.13(C).
- (B) *Detached residential dwelling.* A detached residential dwelling unit may be permitted in the C-1, C-2, I-1 and I-2 zoning districts as a conditional use. Density limitations shall be governed by §161.13(C). The building site and setback area must be separate and distinct from off-street parking spaces and setback areas required for the principal structure and shall include a minimum of 4,200 square feet of land area. The residential structure shall be located to meet required setbacks from exterior boundaries of the total tract. The property owner shall execute and record covenant provided that the residential structure shall not be sold separately from the principal structure; the covenant shall run with the land.



THE CITY OF FAYETTEVILLE, ARKANSAS

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

PLANNING DIVISION CORRESPONDENCE

To: Board of Adjustment
From: Andrew Garner, Senior Planner
Date: March 30, 2007
Subject: Potential Ordinance Amendments (accessory structures and chimneys)
Att: Accessory Structure Regulations from Comparison Cities

The Board of Adjustment (BOA) has discussed with Planning Staff the desire to amend the City's Unified Development Code (UDC) to address some issues that are burdensome to the public. These issues include reduced side and rear building setback for small **accessory structures** (such as garden sheds, storage sheds, detached garages, pergolas, etc.), and to potentially allow **chimneys** within building setbacks.

- The City's Building Safety Division discussed with Planning Staff that state fire code requires a minimum of 3' from the edge of a structure to a property line if the structure is made of a combustible material (everything but masonry and metal). A typical wooden garden shed must be a minimum of 3' from the property line.
- Chimneys are allowed within 3' because they are non-combustible, have no openings, and have a firewall.
- Information from various municipalities was gathered as part of a previous research effort on accessory structures. This information has been *attached*.

Please review the attached information and come up with ideas or suggestions to staff on potential changes to the UDC regarding these issues. Staff will also continue to evaluate this information and formulate a recommendation.

A previous request regarding accessory structures was brought to the Ordinance Review Committee by the BOA in February 2006. This request did not receive approval from the committee because of concerns that the reduced setbacks for accessory structures could potentially allow for large and potentially objectionable accessory structures very close to property lines. The suggestions from the Ordinance Review Committee were to: (1) put together better definitions of accessory structures to which the reduced setbacks would apply; (2) multiple categories/uses of structures; (3) height limits for the structures and potential increase in setback as the height of the structure increases; and (4) size limits.

ORDINANCE REVIEW COMMITTEE:

As members of the City of Fayetteville Board of Adjustments, the undersigned would like to propose a change to the Code of Ordinances to address an issue that we feel will better serve the public as a part of the Unified Development Code.

In the Residential zoning classification there is no consideration of accessory structures (detached garages, storage sheds, pergolas, etc) with regard to separate setback restrictions. Accessory structures are currently considered by the code equal to main structures that occupy a residential lot.

For example, in R-4 districts (four single family dwellings per acre) the setbacks are as follows:

front - 25 feet,
side - 8 feet,
rear - 20 feet

In the current code, if an owner/developer/contractor were to construct a 2-car detached garage on the lot the structure would be required to conform to the above setbacks. This would leave very little land area for a functional backyard to complement the living area of the home. Likewise, if a storage structure were to be placed in compliance, it would be sited virtually in the middle of the backyard of the home.

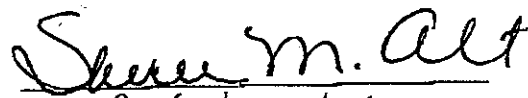
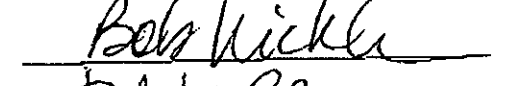
The Board of Adjustments considers numerous cases with similar requests to relieve setback requirements for accessory structures. In other jurisdictions it is common that the code allows setbacks for accessory structures. Typically, a detached structure may be placed within 3 feet of the side and rear property lines in residential districts. Oftentimes, the reduced setbacks are accompanied by maximum height restrictions of the accessory structure. The Board would like for the Planning Department to research the viability of this change and to recommend a modification to the Unified Development Code for consideration by the city council. We feel that this change would allow more flexibility in quality considerations of residential property and would lead to better land development options for the City of Fayetteville.

Thank you for your consideration.






Members, BOARD OF ADJUSTMENTS



Accessory Structure Regulations from Comparison Cities

City	Front Setback	Side Setback	Rear Setback	Bulk and Area	Height
Springfield, MO	Not allowed	District Minimum	10'	< 25% of principal structure	16'
Tulsa, OK	Not allowed	3'	3'	< 30% of rear yard area	18'
Hot Springs, AR	Not allowed	5'	5'	N/A	N/A
Wichita, KS	Behind Principal	District Minimum	5'	N/A	<60% permitted height
Boulder, CO	District Minimum	District Minimum	District Minimum	District Minimum	District Minimum
Durham, NC	District Minimum	District Minimum	5' for structures < 15' tall	N/A	N/A
Little Rock, AR	Not allowed	5'	5'	< 50% of principal structure	N/A
Dublin, OH	Not allowed	3'	5'	< 30% of rear yard	15'
Mankato, MN	Not allowed	6'	10'	< 50% of rear yard area	N/A
Sacramento, CA	Not allowed	District Minimum	District Minimum	< 33% of rear yard area	18'

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

5/5/2009

City Council Meeting Date
Agenda Items Only

David Jurgens

Submitted By

Water and Wastewater

Division

Utilities

Department

Action Required:

Approval of a resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act; designating the Mayor as the City's Authorized Representative in all matters relating to the application and administration of said request.

\$ -
Cost of this request

\$ -
Category / Project Budget

N/A- Multiple Projects
Program Category / Project Name

\$ -
Account Number

\$ -
Funds Used to Date

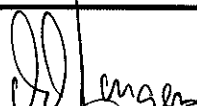
Water & Wastewater
Program / Project Category Name

N/A- Multiple Projects
Project Number

\$ -
Remaining Balance

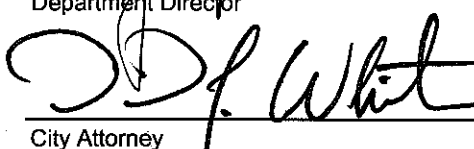
Water / Sewer
Fund Name

Budgeted Item ☐ N/ABudget Adjustment Attached ☐


Department Director

Apr 20 2009
Date

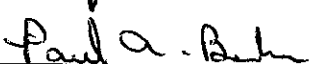
Previous Ordinance or Resolution #


City Attorney

4/22/09
Date

Original Contract Date:

Original Contract Number:


Finance and Internal Services Director

4-22-2009
Date

Received in City
Clerk's Office

ENTERED
4-20-09
WJH

Chief of Staff

Date


Mayor

4/22/09
Date

Received in
Mayor's Office

ENTERED
4-22-09
PAH

Comments:

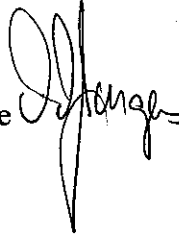
City Council Meeting of May 5, 2009

CITY COUNCIL AGENDA

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Don Marr, Chief of Staff

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



Date: April 20, 2009

Subject: Resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act.

RECOMMENDATION

Fayetteville City Administration recommends approval of a resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act; designating the Mayor as the City's Authorized Representative in all matters relating to the application and administration of said request.

BACKGROUND

American Recovery and Reinvestment Act (ARRA), i.e. Stimulus Package, Water, Wastewater and Stormwater funding guidance was distributed by ANRC April 9, 2009; the project submission deadline for consideration is April 20th. The guidance states: "To be eligible for ARRA funds, a project must have a Facilities Plan, Environmental Review, and Plans and Specification of all completed and approved by the Commission by September 1, 2009. If this deadline can not be met, ARRA funds will not be offered." Only limited projects meet these strict criteria.

DISCUSSION

The projects are listed below, in priority and by category.

Project Category	Priority	Project Name	Cost
Green Infrastructure- WW	1	Biosolids Management Facility	\$ 8,000,000
Green Infrastructure- WW	2	Sanitary Sewer Rehabilitation	\$ 3,575,335
Water	3	36" Water Line	\$ 2,249,390
Water	4	Baxter Water Tank Painting	\$ 775,000
Wastewater	5	Replace Ultraviolet Disinfection- Noland WWTP	\$ 949,728
Water	6	Benson Mountain Water Tank Replacement	\$ 250,000
Wastewater	7	Sewer Lift Station Backup Power Generators	\$ 765,754
Water	8	South Mountain Water Pump Station Upgrade	\$ 200,000
Wastewater	9	Install Redundant Band Screens in WWTPs	\$ 744,000
Green Infrastructure- WW	10	Replace Sewer Lift Stations # 1 & # 10	\$ 331,000

Work is underway on each project. Plans and specifications are developed or being developed, and environmental approval has already been granted or is being solicited in the form of a Categorical Exclusion. Each project is either in an existing structure or on existing City owned property which has already been disturbed, thus meeting requirements for approval under a Categorical Exclusion.

BUDGET IMPACT

None at this time. Any action requiring funding approval, including either the receipt or planned expenditure of funds, will be presented to the City Council upon specific notification from ANRC.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO SUBMIT WATER, WASTEWATER AND STORM WATER PROJECTS FOR CONSIDERATION FOR FUNDING UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT; AND DESIGNATING THE MAYOR AS THE CITY OF FAYETTEVILLE'S AUTHORIZED REPRESENTATIVE IN ALL MATTERS RELATING TO THE APPLICATION AND ADMINISTRATION OF SAID REQUEST.

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 water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act.

Section 2. That the City Council of the City of Fayetteville, Arkansas hereby designates the Mayor as the City of Fayetteville's Authorized Representative in all matters relating to the application and administration of said request.

PASSED and APPROVED this 5th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

By: _____
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
May 5, 2009**

A meeting of the Fayetteville City Council will be held on May 5, 2009 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:

1. Sales Tax Report – Paul Becker, Finance & Internal Services Department Director

Mayor's Announcements, Proclamations and Recognitions:

Presentations, Reports and Discussion Items:

A. Consent:

1. Approval of the April 7, 2009, April 16, 2009 Special City Council meeting and April 21, 2009 City Council meeting minutes.
2. **Insituform Technologies, Inc.:** A resolution approving renewal of a contract with Insituform Technologies, Inc. in the amount of \$330,000.00 for 2009 sanitary sewer main line and service lateral lining services.
3. **Runway Safety Area Improvement Project Grants:** A resolution authorizing the Fayetteville Executive Airport staff to apply for and accept grants from the Federal Aviation Administration and the Arkansas Department of Aeronautics to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue.

4. **Bid # 09-34 Runway Safety Area Improvement Project:** A resolution awarding Bid # 09-34 and approving a contract with XXXXXXXXXX in the amount of \$XXXXXXX for construction of the Runway 16 Runway Safety Area Improvement Project.
5. **McClelland Consulting Engineers, Inc.:** A resolution approving an agreement with McClelland Consulting Engineers, Inc. for Airport Engineering Services.

B. Unfinished Business: None

C. Public Hearing:

1. **Watson Condemnation and Possession:** A resolution authorizing the City Attorney to seek condemnation and possession of certain lands owned by Aaron H. Watson and Patricia Watson needed for the Mt. Comfort Road widening project.

D. New Business:

1. **2009 Justice Assistance Grant (JAG):** A resolution authorizing the Fayetteville Police Department to apply for a 2009 Edward Byrne Memorial Justice Assistance Grant in the amount of \$456,807.00, \$207,129.00 of which will be used by the Fayetteville Police Department for the purchase of equipment with \$106,765.00 to be disbursed to the City of Springdale and \$88,913.00 to Washington County.
2. **RZN 09-3233 (Physicians Specialty Hospital):** An ordinance rezoning that property described in rezoning petition RZN 09-3233, for approximately 2.97 acres, located at 3873 North Parkview Drive from R-O, Residential Office, to P-1, Institutional.
3. **ADM 09-3235 Amend Chapters 151, 161 and 162:** An ordinance amending Title XV: Unified Development Code of the City of Fayetteville, to amend Chapters 151: Definitions, 161: Zoning Regulations, and 162: Use Units in order to classify and define animal daycare, animal boarding, and kennels, and to permit these uses in certain situations in Commercial, Industrial, and Residential-Agricultural Zoning Districts.
4. **ADM 09-3249 Amend Chapter 164:** An ordinance amending the Unified Development Code subsection 164.02: Accessory Structures and Uses, to include setback and height regulations for accessory structures.
5. **American Recovery and Reinvestment Act:** A resolution authorizing the Mayor to submit water, wastewater and storm water projects for consideration for funding under the American Recovery and Reinvestment Act; and designating the Mayor as the City of Fayetteville's authorized representative in all matters relating to the application and administration of said request.

Agenda Additions:

Announcements:

1. City Council Tour: ~~May 4, 2009~~

NONE

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.

Pre-Agenda Meeting

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
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New
Business
#1

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B. Unfinished Business: None

C. Public Hearing:

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Agenda Additions:

Announcements:

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', written over a horizontal line.

DATE: **May 6, 2009**

RE: **Resolutions prepared by the City Attorney's Office and passed at the City Council meeting of May 5, 2009**

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