

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
June 2, 2009**

A meeting of the Fayetteville City Council will be held on June 2, 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:

1. FHS Baseball Team Proclamation

THIS PROCLAMATION WAS REMOVED UNTIL THE JUNE 16, 2009 CITY COUNCIL MEETING.

A. Consent:

1. Approval of the May 19, 2009 City Council meeting minutes.
2. **Bid # 09-42 Laser Specialists, Inc.:** A resolution to award Bid # 09-42 to Laser Specialists, Inc. to purchase GPS surveying equipment in the amount of \$30,080.00 plus taxes and fees.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 113-09

3. **Dawson Education Cooperative:** A resolution to approve the Interlocal Cooperation Agreement with Dawson Education Cooperative to enable the City of Fayetteville to purchase goods and services through the Texas Arkansas Purchasing System.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 114-09

4. **Arkansas Emergency Telephone Services Board:** A resolution to accept training reimbursement from the Arkansas Emergency Telephone Services Board in the amount of \$796.00 and to approve a budget adjustment recognizing this revenue.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 115-09

5. **2009 Water and Sewer Revenue Bonds:** A resolution to approve a budget adjustment in the amount of seven and a half million dollars (\$7,500,000.00) to recognize revenue from the sale of the 2009 Water and Sewer Revenue Bonds.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 116-09

6. **Repeal Bid # 09-27 Lewis Ford:** A resolution to repeal Resolution No. 86-09 and to award Bid # 09-27 for a 4X4 compact pickup truck to Lewis Ford of Fayetteville in the amount of \$18,379.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 117-09

7. **Repeal Bid # 09-28 Lewis Ford:** A resolution to repeal Resolution No. 87-09 and to award Bid # 09-28 for an extended cab compact pickup truck to Lewis Ford of Fayetteville in the amount of \$15,987.00.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 118-09

B. Presentations, Reports and Discussion Items:

1. False Alarm Ordinance 5083 Discussion

THIS WAS A DISCUSSION ITEM ONLY. NO ACTION WAS TAKING.

C. Unfinished Business:

1. **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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting. This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.*

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 119-09

2. **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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting. This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.*

THIS ITEM WAS TABLED TO THE JUNE 16, 2009 CITY COUNCIL MEETING.

3. **McClelland Consulting Engineers, Inc.:** A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of \$231,100.00 and to approve a budget adjustment of \$231,096.00. *This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.*

THIS ITEM WAS TABLED TO THE JUNE 16, 2009 CITY COUNCIL MEETING.

4. **R-PZD 09-3253 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 09-3253, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan. *This ordinance was left on the Second Reading at the May 19, 2009 City Council meeting.*

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5242

D. New Business:

1. **Bid # 08-53 Future Link:** A resolution approving the purchase of five (5) additional Datalux Computers from Future Link under Bid # 08-53 in the amount of \$25,503.00 (plus Tax) for use in five (5) new police 24-hour patrol units.

PASSED AND SHALL BE RECORDED AS RESOLUTION NO. 120-09

2. **Utilities Department Positions:** A resolution to amend the 2009 Budget to authorize and fund two full time employee positions for project design and management of Utilities Department projects and to approve the attached budget adjustment to reduce the overall Water and Sewer Budget by \$250,000.00.

THIS ITEM WAS TABLED TO THE JUNE 16, 2009 CITY COUNCIL MEETING.

3. **RZN 09-3270 (Ramona Jones):** An ordinance rezoning that property described in rezoning petition RZN 09-3270, for approximately 1.00 acre, located at 41 East North Street, on the southwest corner of North and Pollard from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5243

4. **VAC 09-3267 (Life Styles):** An ordinance approving VAC 09-3267 submitted by Bates and Associates for property located at Sycamore Street and Saddlehorn Avenue, to vacate an unimproved portion of right-of-way for Sycamore Street, containing a total of 0.07 acres.

PASSED AND SHALL BE RECORDED AS ORDINANCE NO. 5244

Agenda Additions:

Announcements:

- 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.

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

City Council Meeting:

Jul 2, 2009

Adjourn: 6:40 PM

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

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

Subject:	Consent				
Motion To:					
Motion By:		Approve			
Seconded:		Cook			
Minutes Approved Passed	Gray	Petty			
	Thiel	Absent			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	Absent			
	Mayor Jordan				

6-0

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

Subject:	False Alarm Ordinance 5083 Discussion				
Motion To:					
Motion By:					
Seconded:					
B. 1 Discussion Item <i>NO</i> <i>VOTE</i>	Gray	<i>NO</i>			
	Thiel	<i>VOTE</i>			
	Cook				
	Petty				
	Rhoads				
	Ferrell				
	Lucas				
	Lewis				
	Mayor Jordan				

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

Subject:		Runway Safety Area Improvement Project Grants			
Motion To:			Amend	Pass	
Motion By:			Cook	Ferrell	
Seconded:			Ferrell	Lucas	
C. 1 Unfinished Business <u>passed</u>	Gray	Absent	absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Petty	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Lewis	Absent	Absent		
	Mayor Jordan				

6-0

6-0

Subject:		Bid # 09-34 Runway Safety Area Improvement Project			
Motion To:			Table to the next meeting		
Motion By:			Ferrell		
Seconded:			Lucas		
C. 2 Unfinished Business <u>Tabled to June 16, 2009</u>	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	absent			
	Mayor Jordan				

6-0

Subject:		McClelland Consulting Engineers, Inc.			
Motion To:		Table to June 16, 2009			
Motion By:		Ferrell			
Seconded:		Lucas			
C. 3 Unfinished Business Tabled to June 16, 2009	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	Absent			
	Mayor Jordan				

6-0

Subject:		R-PZD 09-3253 (Park Hill at Mountain Ranch)			
Motion To:		3rd Read	Pass		
Motion By:		Lucas			
Seconded:		Ferrell			
C. 4 Unfinished Business <u>Passed</u>	Gray	Absent	Absent		
	Thiel	✓	✓		
	Cook	✓	✓		
	Petty	✓	✓		
	Rhoads	✓	✓		
	Ferrell	✓	✓		
	Lucas	✓	✓		
	Lewis	Absent	absent		
	Mayor Jordan				

6-0

Subject:		Bid # 08-53 Future Link			
Motion To:					
Motion By:					
Seconded:					
D. 1 New Business <u>passed</u>	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	Absent			
	Mayor Jordan				

6-0

Subject:		Utilities Department Positions			
Motion To:					
Motion By:					
Seconded:					
D. 2 New Business Tabled to June 16, 2009	Gray	Absent			
	Thiel	✓			
	Cook	✓			
	Petty	✓			
	Rhoads	✓			
	Ferrell	✓			
	Lucas	✓			
	Lewis	Absent			
	Mayor Jordan				

6-0

Subject:		RZN 09-3270 (Ramona Jones)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Cook	Cook		
Seconded:		Lucas	Petty		
D. 3 New Business <u>Passed</u>	Gray	Absent	absent	Absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	Absent	Absent	Absent	
	Mayor Jordan				

6-0

6-0

6-0

Subject:		VAC 09-3267 (Life Styles)			
Motion To:		2nd Read	3rd Read	Pass	
Motion By:		Petty	Cook		
Seconded:		Ferrell	Ferrell		
D. 4 New Business <u>Passed</u>	Gray	Absent	absent	absent	
	Thiel	✓	✓	✓	
	Cook	✓	✓	✓	
	Petty	✓	✓	✓	
	Rhoads	✓	✓	✓	
	Ferrell	✓	✓	✓	
	Lucas	✓	✓	✓	
	Lewis	Absent	absent	absent	
	Mayor Jordan				

FAYETTEVILLE

THE CITY OF FAYETTEVILLE, ARKANSAS

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



DEPARTMENTAL CORRESPONDENCE

LEGAL DEPARTMENT

TO: **Lioneld Jordan**, Mayor

THRU: **Sondra Smith**, City Clerk

FROM: **Kit Williams**, City Attorney

A handwritten signature in black ink, appearing to read 'Kit Williams', with a long horizontal flourish extending to the right.

DATE: **June 3, 2009**

RE: **Resolutions and Ordinances prepared by the City Attorney's Office and passed at the City Council meeting of June 2, 2009**

1. **Bid #09-42 Laser Specialists, Inc.:** A resolution to award Bid #09-42 to Laser Specialists, Inc. to purchase GPS Surveying Equipment in the amount of \$30,080.00 plus taxes and fees;
2. **Dawson Education Cooperative:** A resolution to approve the Interlocal Cooperation Agreement with Dawson Education Cooperative to enable the City of Fayetteville to purchase good and services through the Texas Arkansas Purchasing System;
3. **Arkansas Emergency Telephone Services Board:** A resolution to accept training reimbursement from the Arkansas Emergency Telephone Services Board in the amount of \$796.00 and to approve a budget adjustment recognizing this revenue;
4. **2009 Water and Sewer Revenue Bonds:** A resolution to approve a budget adjustment in the amount of seven and a half million dollars (\$7,500,000.00) to recognize revenue from the sale of the 2009 Water and Sewer Revenue Bonds;
5. **Repeal Bid #09-27 Lewis Ford:** A resolution to repeal Resolution No. 86-09 and to award Bid #09-27 for a 4x4 compact pickup truck to Lewis Ford of Fayetteville in the amount of \$18,379.00;

6. Repeal Bid #09-28 Lewis Ford: A resolution to repeal Resolution No. 87-09 and to award Bid #09-28 for an extended cab compact pickup truck to Lewis Ford of Fayetteville in the amount of \$15,987.00;

7. 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 in the amount of \$3,813,208.00 to fund the Runway 16 Runway Safety Area Improvement Project; and approving a budget adjustment recognizing the grant revenue;

8. Bid #08-53 Future Link: A resolution approving the purchase of five additional Datalux Computers from Future Link under Bid #09-53 in the amount of \$25,503.00 (plus tax) for use in five new police 240hour patrol units.

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Aldermen

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A. Consent:

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B. Presentations, Reports and Discussion Items:

1. False Alarm Ordinance 5083 Discussion

C. Unfinished Business:

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This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

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3. **McClelland Consulting Engineers, Inc.:** A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of \$231,100.00 and to approve a budget adjustment of \$231,096.00.

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D. New Business:

- 1. Bid # 08-53 Future Link:** A resolution approving the purchase of five (5) additional Datalux Computers from Future Link under Bid # 08-53 in the amount of \$25,503.00 (plus Tax) for use in five (5) new police 24-hour patrol units.
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Agenda Additions:

Announcements:

- 1. City Council Tour: None**

Adjournment:

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Handed out
at Agenda Session -
Updated information

City of Fayetteville Staff Review Form

D. 1
Bid # 08-53 Future Link
Page 1 of 8

City Council Agenda Items
and
Contracts, Leases or Agreements

6/2/2009

City Council Meeting Date
Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution approving the purchase of five additional Datalux computers from Future Link per bid #08-53 in the amount of \$25,503.00 (plus tax) for use in five new police 24 hour patrol units.

\$ 27,862.00

Cost of this request

\$ 69,078.00

Category / Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 11,470.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.2007

Project Number

\$ 57,608.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Tony J. Gully
Department Director

5-26-09

Date

Previous Ordinance or Resolution #

D. P. White
City Attorney

5/26/09

Date

Original Contract Date:

Original Contract Number:

Paul A. Beuhr
Finance and Internal Services Director

5-26-09

Date

Received in City
Clerk's Office

5/26/09

Don Man
Chief of Staff

5/27/09

Date

Received in
Mayor's Office

ENTERED
5/26/09

David Jordan
Mayor

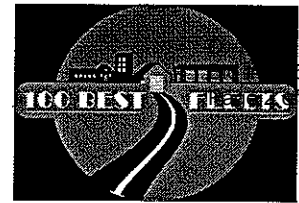
5/28/09

Date

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



53 Future Link
8

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: BARBARA OLSEN, FLEET SUPPORT MANAGER

DATE: MAY 18, 2009

SUBJECT: Purchase of five Computers for Police cars

Future Link emailed a change in price on the computers – they are a little less expensive. In correcting the purchase requisition, I realized that the tax amount had inadvertently been left off the total on the Staff Review Form.

I've corrected the purchase requisition and staff review form.

The Resolution will need to be amended so the dollar amount is also correct.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF FIVE (5) ADDITIONAL DATALUX COMPUTERS FROM FUTURE LINK UNDER BID #08-53 IN THE AMOUNT OF \$25,503.00(PLUS TAX) FOR USE IN FIVE (5) NEW POLICE 24-HOUR PATROL UNITS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of five (5) additional Datalux computers from Future Link under Bid #08-53 in the amount of \$25,503.00 (plus tax) for use in five (5) new 24-hour patrol units.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

D. 1

Bid # 08-53 Future Link

Page 4 of 8

Vendor #:						Vendor Name:		Requisition No.:		Date:	
18094						FUTURE LINK		P.O Number:		Expected Delivery Date:	
Address:						Fob Point:		Mail Yes:		Taxable Yes: No: X	
City:				State:		Zip Code:		Ship to code: 50		Quotes Attached Yes: No:	
Requester: BARBARA OLSEN						Requester's Employee #: 1940		Division Head Approval: 730		Extension: 485	
Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #		
1	TX204 COMPUTERS WITH BOTH XP & VISTA	5	EA	4,520.00	\$22,600.00	9700.1920.5802.00	02081.2007				
2	MOUNTING PKG FOR CROWN VIC	3	EA	676.00	\$2,028.00	9700.1920.5802.00	02081.2007				
3	KEYBOARDS FOR DODGE CHARGERS	2	EA	350.00	\$700.00	9700.1920.5802.00	02081.2007				
4	PER BID #08-53				\$0.00						
5					\$0.00						
6					\$0.00						
7					\$0.00						
8					\$0.00						
9					\$0.00						
10					\$0.00						
*	Shipping/Handling	1	Lot	175.00	\$175.00						
Special Instructions:							Subtotal: \$25,503.00				
							Tax: \$2,359.03				
							Total: \$27,862.03				
Approvals:											
Mayor: _____				Department Director: _____				Purchasing Manager: _____			
Finance & Internal Services Director: _____				Budget Manager: _____				IT Manager: _____			
Dispatch Manager: _____				Utilities Manager: _____				Other: _____			

City of Fayetteville Staff Review Form

D. 1
 Bid # 08-53 Future Link
 Page 5 of 8

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

6/2/2009

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution approving the purchase of five additional Datalux computers from Future Link per bid #08-53 in the amount of \$26,175.00 for use in five new police 24 hour patrol units.

\$ 26,175.00

Cost of this request

9700.1920.5802.00

Account Number

02081.2007

Project Number

\$ 69,078.00

Category / Project Budget

\$ 11,470.00

Funds Used to Date

\$ 57,608.00

Remaining Balance

Police/Passenger Vehicles

Program Category / Project Name

Vehicles and Equipment

Program / Project Category Name

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Department Director

5-18-09

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

5/20/09

Date

Finance and Internal Services Director

5-20-2009

Date

Received in City Clerk's Office

Chief of Staff

5/20/09

Date

Received in Mayor's Office

Mayor

5/20/09

Date

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



3 Future Link
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Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT.

DATE: MAY 18, 2009

SUBJECT: Purchase of five Computers for Police cars

RECOMMENDATION: That City Council approve the purchase of an additional five computers from Bid 08-53 for Police Department in the amount of \$26,175 from Future Link of Illinois.

BACKGROUND: At the August 5, 2008 Council meeting, Resolution #152-08 was passed approving the purchase of new Datalux computers from Future Link per bid #08-53. Fleet Operations would like to purchase an additional five computers off this bid to install in five new Police cars. Future Link has agreed to honor their bid for these additional purchases.

It is necessary to purchase the exact same make and model of computer so that these units are interchangeable and will fit in any patrol unit.

Funds are available in Fleet Police/Passenger Project #02081.2007 for this purchase.

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

Requestion No.:		Date:	
P.O Number:		Expected Delivery Date:	
Vendor #:		Mail Yes: ☐ No: ☐	
Address:		Taxable Yes: ☐ No: ☐	
City:		Quotes Attached Yes: ☐ No: ☐	
State:		Division Head Approval: <i>Bob Ford</i>	
Zip Code:		Extension: 485	
Requester's Employee #: 50		Project/Subproject #	
Account Numbers		Inventory #	
Fixed Asset #			

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Requester's Employee #	Project/Subproject #	Inventory #	Fixed Asset #
1	TX204 COMPUTERS WITH BOTH XP & VISTA	5	EA	4,541.00	\$22,705.00	9700.1920.5802.00	02081.2007		
2	MOUNTING PKG FOR CROWN VIC	3	EA	676.00	\$2,028.00	9700.1920.5802.00	02081.2007		
3	MOUNTING PKG FOR DODGE CHARGER	2	EA	721.00	\$1,442.00	9700.1920.5802.00	02081.2007		
4	PER BID #08-53				\$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: \$26,175.00

Tax: \$2,421.19

Total: \$28,596.19

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

From: "Robert Paulson" <bob@FutureLinkIT.com>
To: <bolsen@ci.fayetteville.ar.us>
Date: 5/14/2009 2:55 PM
Subject: Bid pricing for Datalux units

This email is to confirm the bid pricing for Fayetteville is still good and will be honored by Future Link.

Previous purchase was as follows:

TX204 - 4491.00
Both XP & Vista - \$50.00
Mount Pkg for Crown Vics - \$676 (includes floor plate)
Ext Warranty - included
2gb-ram - included
Speakers - included

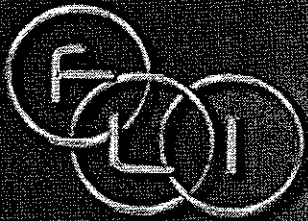
Prices vary if a different vehicle mount is need.

If you have any questions let me know. Thank you.



Robert Paulson

Email: Bob@FutureLinkIT.com
Office: 630-653-3000



Future Link

Future Link & Data Moving Company

25W658 St. Charles Rd. Carol Stream, IL 60188

Office: 630-653-3000 Fax: 630-653-9585

Support: Support@FutureLinkIT.com

www.FutureLinkIT.com

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
May 19, 2009**

A meeting of the Fayetteville City Council was held on May 19, 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, Rhoads, Ferrell, Lucas, Lewis, Mayor Jordan, City Attorney Kit Williams, City Clerk Sondra Smith, Staff, Press, and Audience.

Pledge of Allegiance

Mayor's Announcements, Proclamations and Recognitions: None

Presentations, Reports and Discussion Items: None

Consent:

Approval of the May 5, 2009 City Council meeting minutes.

Approved

Bid # 09-33 Wayest Safety Inc.: A resolution to approve the lowest responsible bid from Wayest Safety, Inc. for the purchase of 44 complete, self-contained breathing apparatus' (SCBA), and extra cylinders for \$261,998.35 plus a contingency of \$28,001.65 to purchase additional masks, amplifiers and clamps.

Resolution 105-09 as Recorded in the office of the City Clerk.

Doc Mashburn Park Grant: A resolution to accept an Arkansas Parks and Tourism matching grant in the amount of \$50,000.00 for development of Doc Mashburn Park and to approve a budget adjustment to recognize this revenue.

Resolution 106-09 as Recorded in the office of the City Clerk.

High Intensity Drug Trafficking Area Grant: A resolution authorizing the Fayetteville Police Department to accept additional funding through the 2007 Gulf Coast High Intensity Drug Trafficking Area Grant in the amount of \$20,000.00 to support investigations; and approving a budget adjustment recognizing the grant revenue.

Resolution 107-09 as Recorded in the office of the City Clerk.

Community Development Block Grant Program: A resolution to approve a budget adjustment to recognize \$28,233 from the Community Development Block Grant Program for the Yvonne Richardson Community Center.

Resolution 108-09 as Recorded in the office of the City Clerk.

Identity Theft Prevention Program: A resolution approving and adopting Policy and Procedure No. BC-04 "Identity Theft Prevention Program" to comply with provisions of the Fair and Accurate Credit Transactions (FACT) Act.

Resolution 109-09 as Recorded in the office of the City Clerk.

Sweetser Construction, Inc.: A resolution to approve a construction contract with Sweetser Construction, Inc. in the amount of \$3,773,418.22 for widening and improvements to Mount Comfort Road and to approve a contingency in the amount of \$377,340.00.

Resolution 110-09 as Recorded in the office of the City Clerk.

2009 Recreational Trails Grant: A resolution expressing the willingness of the City of Fayetteville, Arkansas to utilize Federal-Aid Recreational Funds.

Resolution 111-09 as Recorded in the office of the City Clerk.

Alderman Gray moved to approve the Consent Agenda as read. Alderman Thiel seconded the motion. Upon roll call the motion passed unanimously.

Unfinished Business:

Social Media Communication: A resolution to include social media in citizen communications. *This resolution was tabled at the April 21, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

Alderman Petty: All this resolution says is the City Council is asking the Administration to come up with a communications plan that includes social media. It does not specify which tools the Administration would use or how that plan would be developed. It would be left to the discretion of the Administration. We would trust them as we move forward that they will develop that plan based on what they find to be practice as they experiment with these tools.

Alderman Thiel: How does the Administration see this being funded or is there a cost to this.

Mayor Jordan: There are three areas we are already working in. We have introduced Facebook, Twitter, and an electronic newsletter. I don't see that we can use much staff time due to the economic times we are facing.

Alderman Thiel: It sounds like the City has already starting doing these things. What do you feel like needs to be done beyond what the City has started?

Alderman Petty: The City has only scratched the surface with these tools. There is a lot of opportunity for doing other things that has not been explored yet. We can experiment all we want but if we do not have a plan, policies, and procedures then there are some issues that could catch us by surprise. I think there is more to be done than what we are doing right now.

Alderman Thiel: This resolution is asking the City to do what it sounds like they are already doing. Do you want them fund this because it is going to take staff time to do some of the things you are talking about.

Alderman Petty: It is going to take a little bit of staff time but I think it is going to take less than most of us think. Notices will be sent to multiple email lists, to a Facebook group and to the website. There is an opportunity to manage that centrally so it doesn't take much time. It seems like the City has already started on this path but we have not seen the expetive commitment to having a plan or revisiting how they are using the tools on a regular basis. I think it is very valuable to have a plan and to continue to develop that. Things are changing quickly and there are opportunities all the time that we could be taking advantage of.

Todd Gill: I am a small business owner. My business depends on me reaching as many people as I can. I have to ask myself which of these tools I should be using, how should I use them, and how much of my business time should I dedicate to use them. One thing I have never asked myself is should I be using these tools. I encourage you to keep experimenting as I am less we miss out on a big opportunity to communicate with a huge portion of the citizens.

Peggy Treiber: Facebook got me here at the right time for the right subjects and the newspapers did not.

Alderman Ferrell: Did you go to the City's website to see if it listed the meeting and what time it started?

Peggy Treiber: After I saw it on Facebook I went to the City's website and double checked.

Fran Alexander: I disagree with Mr. Petty on a couple of points. I have no argument about all the technology we can possibly use for communication. There needs to be a process that the citizens can understand. There are a couple of sentences in the resolution that does not lend themselves to what Mr. Petty is trying to accomplish. Social media reduces time spent on FOIA compliance, how is that going to work? The City will make a good faith effort to include public comment and discussion received via social media in the record, I would like to know the process that is going to have. I think this is a matter of open government and manners. It is very disturbing that technology has now taken us to a level where we really don't know if we are

engaging each other when we talk to each other. Hopefully it will become a policy to determine whether or not we allow this sort of activity to occur during the meetings. The resolution says a good faith effort to include public comment and discussion received via social media, when is it received, and how is it received. How do the people who came here tonight know about it?

Alderman Petty: On the matter of FOIA compliance I can not tell you how it will work but I can tell you how it could work. Memos should appear on the website the moment it is created and given to the person who is intended to receive it. That is an example of social media improving FOIA compliance. Other cities have developed a process for taking live comments during meetings and including those for everyone who is at the meeting to see. What I am thinking about is public comment that is received during the discussion before the meeting happens included in the agenda packets. We are not talking about members up here taking public comment in private.

Leanne Vanwinkle Gisler, a business owner: I think it is important that we be an inclusive community. While this resolution has the best of intentions to be inclusive I think that its very core is probably one of the most exclusionary things I have seen come before this body for a long time. Fayetteville, according to Cities.com, has a 24% poverty rate of people living at or below the poverty line, we need to be incredibly aware of how information is distributed, what its outlets are, and that we are including all people at all social economical levels. I am not anti technology, but I think that as a city we want to send the message that we include all of our citizens. That we make information available in a very broad based and open means. I have fought for first amendment rights for a long time. I am in no way advocating censorship on any level but one of the things a legislative body such as yourself has to undertake, is you are charged with a deliberative process and sometimes the available of something instantly is not in anyone's best interest. We use all types of media to reach people but we also realize that there are people who don't want an email. They want me to sit down and talk to them. I think for you to endorse this type of resolution says we are willing to look at and ignore a huge portion of our population.

Jonathan Cox: I am a college student. I follow the news through the internet. I found out about this meeting through Twitter. If poverty is the issue I think this is a fairer way of getting the word out because I do not pay for the technologies that I get my news through.

Alderman Gray: Would there be communication on Twitter and Facebook that would not be available any place else?

Alderman Petty: It may have a different context but I expect that the information that is core that it references would be available in multiple locations.

Alderman Cook: Is this just going to be at the staff level or are we going to involve the Telecommunications Board? If we are going to try to develop a strategy how will this process go forward?

Mayor Jordan: If it is passed by the Council I will sit down with staff and we will work out some sort of plan and if we have enough money to do what we need to do.

Alderman Cook: I don't see this as limiting public information it just provides another vehicle to get the information out there. I don't feel it's wrong for us to look at and see if we can come up with some options. One of my concerns is we may get different opinions and all the sudden someone says this came from the City and it says two different things.

Alderman Lewis: I am concerned about Section 3 of the resolution. One of the fears from the public is this will take a lot of staff time. I feel the intent is to reduce staff time. The idea is that this would make the processes more efficient and therefore save staff time. I am not seeing where this will stop our current means of communication. The intent is to expand that. The new technology is stimulating the activism in our younger population. Where did the Transition Team leave the communication plan? Did they develop a plan or did they say they would develop a plan?

Don Marr, Chief of Staff: The sub group transition final report talked about the need to explore more options of communication than had typically been done at the City level. It did not address communication at a City Council meeting. It talked about communication as a whole from the Administration. Where it did not cross over was activities within a meeting. Most of the people seem to be accessing the individual versus the organization. The one staff concern that I have is that most of the communication practice with the City has been developing the message and disseminating the message. It has not been a back and forth exchange. The staff time that will be saved in terms of getting information out may require more back and forth communication because it is more of a dialogue taking place must like it takes place in person. I am not saying that is a negative but it is staff planning time we are looking at. The biggest issue that we have is that someone may think I am not communicating things that may come through and that I am putting my own person slant or the Administrations slant on it so that it becomes propaganda oriented or that I pick and choose whose comments I would highlight. The part of this resolution that concerns me is the part about including public comment in discussion. The one part that came up through this discussion has been activity that takes place by the nine of you and me. It would be my recommendation that you consider your own rules and how you are going to do it sitting up there because of the concerns you have heard and some parameters around whoever is Twittering at the meeting. What guidelines we are going to go by. Getting the information out is very different than having this interactive exchange with a computer.

Alderman Lewis: This seems more general.

Mayor Jordan: What I see in the resolution is we are going to develop a future plan for the City.

Alderman Lewis: This resolution seems like it is the City Council giving permission for the staff to investigate and develop a plan in regard to social media tools or new technology.

Don Marr: To me the last sentence speaks to all communication and the one meeting this happens with continually is this meeting. We want to be clear as to the expectation as it relates to this meeting being different than the general communication from City Hall every day. We think they are two different processes.

Alderman Ferrell: I have concerns about the time and money. The only constant we have right now is the change in technology. Matthew, I am glad that you know as much about technology

as you do. I think you serve us in a great way. I think we have a bigger question here because there is going to be technology coming in a bang. I am not opposed to using technology. I think we need to be completely prepared to do that.

Alderman Thiel: I feel there is going to be some cost in this if it results in something more than what we are already doing. This to me sounds like what the Administration is already trying to do. I am concerned that we are reducing what we are doing in the news media. My concern is I don't want us to spend more money on something that to some extent we are already doing.

Alderman Rhoads: I support the resolution because it is a request to look at this. I presume if we do not like the policy we can change the policy after it is in place.

Alderman Gray: We are voting on looking at a plan but the plan will not come back to the City Council. Administration will make that decision.

Alderman Lucas: In general the idea sounds good but everyone has a different idea about what this says. I think it needs to be clearer about what the resolution means. It is already being done. We have a very open government now. I think everyone has a chance to get into the system. If someone comes to the Council meeting they can talk one time but if someone Twitters they will get multiple times to comment. I would like to have more concrete information as to where we are going with this.

Alderman Petty: This does not switch our communication to social media it adds social media to our communication methods. We are not excluding anybody by passing this. We can not communicate perfectly with our citizens. All we can do is make a good faith effort. Different people get their news and get involved in different ways and restricting ourselves to the conventional forms of communication doesn't cut it as a good faith effort any more. We have to do more than what we have been doing. That is what this resolution is intended to do. Staff knows more than anybody what is practical and that is what is going to drive their decisions. That's how cost will stay low with this. We already have an internal committee exploring the redevelopment of the website. We have volunteer teams that are passionate about being involved in this. Plans are valuable and planning is valuable. I think creating a plan, developing it, and keeping it updated is a very important thing to know where we are and to avoid the pitfalls that have been brought up tonight.

Alderman Gray: Rather than the social media being more limiting it seems to me it is just the opposite because we are going to connect with folks who would not read a newspaper and are probably not home to watch the television.

Alderman Lewis moved to amend the resolution to remove Section 1. Alderman Petty seconded the motion. Upon roll call the motion passed unanimously.

Alderman Petty moved to approve the resolution as amended. Alderman Rhoads seconded the motion. Upon roll call the resolution passed unanimously.

Resolution 112-09 as Recorded in the office of the City Clerk.

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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

Alderman Ferrell moved to table the resolution to the June 2, 2009 City Council meeting. Alderman Rhoads seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the June 2, 2009 City Council meeting.

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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

Alderman Thiel moved to table the resolution to the June 2, 2009 City Council meeting. Alderman Gray seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the June 2, 2009 City Council meeting.

New Business:

McClelland Consulting Engineers, Inc.: A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of \$231,100.00 and to approve a budget adjustment of \$231,096.00.

Alderman Thiel moved to table the resolution to the June 2, 2009 City Council meeting. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

This resolution was tabled to the June 2, 2009 City Council meeting.

ADM 09-3263 (Abshier Heights Modification): An ordinance amending a Residential Planned Zoning District entitled R-PZD 06-1883, Abshier Heights, located at the northwest corner of Abshier Drive and Hillcrest Avenue, containing approximately 4.11 acres, to reflect revised conditions of approval as described herein.

Jeremy Pate, Development Services Department Director gave a brief summary of the ordinance. Jeremy stated there are four speed tables in the project and that staff is in favor of reducing the number of speed tables.

A discussion followed on the speed tables and where the speed table locations might be.

Alderman Thiel moved to amend the ordinance to remove the requirement to install speed tables and add a stop sign. Alderman Ferrell seconded the motion. Alderman Thiel withdrew her motion and Alderman Ferrell withdrew his second.

Alderman Thiel moved to amend the ordinance to require the applicant to install one speed table if requested by the City Engineer prior to issuance of a certificate of occupancy. Alderman Ferrell seconded the motion. Upon roll call the motion passed unanimously.

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Aubrey Shepherd: There should be some way that there is an annual review of storm water management on the site and a way to review the need for speed tables.

A discussion followed on doing an annual review.

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

Ordinance 5240 as Recorded in the office of the City Clerk.

VAC 09-3255 (Harvey/3570 Jasper Lane): An ordinance approving VAC 09-3255 submitted by Alan Reid for property located at 3570 Jasper Lane, Lot 9 of the Copper Creek Subdivision to vacate a 34 square foot portion of the drainage easement in the rear of the property.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated staff is in favor of the vacation and the Planning Commission voted 7-0 in favor of the vacation.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

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

Ordinance 5241 as Recorded in the office of the City Clerk.

R-PZD 09-3253 (Park Hill at Mountain Ranch): An ordinance establishing a Residential Planned Zoning District titled R-PZD 09-3253, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the ordinance. He stated the Planning Commission voted 8-0 in favor of this project. Staff is recommending approval.

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

City Attorney Kit Williams read the ordinance.

This ordinance was left on the Second Reading

RZN 09-3217 (Winkler): An ordinance rezoning that property described in rezoning petition RZN 09-3217, for approximately 0.25 acres, located at 300 South College Avenue and 145 East South Street from NC, Neighborhood Conservation, to DG, Downtown General.

City Attorney Kit Williams read the ordinance.

Jeremy Pate gave a brief description of the rezoning. He also reviewed the Walker Park Master Plan process. The Planning Commission voted 5-4 and staff recommended approval of the application finding that Downtown General in this location was consistent with the four guiding tools that we have with the Walker Park Master Plan to create a balance of uses in housing and to retain and create diversity of housing and uses within this neighborhood. Downtown General is still predominantly residential in nature. It is not a predominant commercial zoning at all. It allows low intensity residential and nonresidential uses. The applicant met with the neighborhood at least once to discuss the potential plans. We felt this was consistent both with City Plan 2025 and with our Walker Park Neighborhood Master Plan within this area.

Alderman Petty: Are there any multifamily uses allowed in the Neighborhood Conservation zoning?

Jeremy Pate: Neighborhood Conservation allows for single family and two family by right. It allows for the three family by conditional use.

Alderman Lewis: How specific was the outcome to the charrette process as far as the zoning?

Karen Minkel, Strategic Planning & Internal Consulting Department Director: When we work these master plans, we always look at what the City can do to help move the vision forward. Most of the vision happens in the private sector because we do not develop anything and so one of the most powerful tools that we have is zoning. We always look at zoning as part of the master plan process and how we can utilize that as a tool to achieve those principles. The first principle which is a balance of mixes and housing types within this neighborhood was critical when we were looking at the zoning. Seventy five percent of the existing area was zoned for multifamily. There was no single family zoning at all within the 390 acres that we were looking at. In the result we proposed a plan that changed that so that 50% of the neighborhood would now be Neighborhood Conservation. That was a significant shift and I think definitely in line with what the participations expressed. One of the strengths the participants talked about and that is also highlighted in the plan is that one of the strengths of the neighborhood is that it is diverse and that you have a mix of housing types and a mix of uses. That is what we were trying to achieve with the zoning recommendation.

Alderman Lucas: In the neighborhood, can you have studios?

Karen Minkel: I do not believe so it is solely residential. Single family and two family are the only uses allowed by right.

Alderman Thiel: The charrette process of the Walker Neighborhood Plan that is what I have heard from more and as I recall in the meetings there was a real buy in on basically the concept. That was their understanding, in fact they spoke at the Planning Commission when this was discussed and at that time they pointed out that they wanted this to remain what had been adopted in the Walker Neighborhood Plan.

Karen Minkel: In the original version when this particular property was shown as Neighborhood Conservation?

Alderman Thiel: When the Walker Neighborhood Plan was adopted that was reconsidered for the Winkler's during that first Planning Commission meeting. It came back to us and we again supported the neighborhood because they felt like when they had participated in the charrette process that was how they wanted it to be and they disagreed with the Planning Commission's ruling on that. That is why the City Council voted with the neighborhood. I will probably vote as I voted the last time simply because I feel like it is the same thing as the Fayette Junction Plan. Then the Planning staff said they felt like we should basically follow the neighborhood's wishes and the charrette process because they had been very involved. The Planning Commission went one way and I supported the Planning staff recommendation based on the fact that there had been a lot of participation in the charrette process. The neighborhood had bought in on something and for the charrette processes to continue to be positive and to get participation for the Planning Commission and the Council to go against a portion of that it kind of flies in the face of what we are trying to establish. My recall of the Walker Neighborhood charrette was that was what they wanted and that is what they bought into.

Karen Minkel: The Walker Park Neighborhood Master Plan came through the process first and then the zoning was one step to achieving that and that is when this issue came up. The Master Plan had already been approved and the Illustrative Plan and zoning was a separate item because it is a step in achieving the vision. There was a discussion about what the neighborhood wanted. The challenge that is here and that we probably see with all of our master plans is that when we talk about the principles that we want for the neighborhood I think that everyone in this room would say they are firmly committed to the principles of this master plan. I think the challenges are there are always going to be gray areas if you are on the border and when you are looking at the surrounding zoning. In those meetings staff said you could go either way on this property. The way we were making the decision was that we looked at the principles and then we looked at the property owner and looked at what their preference would be. I think that is the challenge that there are going to be those gray areas and zoning is not static. A property owner can come forward with a request at any time to change that. I think it would have to be looked at individually especially when it is a very small piece of the total plan I think there is more gray area there.

Alderman Petty: Compared to the previous zoning before the plan was adopted how many units would have been allowed on this parcel?

Jeremy Pate: It was zoned 24 units per acre so a quarter of an acre would be five to six units.

Michele Winkler, co-owner of the property: I want to thank the Mayor and Planning Commission for being here tonight, I know it is part of your job but it can be argues and we appreciate that you are here.

We are here tonight to petition the City Council to grant a rezoning to that property. The background has been thoroughly covered so I don't think I need to go into that. In 1994 we purchased .63 acre of land two blocks south of the Fayetteville Square zoned for multifamily structures. We upgraded the houses there in order to make them inhabitable yet let them remain affordable. It has always been our plan to build apartments there when the current structures reached the end of their usability which is soon. We believe in creating affordable housing. Then we received a postcard informing us that our property was included in the Walker Park Neighborhood Master Plan and would be rezoned Neighborhood Conservation which prohibits multifamily structures and the rest has already been outlined. We appealed twice to the Planning staff and twice to the Planning Commission and both times that was approved. It was declined one time by the City Council. The second part is why we persist and the reasons for submitting this request. It is not that we think it is our land and we should be able to do anything we want to, that is not true, we believe in the process. First and foremost we believe in and we want to adhere to the 2025 Plan set by the City. Our proposal to the Planning Commission addressed the goals of the 2025 Plan including but not limited to its highest priority being appropriate infill and revitalization. That area certainly needs revitalization and we want to be part of it.

The land is located two blocks from the square across from Downtown General on two corners. Urban use is coming from the square. Anything built in our location needs to a flexible design in order to accommodate what we see as an evitable infill from the square. Single family dwellings or duplex residential would be difficult to retrofit in this area when it becomes more dense as

part of the organic growth of Fayetteville. I don't think three family units are allowed. Can we clarify that for sure?

Karen Minkel: It is allowed by conditional use.

Michele Winkler: The second reason is we want to be given the same consideration for another piece of property, 636 South Wood Street. The postcard notification regarding Wood Street was the same as ours, it was designated Neighborhood Conservation. The City Planning staff did not recommend and the Planning Commission did not approve that it be changed to Downtown General. At the same City Council meeting where our request was denied the Wood Street property was approved and that was amended as part of that whole zoning issue. There was no public comment requested, the property never appeared as Downtown General on any public documents. This approach and the decision regarding a similar situation to us seems unfair and inconsistent.

I am now going to address the objections. I know that these objections aren't the objections of everyone but this is what we have heard. There will always be people for and against any zoning request. We acknowledge this is an emotional issue it is an emotional issue for us also but it is also a rational issue for us. The initial objections regarding traffic congestion and density have already been addressed by the Planning staff. I know people will be speaking out against this but we want to remember that this is an issue of appropriate zoning that meets the overriding goal of the 2025 Plan for the City as a whole. What did we hear as the objections? One of the main ones that we heard was that people in the neighborhood don't want renters and particularly don't want apartments. The renter issue is illustrated by the petition that was presented to the City Council in the first place emphasizing that the petition was signed by owner occupied residences. First of all that did not prove to be true, only half of them were but it does illustrate the point that owner occupancy was an important issue. The other issue is that we support renters. Most residents of Fayetteville are renters or have been. There is impairable evidence that renters participate in cities as much as home owners. Renters can be neighbors too. The other issue and probably more importantly, when we meet with the Jennings Neighborhood Association where the apartments. I think it is important to remember at this meeting that we are not addressing apartments. It is not a design issue but it is a matter of the zoning Neighborhood Conservation. We are asking for Downtown General which may include apartments but permits single family dwellings, eating places, etc. Another issue is that some people may feel betrayed if you grant our request to rezone that it was not consistent with what they did at the charrettes. It is very consistent with what the Council agreed to in the 2025 Plan. It is consistent with what the Planning staff recommended for transitional zones and it is consistent with the changing of the Wood Street property. I propose that it is consistent with the Walker Park plan which has as one of its guiding principles a balance of uses and houses. It says that this plan serves as a guide, meaning I presume that elected officials can use the information to make independent study decisions regarding the goals set for the community as a whole. This is the reason Council members are elected I believe. There are many times when considered rational decisions go against some vocal members of their constituency. A closely associated problem is that of creeping. People feel like if they let in this quarter of an acre than it will creep on down. If this follows then nobody could ever change anything in the Walker Plan, if you didn't go to the charrettes and it was not said in there then it wouldn't change. We would agree that it should not change if we were surrounded by housing but we are not surrounded by single family dwellings. Across the street we have Downtown General. Further down the street there is multifamily also.

We did not attend the Walker planning sessions because we did not think our property was really included because we are two blocks from the square. There were postcards sent out as I understand but we do not recall getting them except for the last one which we responded to. Plus the City provides for other avenues or recourse open to shareholders in the City. We are following those avenues.

I would like to talk about a petition that we submitted not because we feel like we need to get as many people speaking to it as we can but because we believe that it illustrates that this is a citywide issue. Of the signers on that petition a third were in the neighborhood, a third was planners and developers and a third are just general people in the City that support our land usage.

Alderman Gray: Ms. Winkler do you have a plan? What are you going to put in? I read here twelve apartments including one on site caretaker unit.

Michele Winkler: Actually we wanted to touch the people in the neighborhood because we had not had a chance to do that. We wanted a tool because we knew there were a lot of negative comments so you want to hang onto something when you go to a meeting so we brought a plan forward for apartments which has always been our vision. Somebody advised us that if we show a picture nothing could be worse than what they imagined but we were wrong. No one liked it. The issue again before the City Council is not what we are going to do with that property but the zoning issue. We are not discussing designs. We are not discussing what we can do. Is it appropriate to be Downtown General?

City Attorney Kit Williams: That is correct. This is not a planned zoning district where we can look at what they are actually going to do. This is just the various different things that would be allowed under this zoning as opposed to its current zoning so we can't ask to look at the project.

Alderman Gray: I understand that I just think it might make a lot of difference to the neighbors if they had an idea of what might be going in there.

Roselyn Cicerone, speaking on behalf of the neighborhood: Ms. Winkler said the main objection of the neighborhood was renters and that is a fairly large misunderstanding. Half of our block is renters. Half of the people that signed this last petition of more than 280 people were renters. These people are enjoying renting houses in Walker Park and we have never had any prejudice against renters. We were presented with a project. We were presented with a three story 12 unit apartment building that represents a density of 48 units per acre. That seemed like an outrageous density compared to what is already there in the neighborhood. The problem with the building we saw is we did not think the infill was appropriate and that it was totally out of character with the neighborhood. It is not only homeowners that are concerned, renters are concerned and others. Walker Park is probably the most diverse neighborhood in Fayetteville on any category. We don't feel this infill is appropriate and we do not feel it will revitalize the neighborhood either.

Alderman Ferrell: You mentioned something about the change in demographics and if I understood you correctly you think that if twelve apartments go in there that would start decay in

that neighborhood. What demographic is it that you fear would start the decay in that neighborhood?

Roselyn Cicerone: It is not the demographic of the people who live there it is when that type of high density housing goes in generally the people most nearly adjacent to the building stop taking care of their buildings. They do not want to live in them, they rent them out.

Richard Russell: I am against the rezoning.

LaVada Walla, 300 South Washington: If this property is rezoned Downtown General, it is not that I am concerned about the apartment, even though I am against that, it is about the fact there are many types of uses that could go on this piece of property. I live next door to this property. A different type of business could go in there that I might be affected by. I am against this property being zoned that. Where do you draw the line?

Joanne Southern, 104 West 5th Street: I want to keep my neighborhood as is. This just takes away from the neighborhood I was raised in. We do not want this in our neighborhood.

Tony Wappel, 11 East South Street: The neighborhood is not against renters. We went through the Walker Park neighborhood and did a petition and over half the people are renters. We are not against apartments. Those of us that participated in the charrette process agreed to the higher density that is planned in the area. We like the plan that was originally submitted last year with South Street being the dividing line between Downtown General and Neighborhood Conservation. Affordable housing does not necessarily mean apartments.

Justin Dickson, 236 East South Street: I think any sort of progress of economic or living in this side of South Street in this side of south Fayetteville is better for the future as to where we are right now. These sort of amendments need to be looked at by the Council in a way that describes specific reasoning to what is actually happening there. In many ways I believe this zoning can be looked at and modified in every aspect.

Audrey Kay: I am a property owner in the area. I am for the continuation of the Neighborhood Conservation.

Alan Ostner, a neighbor to this property, showed the signs that were in the neighborhood during the charrette. He stated a lot of people came to the charrette. In the discussion about zoning, the place was blanketed in RMF-24 zoning two years ago. The discussion did not talk about form. The zoning might have been RMF-24 allowing apartments but the buildings were single family residential detached. That is part of why the Walker Plan was so appropriate, it brought the zoning back to what was actually built. A great deal of the neighborhood has been single family detached for a long time however the zoning was inappropriate. In the 2025 Plan it says appropriate infill and revitalization. I do not think this rezoning is an appropriate use of infill. I think it diminishes the neighborhood character and the lots available for single family detached homes. We are trying to get more affordable homes in Fayetteville. Taking this Neighborhood Conservation lot and making it Downtown General is counter productive. There is an adequate supply of Downtown General and apartments in Fayetteville. I am not against apartments. It is important to Fayetteville and our neighborhood to have apartments. Why not draw the line at the

meeting where hundreds of people got together and the process has been gone through. I would like for you to vote against this rezoning.

Alderman Thiel: In the previous zoning of RMF-24 before we had the charrettes they could have built five to six units in that amount of space?

Jeremy Pate: Looking at the base density of a quarter of an acre, 24 units would get five to six units per acre.

Alderman Thiel: In the Downtown General they would be allowed to build how many with parking?

Jeremy Pate: I am not sure if five to six units would fit with parking with RMF-24. It all depends on how you build those units. The Downtown General does not have a density limitation. It is regulated to the building height.

Alderman Thiel: They could build 12 units?

Jeremy Pate: The density limitation would support it.

Alderman Thiel: What would be the maximum amount of units they could build in the Neighborhood Conservation?

Jeremy Pate: They could build a duplex or two single family units.

Alderman Thiel: With a conditional use they could build a triplex?

Jeremy Pate: The density limitation would probably limit that because there is a density limitation of ten units per acre.

Alderman Lewis: Can you compare the current density of Walker Park and what is being encouraged on the outskirts of town in new development. How do those compare?

Jeremy Pate: If you go back to the base goals we are discouraging fringe development. It is a little hard to compare the overall density however the development pattern in much more compact form is certainly something more related to this development.

Alderman Gray: I have really been torn about this issue. After listening to the neighbors I believe I will have to support the neighbors. I would like to see a couple of craftsman style houses there so we can have some single family detached houses. That is what we do not have enough of.

Alderman Lewis: Because of the charrette process and the people who participated in that process stated these are the types of building designs and zonings that they wanted. They zoned to match the existing neighborhood. It is exciting that there is an area in the central of Fayetteville that is designed in a way that we are trying to promote other areas of Fayetteville to look like. The idea that we would eliminate something that we are trying to promote in other areas doesn't make sense to me.

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

City Attorney Kit Williams read the ordinance.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: Mr. Ostner brought up the point of appropriate infill and to me that is the crux of this decision. I have to side with the neighbors too. I don't think this is an appropriate place for this kind of infill. This is infill we want to see on thoroughfares and busy intersections that we want to be more popular. To me this intersection doesn't appear to be one of those. That is why I am not going to support the rezoning.

Alderman Cook: When we discussed this before I was in favor of Neighborhood Conservation. I think currently there is a good division between the Downtown General and the Neighborhood Conservation as we have it now. The neighbors have spoken, we went through the charrette process, and I see no reason to zone this as Downtown General.

Alderman Lucas: I think it needs to be Neighborhood Conservation. It is more compatible with what is there. I have heard from many people that are not in favor of us changing it. I think there is a safety issue. That is a steep hill and a strange intersection and if you put that density on that corner there may be a safety issue there. I won't support the rezoning.

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

The ordinance failed.

Marijuana Policy Review Panel: An ordinance to establish a Marijuana Policy Review Panel

City Attorney Kit Williams read the ordinance.

Alderman Petty: In November voters passed an initiated ordinance to make the enforcement of the misdemeanor adult use of marijuana a low law enforcement priority. It was passed by 66% of the voters. The creation of this panel is to follow up on that. I think the voters deserve some oversight on this. The Mayor, with his jurisdiction being over the Police Department, needs some expert advice on how to follow this ordinance and the voter's wishes to the greatest extent of the law while also complying with State law.

Alderman Petty moved to amend Section D from a written report to the City Council to a written report to the Mayor. Alderman Lewis seconded the motion. Upon roll call the motion passed unanimously.

Alderman Petty: For me this boils down to we live in a democracy, 66% of the people passed this and we owe it to them to follow up on it.

Alderman Lewis: This is to establish a policy review panel. Are those the members that will be set in stone or can that be changed?

Alderman Petty: It is my understanding that unless we amend the ordinance that will be the makeup of it. If there is not a volunteer for any of the positions then we can substitute a citizen at large.

Linda Ralston: I do not remember adult being on that. Is there any other way an overview could be had. It seems like there is a lot of structure, layers, and people involved and monthly reports. Is there another streamline to what we can do to review it?

Greg Tabor, Chief of Police: We are talking about the ordinance the people passed on November 4th. I did not believe it was going to change anything. Our enforcement of misdemeanor marijuana was a low priority then. I don't think it has changed anything other than the fact that we have some discussions about some of our misdemeanor marijuana arrests to make sure we are in compliance with the ordinance. Obviously we are going to try to do everything we can to abide by the law that ordinance included. I think you have to remember this is not about the police's ability to arrest someone. It has nothing to do with that. We make misdemeanor marijuana arrests every day or close to every day and we are going to continue to do that. It is not doing away with our power to arrest someone for it. It is about making it a lower priority. Things that are a higher priority are DWI's, seatbelt enforcement, domestic violence and a lot of others. We have special people dedicated to those activities. We do not have anyone or a unit of people that are out there looking for misdemeanor marijuana arrests. If we encounter someone for whatever reason and they have marijuana are we going to arrest them? Yes, most likely we are. A police officer has a lot of discretion on everything he does whether it is speeding, marijuana or anything else. The misdemeanor marijuana arrests that we have made since this passed are shoplifting, domestic violence, the scene of an accident, and the scene of a disturbance. Most generally, the arrest for someone for misdemeanor marijuana is generally a secondary offense. As far as I know, since this became effective we have not had any complaints from anybody that was arrested that said you made a priority out of me.

On paragraph six of the ordinance that the people passed it states "law enforcement resources would be better spent fighting serious and violent crime". I agree one hundred percent. This committee is going to take our time and resources to do which I think is contrary to paragraph six that the people passed. If the Mayor wants a report from me he does not need a panel, all he has to do is ask.

There was a comment made at the Ward 4 meeting that if I was hauling some marijuana to someone that needed it medically I wouldn't be arrested for that. That is an incorrect statement. When you start delivering marijuana to people that is a huge problem. The comment was made that the purpose of this is to see if this ordinance has had any affect. I don't know how you are going to gauge that other the number of arrest before and the number of arrest after. If that is how you are going to gauge it, it has had no affect. It was a low priority then and it is a low priority now. I do not think you are going to see a significant decrease in the number of

misdemeanor marijuana arrests since this went into affect. Someone said all we are after is to allow the officers to use their discretion when they encounter misdemeanor marijuana offenses. We do not need that panel to do that, officers do that every single day on everything they do. We video tape almost every single thing. We have a video camera in our car.

Alderman Lewis: If someone was arrested for marijuana possession and they have a compliant what is that process?

Greg Tabor: We have a formal compliant process. I doubt that would ever rise to that. Usually, that is reserved for serious things. I would hope that compliant would make it to the administrative cycle at the Police Department and we would pull the report and look at the video tape and see if we agreed.

City Attorney Kit Williams: I have to call your attention to the State statute which you are required to follow. It specifically sets forth the duties of the Chief of Police and the police. It says, "it shall be their duty to apprehend any and all persons in the act of committing any offenses against the laws of the State" and it says, "diligently and faithfully enforce at all times all such laws". As you are aware the State law is against the possession of marijuana. Even though I think it is appropriate for the police not to expend tremendous resources, as this ordinance asks, it is certainly not a defense to any arrest by saying I should not have been arrested because the ordinance says it is a low priority. The officers are following their State law duty to enforce all laws at all times. I can speak for the City Prosecutor who works for me that misdemeanor marijuana arrests have never been a high priority in the Prosecutor's office. His high priorities are very similar to the police. If the police bring him a case and say we arrested this person for marijuana, and the case against him is good, then the Prosecutor very likely is going to prosecute that.

Alderman Lewis: If there is an established protocol if someone would like to use it then I am questioning if this is needed.

Alderman Petty: The State law that requires officers to enforce State statute, is there a similar statute for the City Prosecutor?

City Attorney Kit Williams: I did not find one, if there is one, that gives that kind of requirement to the City Prosecutor.

Alderman Petty: Chief, I appreciate where you are coming from. I sincerely hope that you are exactly right that this already is the lowest priority you have and that this will not make much of an effect for the police force. There is more to this than the police force. We have a City Prosecutor's office which is really where the bulk of this resolution is intended to affect. If this City Prosecutor can spend his time focusing on cases that will have more of an affect then he should do that. This panel would not just review what the Police Department is doing it would also review what the Prosecutor's office is doing and that is something we haven't done yet.

Ryan Denham, campaign director for the Sensible Fayetteville Initiative that was placed on the ballot in the November's General Election. We need a panel to find out if marijuana is indeed a low priority. There are over 400 arrests every year in the City of Fayetteville. It doesn't sound like a low priority to me. This panel would be able to investigate what the situation is and how

the law is working out. We are going to bring in a number of different professionals from a variety of different fields. This is going to be a comprehensive panel that is going to issue a comprehensive report to the Administration. A similar panel in Denver Colorado recommended stopping marijuana arrests for misdemeanor amounts for adult prosecutions. This passed with a two to one margin in the City. We really owe our citizens the investigation and the reporting. We need to find out how many people are arrested for marijuana every year. Right now you have to do a FOIA to find that out. We need to find out what the prosecutions are following those arrests.

Rob Mounce: This past semester at the University of Arkansas I was the campaign director for safer alternative for enjoyable recreation. We had the students come to a vote on making the penalties for marijuana be no greater than that of alcohol. All the evidence points to that marijuana is a safer drug than alcohol. This is not the same kind of vote that occurred this past November but it still had equal amount of support from the student body with 66% passage.

Craig Honchell: We are trying to keep a group that is doing illegal activity abreast of how that illegal activity is being tracked. I have kids and any kind of discussion about marijuana even being potentially legalized or anything like that is sending the wrong message to the kids in our community. There is already something in place that oversees this. Sixty six percent keeps getting mentioned. That almost makes it sound like that 66% of the entire population of Fayetteville is in favor of the low priority of marijuana arrests. That is 66% of the people who voted. That is the number we might want to keep mind.

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

City Attorney Kit Williams read the ordinance.

Alderman Petty: The people that are concerned about the amount of time that will be spent on this I hear you.

Alderman Petty moved to amend the ordinance to allow quarterly reports instead of monthly reports from the Police Department and City Attorney's office. *The motion died for lack of a second.*

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

City Attorney Kit Williams read the ordinance.

Mayor Jordan: I have panels that advise me on almost any topic that you can think of in the City. I am not necessarily opposed to a panel or an advisory board to advise me on this situation. This may not be the route that we want to go as a Council. If a citizen committee is formed I will meet them. The Police Chief and I will be the ones administrating the laws.

Alderman Thiel: That is not how this panel is set up to be.

Mayor Jordan: I understand that. I am saying if they want to put a citizens committee together I will be glad to sit down and visit with them.

Alderman Ferrell: Are you talking about something different than this?

Mayor Jordan: I am talking about something entirely different.

Alderman Ferrell: I don't disagree with you at all. I think your idea makes sense. I take exception with one thing, Kit's memo about the power of the Council and the power of the Mayor. Kit says the City Council should have power to establish a City Police Department to organize it under general superintendent of the Mayor and to prescribe its duties and define its powers. The City Attorney the way he opines this can have an affect on the balance of power between the legislative body which is us and the executive body which is the Mayor. I think we have the power to do about anything that is legal and that we can delegate power to others. A different interpretation of what he opines can lead to loss of legislative power.

Alderman Petty: I am encouraged that there may be another way to do this but I still think this is the best way. We need to remember we live in a democracy and all these changes to our governing bodies and our laws start at the local level. When the voters vote for something I think we have a duty to show them that we stand behind them. That is why I think this is the best way to go. I think we need to make a statement.

Alderman Rhoads: I think the duty we have to respect the vote is the oversight that we have over the Mayor and the Police Chief. If we feel like they are not doing their job in any regard then we can do something about it. This particular administration has set up a lot of ad hoc committees that seem to be pretty effective. It is less cost to the taxpayer and involves the citizens. I think the Mayor's idea is a great way. I am very supportive of that. Respectively I can not support this panel.

Alderman Lewis: I agree with Alderman Rhoads. It seems this would be one more meeting that people would have to attend and we would be requiring that extra work and staff time. I appreciate that the Mayor is willing to work with some volunteer organizations. I also think it is worth the discussion that we have had.

City Attorney Kit Williams: Mayor, the City Prosecutor and City Attorney's office is involved in this and I would join you in meeting with any group that wants to talk about the enforcement and prosecution of this. Even before I became City Attorney it was a very low priority and remained a low priority in the Prosecutor's office. The Prosecutor takes an oath of office to enforce the laws of the State. That is why when a case is presented to him he is going to prosecute that case.

Alderman Petty: Based on the final comments I still consider this discussion a success as well. Thank you for being open to that.

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

The ordinance failed.

Agenda Additions: None

Announcements: None

The meeting adjourned at 9:35 PM

Lioneld Jordan, Mayor

Sondra E. Smith, City Clerk/Treasurer

DRAFT

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 June 2, 2009

A meeting of the Fayetteville City Council will be held on June 2, 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. First Quarter Report on the Washington County Regional Ambulance Authority - Becky Stewart, EMS Chief
2. NWA Emergency Preparedness Fair – Marla Scott

Mayor's Announcements, Proclamations and Recognitions:

1. FHS Baseball Team Proclamation

A. Consent:

1. Approval of the May 19, 2009 City Council meeting minutes.
2. **Bid # 08-53 Future Link:** A resolution approving the purchase of five (5) additional Datalux Computers from Future Link under Bid # 08-53 in the amount of \$26,175.00 for use in five (5) new police cars.

3. **Bid # 09-42 Laser Specialists, Inc.:** A resolution to award Bid # 09-42 to Laser Specialists, Inc. to purchase GPS surveying equipment in the amount of \$30,080.00 plus taxes and fees.
4. **Dawson Education Cooperative:** A resolution to approve the Interlocal Cooperation Agreement with Dawson Education Cooperative to enable the City of Fayetteville to purchase goods and services through the Texas Arkansas Purchasing System.
5. **Arkansas Emergency Telephone Services Board:** A resolution to accept training reimbursement from the Arkansas Emergency Telephone Services Board in the amount of \$796.00 and to approve a budget adjustment recognizing this revenue.
6. **2009 Water and Sewer Revenue Bonds:** A resolution to approve a budget adjustment in the amount of seven and a half million dollars (\$7,500,000.00) to recognize revenue from the sale of the 2009 Water and Sewer Revenue Bonds.
7. **Repeal Bid # 09-27 Lewis Ford:** A resolution to repeal Resolution No. 86-09 and to award Bid # 09-27 for a 4X4 compact pickup truck to Lewis Ford of Fayetteville in the amount of \$18,379.00.
8. **Repeal Bid # 09-28 Lewis Ford:** A resolution to repeal Resolution No. 87-09 and to award Bid # 09-28 for an extended cab compact pickup truck to Lewis Ford of Fayetteville in the amount of \$15,987.00.

B. Presentations, Reports and Discussion Items:

1. False Alarm Ordinance 5083 Discussion

C. Unfinished Business:

1. **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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

2. **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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

3. **McClelland Consulting Engineers, Inc.:** A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of \$231,100.00 and to approve a budget adjustment of \$231,096.00.

This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

4. **R-PZD 09-3253 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 09-3253, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

This ordinance was left on the Second Reading at the May 19, 2009 City Council meeting.

D. New Business:

1. **Utilities Department Positions:** A resolution to amend the 2009 Budget to authorize and fund two full time employee positions for project design and management of Utilities Department projects and to approve the attached budget adjustment to reduce the overall Water and Sewer Budget by \$250,000.00.
2. **RZN 09-3270 (Ramona Jones):** An ordinance rezoning that property described in rezoning petition RZN 09-3270, for approximately 1.00 acre, located at 41 East North Street, on the southwest corner of North and Pollard from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.
3. **VAC 09-3267 (Life Styles):** An ordinance approving VAC 09-3267 submitted by Bates and Associates for property located at Sycamore Street and Saddlehorne Avenue, to vacate an unimproved portion of right-of-way for Sycamore Street, containing a total of 0.07 acres.

Agenda Additions:

Announcements:

1. **City Council Tour:**

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
 Bid # 08-53 Future Link
 Page 1 of 6

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

6/2/2009

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution approving the purchase of five additional Datalux computers from Future Link per bid #08-53 in the amount of \$26,175.00 for use in five new police 24 hour patrol units.

\$ 26,175.00

Cost of this request

\$ 69,078.00

Category / Project Budget

Police/Passenger Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 11,470.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02081.2007

Project Number

\$ 57,608.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Tracy S. Gully
 Department Director

5-18-09

Date

Previous Ordinance or Resolution #

D. P. Whit
 City Attorney

5/20/09

Date

Original Contract Date:

Original Contract Number:

Paul A. Baker
 Finance and Internal Services Director

5-20-2009

Date

Received in City
 Clerk's Office

ENTERED
 5-19-09 URG

Chief of Staff

Date

Donnell Jordan
 Mayor

5/20/09

Date

Received in
 Mayor's Office

ENTERED
 5-20-09 BER

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT.

DATE: MAY 18, 2009

SUBJECT: Purchase of five Computers for Police cars

RECOMMENDATION: That City Council approve the purchase of an additional five computers from Bid 08-53 for Police Department in the amount of \$26,175 from Future Link of Illinois.

BACKGROUND: At the August 5, 2008 Council meeting, Resolution #152-08 was passed approving the purchase of new Datalux computers from Future Link per bid #08-53. Fleet Operations would like to purchase an additional five computers off this bid to install in five new Police cars. Future Link has agreed to honor their bid for these additional purchases.

It is necessary to purchase the exact same make and model of computer so that these units are interchangeable and will fit in any patrol unit.

Funds are available in Fleet Police/Passenger Project #02081.2007 for this purchase.

RESOLUTION NO. _____

A RESOLUTION APPROVING THE PURCHASE OF FIVE (5) ADDITIONAL DATALUX COMPUTERS FROM FUTURE LINK UNDER BID #08-53 IN THE AMOUNT OF \$26,175.00 FOR USE IN FIVE (5) NEW POLICE CARS.

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

Section 1. That the City Council of the City of Fayetteville, Arkansas hereby approves the purchase of five (5) additional Datalux computers from Future Link under Bid #08-53 in the amount of \$26,175.00 for use in five (5) new police cars.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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 x226 with questions)

All PO Request shall be scanned to the Purchasing e-mail: Purchasing@ci.fayetteville.ar.us

Vendor #:

18094

Vendor Name:

FUTURE LINK

City:

State:

Fob Point:

Mail Yes: No: X

Quotes Attached Yes: No: X

Requester:

BARBARA OLSEN

Zip Code:

Ship to code:

Division Head Approval:

No:

Requester's Employee #:

1940

Extension:

485

Item Description

Quantity

Unit of Issue

Unit Cost

Extended Cost

Account Numbers

Project/Subproject #

Inventory #

Fixed Asset #

1 TX204 COMPUTERS WITH BOTH XP & VISTA

5

EA

4,541.00

\$22,705.00

9700.1920.5802.00

02081.2007

2 MOUNTING PKG FOR CROWN VIC

3

EA

676.00

\$2,028.00

9700.1920.5802.00

02081.2007

3 MOUNTING PKG FOR DODGE CHARGER

2

EA

721.00

\$1,442.00

9700.1920.5802.00

02081.2007

4 PER BID #08-53

\$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:

\$26,175.00

Tax:

\$2,421.19

Total:

\$28,596.19

Approvals:

Mayor:

Department Director:

Purchasing Manager:

Finance & Internal Services Director:

Budget Manager:

IT Manager:

Dispatch Manager:

Other:

From: "Robert Paulson" <bob@FutureLinkIT.com>
To: <bolsen@ci.fayetteville.ar.us>
Date: 5/14/2009 2:55 PM
Subject: Bid pricing for Datalux units

This email is to confirm the bid pricing for Fayetteville is still good and will be honored by Future Link.

Previous purchase was as follows:

TX204 - 4491.00
Both XP & Vista - \$50.00
Mount Pkg for Crown Vics - \$676 (includes floor plate)
Ext Warranty - included
2gb-ram - included
Speakers - included

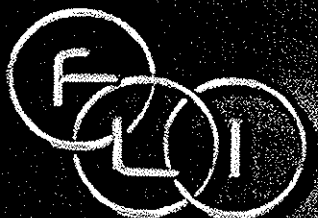
Prices vary if a different vehicle mount is need.

If you have any questions let me know. Thank you.



Robert Paulson

Email: Bob@FutureLinkIT.com
Office: 630-653-3000



Future Link

Future Link & Data Moving Company

25W658 St. Charles Rd. Carol Stream, IL 60188

Office: 630-653-3000 Fax: 630-653-9585

Support: Support@FutureLinkIT.com

www.FutureLinkIT.com

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/2/2009
City Council Meeting Date
Agenda Items Only

Chris Brown Engineering Development Services
Submitted By Division Department

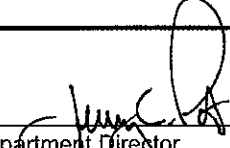
Action Required:

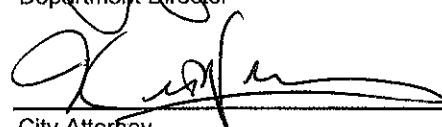
A resolution to award a Contract for Bid 09-42, GPS Equipment to Laser Specialists, Inc. in the amount of \$30,080 plus all applicable fees and taxes

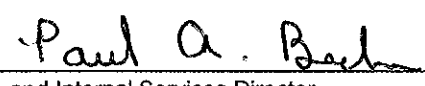
\$ 30,080.00 Cost of this request	\$ 34,000.00 Category / Project Budget	Global Positioning System Program Category / Project Name
4470.9470.5801.00 Account Number	\$ - Funds Used to Date	Fixed Assets Program / Project Category Name
09003 Project Number	\$ 34,000.00 Remaining Balance	Sales Tax Capital Improvements Fund Name

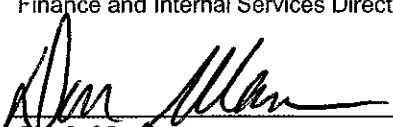
Budgeted Item ☒

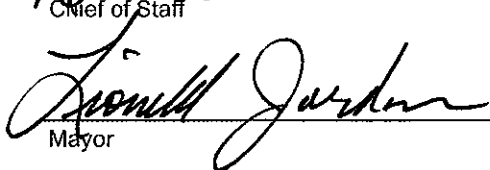
Budget Adjustment Attached ☐

 05.14.2009 Previous Ordinance or Resolution #
Department Director Date

 5-15-09 Original Contract Date:
City Attorney Date

 5-15-2009 Received in City Clerk's Office
Finance and Internal Services Director Date

 5/18/09 Received in Mayor's Office
Chief of Staff Date

 5/18/09
Mayor Date

Comments:

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

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

From: Chris Brown, City Engineer *CB*

Date: May 14, 2009

Subject: A resolution to award a Contract for Bid 09-42, GPS Equipment, to Laser Specialists, Inc. in the amount of \$30,080 plus all applicable fees and taxes

RECOMMENDATION:

Staff recommends approval of the Laser Specialists, Inc. bid (Option 2) in response to Bid 09-42, GPS Equipment, in the amount of \$30,080 plus all applicable fees and taxes.

BACKGROUND:

The City currently does not have a survey grade Global Positioning Unit. Purchase of a GPS unit was approved through the City's Capital Improvement Program for 2009. The equipment is to be used by the city surveyors in city construction, planning, mapping, boundary determination and design. GPS technology saves time and manpower over conventional surveying methods, and is generally considered to be standard equipment in the surveying profession.

DISCUSSION:

Bids were received on 5/13/2009. Five bids were received, ranging from a high of \$36,335.55 to the low bid of \$21,905.00. The two lowest bids did not meet the specifications and have been disqualified as non-responsive, as follows:

- Carlson Desktop Solutions: Does not have a local service facility
- Navigation Electronics, Inc: Does not have a local service facility; Data collector does not meet specifications and is not compatible with existing City software.

Laser Specialist Inc. Is located in Springdale and has a good reputation with the local surveyors. Therefore, staff recommends their bid be accepted as the lowest responsive bid.

The low bid, with sales tax included, is higher than the project budget amount of \$34,000. Therefore, Item 3 of the bid (Glonass capability) is recommended to be removed from the contract. This results in a bid amount before tax of \$30,080. The estimated total with taxes included is \$32,862.40.

BUDGET IMPACT:

This purchase is funded by the Capital Improvement Sales Tax Fund. \$34,000 is included in the program in 2009 for the purchase. The estimated total amount, including taxes, is within the project budget.

RESOLUTION NO. _____

A RESOLUTION TO AWARD BID #09-42 TO LASER SPECIALISTS, INC. TO PURCHASE GPS SURVEYING EQUIPMENT IN THE AMOUNT OF \$30,080.00 PLUS TAXES AND FEES

WHEREAS, Laser Specialists, Inc. was the lowest qualified bidder for GPS surveying equipment needed by the Engineering Department.

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 awards Bid #09-42 to Laser Specialists, Inc. to purchase GPS surveying equipment in the amount of \$30,080.00 plus taxes and fees.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

BID: 09-42
 DATE: 5/13/09
 TIME: 2:00 PM
 CITY OF FAYETTEVILLE



Bid 09-42, GPS Equipment

Item	Description	Estimated Quantity	Carlson Desktop Solutions	Improved Construction Methods (ICM)	Laser Specialists, Inc. -- Option 1	Laser Specialists, Inc. -- Option 2	Navigation Electronics, Inc.
			Total Price	Total Price	Total Price	Total Price	Total Price
1	Main Unit	1	\$31,273.20	\$30,776.55	\$29,880.00	\$29,880.00	\$23,744.00
2	Carlson Survey 2009 Software	1	\$1,300.00	\$1,275.00	\$2,400.00 (with Autocad)	\$1,200.00 (with Intellicad)	\$1,500.00
3	Glonass	1	Included	\$4,784.00	\$4,000.00	\$4,000.00	Included
4	Less Trade-In Value: Carlson Explorer 600+ Data Collector	1	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$3,339.00
Manufacturer			ALTUS	Magellan	Magellan	Magellan	Spectra Precision
Model			APS-3	Promark 500	ProMark 500 with Allegro Data Collector	ProMark 500 with Allegro Data Collector	EPOCH 35 GNSS System
TOTAL BASE BID =			\$32,073.20	\$36,335.55	\$35,280.00	\$34,080.00	\$21,905.00

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

CERTIFIED:

A. FOREN PURCH AGENT

WITNESS

DATE

05/13/09



City of Fayetteville, Arkansas
Purchasing Division – Room 306
113 W. Mountain
Fayetteville, AR 72701
Phone: (479) 575-8220

INVITATION TO BID

INVITATION TO BID: BID 09-42, GPS Equipment

DEADLINE: Wednesday, May 13, 2009 at 2:00 PM, Central Standard Time

DELIVERY LOCATION: Room 306 – 113 W. Mountain, Fayetteville, AR 72701

PURCHASING AGENT: Andrea Foren, CPPB, aforen@ci.fayetteville.ar.us, 479.575.8220

DATE OF ISSUE AND ADVERTISEMENT: Monday, May 4, 2009

INVITATION TO BID BID 09-42, GPS Equipment

No late bids will be accepted. Bids shall be submitted in sealed envelopes labeled "Bid 09-42, GPS Equipment" with the name and address of the bidder.

All bids shall be submitted in accordance with the attached City of Fayetteville specifications and bid documents attached hereto. Each bidder is required to fill in every blank and shall supply all information requested; failure to do so may be used as basis of rejection.

The undersigned hereby offers to furnish & deliver the articles or services as specified, at the prices & terms stated herein, and in strict accordance with the specifications and general conditions of bidding, all of which are made a part of this offer. This offer is not subject to withdrawal unless upon mutual written agreement by the Proposer/Bidder and City Purchasing Manager.

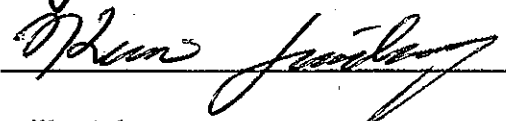
Name of Firm: Laser Specialists, Inc.

Contact Person: Kevin Lindsey Title: Sales

E-Mail: Kevin.Lindsey@lasergps.com Phone: 479-751-5561

Business Address: 5322-D Bleaux Ave.

City: Springdale State: AR Zip: 72762

Signature:  Date: 5-12-09

City of Fayetteville
 Bid 09-42, GPS Equipment
 Bid Form

DATE REQUIRED AS A COMPLETE UNIT: 60 days from Date of Order

*GUARANTEED DELIVERY DATE: 30 days ARO

F.O.B. Fleet Operations Division, Fayetteville, AR 72701

ITEM:	DESCRIPTION:	QUANTITY:	*PRICE EACH:	*TOTAL PRICE
1.	MAIN UNIT	1	\$ <u>29,880.00</u>	\$ <u>29,880.00</u>
2.	CARLSON SURVEY 2009 SOFTWARE <i>part # 1000.053.000</i> <i>part # 2009.005.000</i>	1	\$ <u>1,200.00</u>	\$ <u>1,200.00</u> with Autocad with IntellCad
3.	GLONASS	1	\$ <u>4,000.00</u>	\$ <u>4,000.00</u>
4.	LESS: TRADE-IN VALUE: CARLSON EXPLORER 600+ DATA COLLECTOR	1	\$ <u>1,000.00</u>	\$ <u>1,000.00</u>

Please Specify for Unit(s) Bid:

*MANUFACTURER: Magellan MODEL: Pro Mark 500
with Allegro Data Collector

TOTAL BASE BID (Item 1+2+3-4):
 \$ 35,280.00 with Autocad
 \$ 34,080.00 with IntellCad
 Item 1+2+3-4

*Note: Bid evaluation for award will be based on Total Base Bid

THIS FORM CONTINUES ON THE NEXT PAGE...

EXECUTION OF BID -

Bidders are requested to indicate by check mark or "Yes/No" on each line of the Technical Specifications the compliance of the item bid. Actual specification of any deficient item must be noted on the bid sheet or separate attachment. If specifications of item bid differ from provided literature, deviation must be documented and certified by the manufacturer as a regular production option.

Upon signing this Bid, the bidder certifies that:

1. He/she has read and agrees to the requirements set forth in this proposal, including specifications, terms, standard conditions, and any pertinent information regarding the articles being bid on.
2. Unless otherwise noted and explained, the unit bid and listed meets or exceeds all of these requirements as specified by The City of Fayetteville.
3. The Bidder can and will comply with all specifications and requirements for delivery, documentation and support as specified herein.
4. The City of Fayetteville reserves the right to award the bid in its whole, by line item, or all rejection.

Unsigned bids will be rejected. Items marked * are mandatory for consideration.

*NAME OF FIRM: Laser Specialists, Inc.
Purchase Order/Payments shall be issued to this name

*BUSINESS ADDRESS: 5322-D Blaux Ave

*CITY: Springdale *STATE: AR *ZIP: 72762

*PHONE: 479-751-5561 FAX: 479-751-4720

*E-MAIL: kevin.lindsey@lasergps.com

*BY: (PRINTED NAME) Kevin Lindsey

*AUTHORIZED SIGNATURE: Kevin Lindsey

*TITLE: Sales

City of Fayetteville
Bid 09-42, GPS Equipment
General Terms and Conditions

1. All bids shall be submitted in a sealed envelope and must be submitted on forms acquired by the vendor from the City of Fayetteville Purchasing website (www.accessfayetteville.org). Bids with missing pages or missing any requested attachment will be deemed incomplete.
2. The item bid and the bid number shall be stated on the face of the sealed bid envelope.
3. Bids received after the date and time set for receiving bids will not be considered.
4. The City reserves the right to accept or reject any or all bids, waive formalities in the bidding and make a bid award deemed to be in the best interest of the City.
5. The quantities listed are based on the needs of the City and availability of funds at the time bids are posted. The City shall be able to purchase more or less than the quantity indicated subject to availability of funds or change in needs.
6. The bid price shall remain good and firm until project is completed.
7. All products delivered shall comply with applicable standards of quality.
8. Any exceptions to the specification requirements of the City of Fayetteville must be noted on the Bid Form.
9. Prices shall include all labor, materials, overhead, profit, insurance, etc., to cover the furnishing of the items bid. ***Sales tax is not to be included in the bid price.*** Applicable Arkansas sales tax laws will apply to this bid, but will not be considered in award of the bid.
10. Each bidder shall state on the face of the bid form the anticipated number of days from the date of receipt of an order for delivery of equipment and installation to the City of Fayetteville. Failure to deliver on or before the time specified in the contract may subject the contractor to payment of damages or other appropriate sanctions.
11. Copy of the warranty shall accompany the bid, and any exceptions to the warranty shall be clearly noted on the bid form. Written warranties shall specify the greater of the manufacturer's standard warranty or the minimum warranty specified herein by the City.
12. Bidders must provide the City with their bids signed by an employee having legal authority to submit bids on behalf of the bidder. The entire cost of preparing and providing responses shall be borne by the bidder.
13. The City reserves the right to request any additional information it deems necessary from any or all bidders after the submission deadline.
14. The request for bid is not to be construed as an offer, a contract, or a commitment of any kind; nor does it commit the city to pay for any costs incurred by bidder in preparation of bid.

15. If products and/or components other than those described in this bid document are proposed, the bidder must include complete descriptive literature and technical specifications. All requests for additional information must be received within five working days following the request. Each apparent low bid will be reviewed line by line to ensure compliance with specifications prior to recommendation for award.
16. Bids must be received by mail or hand delivery in the **Purchasing Office, Room 306, 113 W. Mountain St. Fayetteville, AR 72701**, on or before the time of closing listed on the face of the bid.
17. The City will not be responsible for misdirected bids. Vendor should call the Purchasing Office at (479) 575-8220 to insure receipt of their bid documents prior to opening time and date listed on the bid form.
18. Items bid must be delivered FOB City of Fayetteville, 113 W. Mountain, Fayetteville, AR 72701. Units must be fully assembled, serviced, and ready for operation as delivered unless otherwise specified. No dealer/distributor logo or other identification will be installed other than standard manufacturer name badges and specification plates.
19. Any reference to a particular brand or manufacturer is done in an effort to establish an acceptable level of quality for this project.
20. Bid award will be based off of the total base bid, which is identified as the sum of line items 1, 2, and 3 less line item 4. (Line item 1 + Line item 2 + Line item 3 – Line item 4 = Total Base Bid). The City of Fayetteville reserves the right not to trade in unit identified in Line item 4.

**City of Fayetteville
Bid 09-42, GPS Equipment
Item Specifications**

General Description:

The purpose of this document is to describe a survey quality GNSS GPS surveying system for use by the City of Fayetteville. The City of Fayetteville requires that the system meet certain minimum standards without prejudice towards any particular manufacturer.

The City of Fayetteville is seeking a satellite positioning system that will perform to strict accuracy and efficiency standards. The proposed system must meet specified requirements and demonstrate specified performance to be considered for purchase. Alternate offerings will not be considered. All components shall be new, and the latest model or release in current production.

This specification establishes the technical requirements and performance characteristics for the procurement of a survey quality GNSS system. This system must feature 75 channel tracking, and must track GPS L1 C/A, L1/L2 P-Code, and L1/L2 full wavelength carrier. Must have fully independent code and phase measurements. Must have an update rate of 10 Hz.

The system shall be a complete BASE AND ROVER RTK GNSS GPS system (including two heavy-duty wood/composite tripods, OP tribrach, tribrach to antenna adapter, radio antenna pole, lightweight carbon-fiber collapsible 2 meter rover pole, batteries, chargers, cables, brackets, etc.) that is ready to use without any additional equipment.

A successful bidder must meet and or exceed the minimum specifications and requirements as stated below.

ITEM 1 –

Minimum Hardware Specifications:

Weight:

The receiver/antenna module shall have a weight of 3.1 pounds or less.

Receiver Power:

The receivers shall have a modular, lithium-ion battery capable of powering the receiver for at least 6 hours at 20°C. Two batteries and two chargers shall be provided with each receiver.

The Lithium ION battery must be fully contained within the receiver when the receiver is operational and must also be removable from the receiver to allow for convenient charging. The combination of the receiver and installed battery must be waterproof.

The GPS receiver must have the capability to be powered via an optional external power source with a voltage between 6-28 VDC, and must be able to be connected to both internal and external power

simultaneously. The GPS receiver must draw power from the external power port first when a suitable power source is available. The receiver must automatically switch power sources when either the internal or external source is removed. The receiver must not allow any data to be lost when switching between internal and external power supplies.

External Interface:

The receiver shall provide a visual indication of the following functions using a graphical display for easy visibility: power on, number of satellites tracked, receiver status, battery level, memory status, Bluetooth status, radio link, system alerts, system reset.

The receiver shall support Bluetooth Communication technology eliminating the cost and hassle of cables.

Internal Memory:

The receiver must have 128MB of internal memory to log raw GPS data.

The receiver must also be able to store raw GPS data externally to a USB drive.

Operating Characteristics:

The GPS receiver must be durable to survive a 2 meter pole drop.

The GPS receiver must fully operate after being stored at temperature ranging from -40°F to +158°F.

The GPS receiver must fully operate in temperatures ranging from -22°F to +131°F.

The receiver shall have an external power button that can be used to power the unit on and off. The power-off switch logic must include a delay that will prevent power-off if the button is accidentally activated.

System Accuracy:

The receiver shall meet the following performance specifications:

Static, Rapid Static Survey Accuracy

- Horizontal: 0.005 m + 0.5 ppm (0.016 ft + 0.5 ppm)
- Vertical: 0.010 m + 1.0 ppm (0.033 ft + 1.0 ppm)

Post-Processed Kinematic

- Horizontal: 0.010 m + 1.0 ppm (0.033 ft + 1.0 ppm)
- Vertical: 0.020 m + 1.0 ppm (0.065 ft + 1.0 ppm)

Real-Time DGPS position

- < 0.8 m (2.62 ft)

Real-Time Kinematic Position (fine mode)

- Horizontal: 0.010 m + 1.0 ppm (0.033 ft + 1.0 ppm)
- Vertical: 0.020 m + 1.0 ppm (0.065 ft + 1.0 ppm)

RTK Initialization range > 40 km

99.9% reliability

Typical 2 second initialization for baselines <20 km

Cables:

The GPS Surveying System rover will be cable free.

Radio modems:

The base radio modem must have a low power mode of 2 watts and a high power mode of 35 watts and allow for up to 16 channels in the 450-470 MHz range.

The rover radio modem must be integrated into the rover receiver's housing requiring no external cables or batteries.

Data Collector Hardware Specifications:

Processor:

Intel® XScale® processor, 400 MHz

Operating System:

Microsoft® Windows® CE .NET V4.2

Memory (RAM):

128 M SDRAM

Data Storage:

Solid state disk storage: 512 M

Does not require battery power to maintain data

Internal, not user-accessible

PC Card Slot (PCMCIA):

User-accessible

Can use ATA, Compact Flash, micro hard disk, modems, wireless networking cards, and other I/O cards

Communication Options:

USB Port: Connection on base of unit to be used with included USB/Power Dock™

COM 1: Sealed 9-pin D, full modem control signals, 5V @ 200 mA available on DTR pin, controlled by DTR

COM 2: Sealed 9-pin D, full modem control

Infrared Port

Bluetooth transceiver class 2, internal, does not use PC card slot

Color Display:

Active viewing area: 3.0" wide x 2.3" high (3.8" diagonal)

High visibility color TFT active matrix transreflective LCD

City of Fayetteville, Arkansas

Bid 09-42, GPS Equipment

Page 8 of 13

1/4 VGA, 320 x 240 pixels, landscape view

Transflective technology for brilliant contrast, including use in direct sunlight

LCD has an LED backlight with adjustable brightness capability for visibility in low lighting or changing light conditions

Color TFT technology allows operation in cold temperatures without a heater

Touchscreen:

Resistive, pressure sensitive touchscreen for stylus or finger operation

Touchscreen disable button

Programs Included:

PTab® Spreadsheet, Calculator, and the Microsoft programs Windows Explorer®, InBox® Email, Pocket Internet Explorer®, and WordPad®

Physical Specifications:

Size: 10" high x 5.25" wide at display x 3.1" wide at narrowest point x 1.5" deep (256 mm x 133 mm x 79 mm x 38 mm)

Weight: 1.84 lbs or 29.5 oz (836 grams)

Operating Temperature: -22 to 130° F (-30 to 54° C)

Storage Temperature: -30 to 140° F (-35 to 60° C)

Waterproof and Dustproof: Passes MIL-STD 810F and IP67

Shockproof: Passes MIL-STD 810F shock (drop) test

Keyboard:

62 large keys advantageous for use with gloved hands

12 function keys: Located directly under the display; convenient in applications as soft keys

Special keys: Windows start, task manager, contrast adjustment, touchscreen disable, display backlight on/off

Large round cursor control button

Forward and backward tab keys (no shifting required)

Numeric keys are large and centrally located

All standard printable ASCII characters are on the keyboard

Keys have a snappy tactile feel

Removable keyboard bezel for cleaning and customization; remains sealed when removed

Case Design:

Ergonomic with balanced weight distribution

Rugged; 100% sealed against water and dust, passes IP67

Designed for one-handed operation (right or left)

Rings at all 4 corners of the case for hand strap and shoulder strap; multiple strap orientations are possible

Power:

Rechargeable 3.6V 3800 mAH NiMH high capacity battery pack (camcorder battery)

NiMH batteries last 12 to 20 hours depending on the application (max. continuous use is about 30 hours)

Separate power input connector for charging and direct power input, 10-20 V DC, 5.5 x 2.1 mm DC power jack

Vehicle charging power adaptor (optional)

City of Fayetteville, Arkansas

Bid 09-42, GPS Equipment

Page 9 of 13

Rapid internal smart-charging in 3 to 5 hours; automatically switches to trickle charge mode to preserve charge and prevent battery from overcharging
Alkaline battery holder uses 3 AA alkaline cells (optional)

Sound:

Screen taps, key beeps
Sounds can be customized and associated with events
Volume is adjustable

Data Collector Software shall include the following functions:

Localization:

Multiple points

Single point

Two points-rotate only: This option adds the ability to localize to two points. The first point is the fixed point for X, Y, Z, and the second point is held for rotation only.

Instrument recall allow you click on an instrument icon to recall a selection of pre-saved instrument configuration sets, in addition to a tab that will allow you to view details about your current configuration. The user will be able to save current configurations to a file, rename any existing file or delete any existing file. Switch to any existing instrument configuration by double-clicking on the icon or selecting it with a single click or arrow key and pressing enter.

Field to finish command under tools that allows the user to redraw linework to reflect coding modified points or codes.

Tab based menu structure. All commands are visible in each menu, preventing the need for up or down arrow keying to view options.

Points plot on MAP screen as they are collected in the field or entered. There is no need to switch between screens to view your points. In GPS mode, you can track your position on the MAP screen at all times, in all data collecting and stakeout modes.

Flexible presentation of points. Points can be displayed in two sizes, with selective freezing of numbers, elevations, and descriptions. The decimal place in the elevation can be optionally be used as the point node.

A command line is provided on the MAP screen. You can draw polylines, create points on polylines, turn polylines into centerlines, erase polylines, inverse, traverse and sideshot, find and zoom to point and freeze and thaw layers. The feel is similar to AutoCAD®.

Map view with full range of zoom, pan and point-plotting options.

Must function with the City of Fayetteville's total station.

Raw file in RW5 format, for both total station and GPS data.

Complete COGO feature set, raw file view/adjustment, road alignment entry.

Auto linework in real time.

Flexible set collection.

Offset staking with cut-sheet export.

Initialization of static data collection.

Full State Plane (27/83) and UTM map projection flexibility.

Base or rover localization procedure in GPS.

Complete calculator feature set.

Office software download package with raw data editing and processing (Carlson X-Port).

Import and export DXF files for AutoCAD and MicroStation.

Import and export SHP files for ESRI GIS applications.

Convert polylines to centerlines and centerlines to polylines.

Convert polyline vertices to points for stakeout, on demand.

Large print text screen and real time map screen options in standard traverse, sideshot and GPS point collection routines.

Automatic math expressions.

Configurable ENTER key.

Offset stake to pre-defined station/offset/elevation list (no "paper" in field).

Offset polylines horizontally and vertically for alignment and building stakeout.

State Plane and UTM to Lat/Long 2-way conversion in calculator.

Training:

Vendor must provide two days of on-site training.

Additional training must be available at a predetermined fee.

Service:

Vendor must have a service facility within 25 miles of Fayetteville, AR.

ITEM 2 – GLONASS

This specification establishes the technical requirements and performance characteristics for the procurement of a survey quality GNSS system. This system must feature 75 channel tracking, and must track GLONASS L1 C/A, L2 P-Code, L1/L2 full wavelength carrier. Must have fully independent code and phase measurements. Must have an update rate of 10 Hz.

ITEM 3 – CARLSON SURVEY 2009 SOFTWARE

Software associated with equipment specified.

ITEM 4 – TRADE-IN VALUE FOR CARLSON EXPLORER 600+ DATA COLLECTOR

Carlson Explorer 600 Package – purchased in 2006 by the City of Fayetteville

Carlson Explorer 600+ with TS software, charger, battery, and USB cable, total station cable, and Crain Explorer belt case

City of Fayetteville Staff Review Form

A. 4
Dawson Education Cooperative
Page 1 of 10

City Council Agenda Items
and
Contracts, Leases or Agreements

Tuesday, June 02, 2009

City Council Meeting Date
Agenda Items Only

Andrea Foren

Submitted By

Purchasing

Division

Finance & Internal Services

Department

Action Required:

A resolution to enter into an agreement with Dawson Education Cooperative that will allow City Divisions to purchase through a program known as the Texas Arkansas Purchasing System (TAPS) Program.

N/A

Cost of this request

N/A

Category / Project Budget

N/A

Program Category / Project Name

N/A

Account Number

N/A

Funds Used to Date

N/A

Program / Project Category Name

N/A

Project Number

N/A

Remaining Balance

N/A

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☐

Paul A. Bahr

Department Director

5-18-09

Date

Previous Ordinance or Resolution #

K. J. Foren

City Attorney

5-15-09

Date

Original Contract Date:

Original Contract Number:

Paul A. Bahr

Finance and Internal Services Director

5-18-09

Date

Received in City
Clerk's Office

5/15/09

Jim Mearns

Chief of Staff

5-18-09

Date

Received in
Mayor's Office

5-18-09 BRF

Donald Jordan

Mayor

5/18/09

Date

Comments:



Purchasing Division
113 W. Mountain – Room 306
Fayetteville, AR 72701
Phone: 479-575-8220

CITY COUNCIL AGENDA MEMO

TO: Mayor Jordan and City Council

THRU: Paul Becker, Finance and Internal Services Director *PAB.*
Peggy Vice, Purchasing Manger

FROM: Andrea Foren, Purchasing Agent *AF*

DATE: Friday, May 15, 2009

SUBJECT: TAPS Purchasing Contract

BACKGROUND

The Interlocal Purchasing System (TIPS) is sponsored by the Texas Region VIII Education Service Center (ESC8) and is governed by the Region 8 ESC Board of Directors. The Interlocal Purchasing System is available for use by cities, counties, and other government entities in the states of Arkansas, Illinois, Kansas, Louisiana, Missouri, New Mexico, Ohio, Oklahoma, Tennessee and Texas.

TIPS Awarded Vendors have submitted proposals from a posted RFP and are competitively awarded contracts accordingly. These Awarded Vendors have agreed to provide the best pricing, terms and conditions available to TIPS Members.

The TIPS Program takes PRIDE in providing a purchasing coop where Awarded Vendors and Members both benefit. With a successful award, this firm can expedite an order for a member because all purchasing requirements are completed during the RFP process. TIPS Members can benefit from the cost savings of time and expense in competitively bidding each purchase.

The Purpose of TIPS

- Provide school districts and other governmental entities opportunities for greater efficiency and economy in acquiring goods and services.
- Take advantage of state-of-the-art purchasing procedures to insure the most competitive contracts.
- Provide competitive price solicitation and bulk purchasing for multiple government entities that yields economic benefits unobtainable by individual entities.
- Provide quick and efficient delivery of goods and services by contracting with "high performance" vendors.

- Equalize purchasing power for smaller entities that are not able to command the best contracts for themselves.
- Maintain credibility and confidence in business procedures by maintaining open competition for purchases and by complying with purchasing laws and ethical business practices.
- Assist entities in maintaining the essential controls for budget and accounting purposes

The City is not charged a fee for membership.

This contract has been reviewed by the State of Arkansas, Office of State Procurement (OSP). The OSP has stated in writing this contract “substantially meets the requirements of Arkansas statutes, rules and remedies in accordance with the provisions of ACA 19-11-256 and 19-11-201, et. seq.”

RECOMMENDATION

Staff recommends participation in this program as it provides a wide range of products that multiple divisions will be able to purchase from.

Commodities that can be purchased off this contract include but are not limited to the following:

- Audio Visual Equipment and Supplies
- Audiometers, New, Used, & Servicing
- Building Supplies and Materials
- Cabling Products & Services
- Carpet, Installation & Supplies
- Classroom & Teaching Aids, Commercial Kitchen Cafeteria Equipment, etc.
- Commercial Office Furniture and Case Goods
- Comprehensive HVAC Solutions & Services
- Computer Equipment, Components & Peripherals
- Copiers, Fax Machines, etc.
- Custodial Supplies & Equipment
- Instructional Furniture
- Library, Auditorium & Office Furniture
- Management Software
- Motorola Broadband
- Office & School Supplies
- Playground Equipment & Supplies
- Printing, Sorting & Other Related Services
- Roofing Replacement & Repairs
- Telephone Systems Equipment, Repair & Services

Purchases in excess of \$20,000 from this contract will still require City Council approval.



STATE OF ARKANSAS
**Department of Finance
and Administration**

OFFICE OF STATE PROCUREMENT

1509 West Seventh Street, Suite 300

Little Rock, Arkansas 72201-4222

Phone: (501) 324-9316

Fax: (501) 324-9311

<http://www.arkansas.gov>

August 27, 2008

Mr. Jay Bauman
Texas Arkansas Purchasing System
2230 North Edwards
Mt. Pleasant, TX 75456-1894

Dear Mr. Bauman:

I have reviewed the provided documentation from TAPS (Texas Arkansas Purchasing System) regarding its practices and procedures in the procurement of commodities and services. It appears that TAPS contracts substantially meet the requirements of Arkansas statutes, rules and remedies in accordance with the provisions of ACA 19-11-256 and 19-11-201, et. seq.

This cooperative agreement with TAPS (Texas Arkansas Purchasing System) would apply to purchases by any Arkansas State Agency, including higher education entities, or political subdivision (counties, municipalities, and school districts).

Should any questions arise, please contact this office.

Sincerely yours,

A handwritten signature in cursive script, reading "Jane T. Benton".

Jane T. Benton, Director
Office of State Procurement

RESOLUTION NO. _____

A RESOLUTION TO APPROVE THE INTERLOCAL COOPERATION AGREEMENT WITH DAWSON EDUCATION COOPERATIVE TO ENABLE THE CITY OF FAYETTEVILLE TO PURCHASE GOODS AND SERVICES THROUGH THE TEXAS ARKANSAS PURCHASING SYSTEM

WHEREAS, the Department of Finance and Administration has determined that state agencies, counties, cities, school districts, etc. can use The Texas Arkansas Purchasing System (TAPS) to acquire goods and services and remain in substantial compliance with Arkansas purchasing law.

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached Interlocal Cooperation Agreement with Dawson Education Cooperative to enable the City of Fayetteville to purchase goods and services through The Texas Arkansas Purchasing System(TAPS).

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

INTERLOCAL COOPERATION AGREEMENT

Public Agency

This Interlocal Cooperation Agreement (the "Agreement") is entered into by and between the **Dawson Education Cooperative (DEC)** and the **City of Fayetteville, Arkansas** (collectively, the Parties) pursuant to the Arkansas Interlocal Cooperation Act. Ark. Code Ann. §25-20-101 *et seq.*

RECITALS

WHEREAS, DEC is a political subdivision of Arkansas. Ark. Code Ann. §06-13-1002(a); and

WHEREAS, DEC has a legislative mandate to assist Education Entities or Higher Ed Divisions in using resources more effectively through cooperative purchasing. Ark. Code Ann. §06-13-1002(b)(2);

WHEREAS, the City of Fayetteville is a political subdivision of Arkansas. Ark. Code Ann. §14-37-101 *et seq.*

WHEREAS, the Arkansas Interlocal Cooperation Act authorizes public agencies to enter into agreements for joint cooperative action with other public agencies in order to exercise any governmental powers, privileges or authority that both agencies have in common. Ark. Code Ann. §25-20-101 *et seq.*

NOW, THEREFORE, the Parties **HEREBY** agree as follows:

I. Duration

This agreement is effective beginning _____ and shall be automatically renewed annually unless either party gives sixty (60) days prior written notice of non-renewal.

II. Purpose

The purpose of this Agreement shall be to provide cooperative purchasing services to the City of Fayetteville through a program known as the Texas Arkansas Purchasing System (TAPS) Program.

The purpose of the TAPS Program shall be to obtain substantial savings for participating education cooperatives, public schools and other public agencies through volume purchasing. TAPS' objective shall be to provide participating education service centers and cooperatives and their school districts and other public agencies opportunities for greater efficiency and economy in acquiring goods and services. Specifically, TAPS shall:

- ◀ Take advantage of state-of-the-art purchasing procedures to insure the most competitive contracts.
- ◀ Provide competitive price solicitation and bulk purchasing for multiple government entities that yields economic benefits unobtainable by individual entities.
- ◀ Provide quick and efficient delivery of goods and services by contracting with high performance vendors.
- ◀ Equalize purchasing power for small entities that are not able to commend the best contracts for themselves.
- ◀ Maintain credibility and confidence in business procedures by maintaining open competition for purchases and by complying with purchasing laws and ethical business practices.
- ◀ Assist entities in maintaining the essential controls for budget and accounting purposes.

III. Financing

This cooperative undertaking shall be financed by charging vendors a commission based upon the total volume of goods provided by said participating vendor. Co costs shall be incurred by DEC or its member public agencies.

IV. Termination

This Agreement may be terminated with or without cause by either party upon sixty (60) days prior written notice, or may also be terminated for cause at anytime upon written notice stating the reason for and effective date of such termination and after giving the affected party a thirty (30) day period to cure any breach.

V. Obligations of the Parties

DEC shall:

1. Coordinate with TAPS in order to provide for the administration of the program for DEC member districts.
2. Provide the City of Fayetteville with procedures for ordering, delivery, and billing.

The City of Fayetteville shall:

1. Commit to participate in the program by an authorized signature in the appropriate space below.
2. Designate a contact person for the cooperative.
3. Commit to purchase products and services that become part of the official products and services list when it is in the best interest of the member entity.
4. Prepare purchase orders issued to the appropriate vendor from the official award list provided by the Purchasing Cooperative.
5. Accept shipments of products ordered from vendors in accordance with standard purchasing procedures.
6. Pay vendors in a timely manner for all goods and services received.

VI. General Provisions

The Parties agree to comply fully with all applicable federal, state, and local statutes, ordinances, rules and regulations in connection with the programs contemplated under this Agreement. This Agreement is subject to all applicable present and future valid laws governing such program.

This Agreement contains the entire agreement of the Parties hereto with respect to the matters covered by its terms, and it may not be modified in any manner without the express written consent of the Parties.

If any terms or provisions of this Agreement are held by a court of competent jurisdiction to be invalid, void, or unenforceable, the remainder of the provisions of this Agreement shall remain in full force and effect.

The Parties to this Agreement expressly acknowledge and agree that all monies paid pursuant to this Agreement shall be paid from budgeted available funds for the current fiscal year of each such entity.

Before any party may resort to litigation, any claims, disputes or other matters in question between the Parties to this Agreement shall be submitted to nonbinding mediation.

No Party to the Agreement waives or relinquishes any immunity or defense on behalf of themselves, their directors, officers, employees, and agents as a result of its execution of this Agreement and performance of the functions and obligations described herein.

This Agreement may be negotiated and transmitted between the Parties by means of a facsimile machine and the terms and conditions agreed to are binding upon the Parties.

All notices required by this Agreement shall be sent to the Addresses listed below.

VII. Authorization

DEC has entered into this Agreement to provide cooperative purchasing opportunities to its members.

This Agreement was approved by the governing boards of the respective parties at meetings that were posted and held in accordance with applicable laws.

The individuals signing below are authorized to do so by the respective parties to this Agreement.

MEMBER INFORMATION

ANDREA FOREN
City of Fayetteville Purchasing Contact

113 W. Mountain St., Room 306
Fayetteville, AR 72701
(479) 575-8220
(479) 575-8257 – FAX
aforen@ci.fayetteville.ar.us

CHRIS DOUGHTY
City of Fayetteville Purchasing Technology Contact

113 W. Mountain St.
Fayetteville, AR 72701
(479) 575-8306
(479) 575-8257 – FAX
cdoughty@ci.fayetteville.ar.us

AUTHORIZATION

CITY OF FAYETTEVILLE, ARKANSAS

DAWSON EDUCATION COOPERATIVE

By: _____
LIONELD JORDAN, Mayor

By: _____
BECKY JESTER, Executing Director

ATTEST:

By: _____
Sondra Smith, City Clerk/Treasurer

By: _____

Date: _____

Date: _____

City of Fayetteville Staff Review Form

A. 5
Arkansas Emergency Telephone
Services Board
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

6/2/2009

City Council Meeting Date
Agenda Items Only

Greg Tabor, Acting Police Chief

Central Dispatch

Police

Submitted By

Division

Department

Action Required:

Accept training reimbursements from the Arkansas Emergency Telephone Services Board for training expenses for dispatch personnel and approve a budget adjustment increasing the dispatch travel and training account in the amount of these reimbursements as they are received.

\$ 796.00

Cost of this request

\$ 43,739.00

Category / Project Budget

Services and Charges

Program Category / Project Name

1010-2600-5304.00

Account Number

\$ 25,906.00

Funds Used to Date

Services and Charges

Program / Project Category Name

n/a

Project Number

\$ 17,833.00

Remaining Balance

General

Fund Name

Budgeted Item

☐

Budget Adjustment Attached

☒

Department Director

Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

City Attorney

Date

Finance and Internal Services Director

Date

Received in City
Clerk's OfficeENTERED
5-15-09

Chief of Staff

Date

Received in
Mayor's OfficeENTERED
5-15-09

Mayor

Date

Comments:



Departmental Correspondence

TO: Mayor Lioneld Jordon and Members of the City Council

FROM: Greg Tabor, Acting Chief of Police 

DATE: May 13, 2009

SUBJECT: Training Reimbursement for Central Dispatch Personnel

Recommendation: The City Council accept all training reimbursements approved by the Arkansas Emergency Telephone service board for training expenses for dispatch personnel. Approve a budget adjustment increasing dispatch travel and training account in the amount of these reimbursements as they are received.

Discussion: In 2008, the Arkansas Emergency Telephone Service Board notified us they would consider reimbursing travel and training expenses for dispatch personnel. The Central Dispatch center would like to take advantage of this reimbursement by sending the dispatchers to training we previously could not provide due to budget constraints.

Background: The Arkansas Emergency Telephone Services Board (AR ETS) previously known as "CMRS Board" receives funds collected by fees charged to wireless telephone subscribers. The Fayetteville Central Dispatch Center is a 9-1-1 wireless public safety answering point and is therefore eligible to receive funds from this board. The AR ETS Board manages and disburses funds as outlined under Arkansas Code 12-10-318 Emergency telephone service charges.

Budget Impact: There would be no impact to the budget but a budget adjustment increasing a revenue account and expense account would need to be approved administratively each time.

RESOLUTION NO. _____

A RESOLUTION TO ACCEPT TRAINING REIMBURSEMENT
FROM THE ARKANSAS EMERGENCY TELEPHONE SERVICES
BOARD IN THE AMOUNT OF \$796.00 AND TO APPROVE A
BUDGET ADJUSTMENT RECOGNIZING THIS REVENUE

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby accepts the training reimbursement from the Arkansas Emergency Telephone Service Board in the amount of \$796.00 and approves the attached budget adjustment recognizing this revenue.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 5
Arkansas Emergency Telephone
Services Board
Adjustment Number
Page 4 of 4

Budget Year 2009	Department: Police Division: Central Dispatch Program: Central Dispatch	Date Requested	
--------------------------------	---	----------------	--

Project or Item Added/Increased: Accept reimbursement for travel and training for dispatcher training.	Project or Item Deleted/Reduced: No Project or Item was deleted or reduced
---	---

Justification of this Increase: The AR ETS board has offered to reimburse training for dispatchers and we would like to take advantage of this reimbursement by sending dispatchers to training they might not receive otherwise,	Justification of this Decrease: A decrease did not take place from this request
--	--

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Travel & Training	1010	2600	5304	00	796		

Decrease Budget							
Account Name	Account Number				Amount	Project Number	
CMRS Reimbursement	1010	0001	4401	04	796		

Karl A. Stet 4-30-09
Division Head Date

[Signature] 5-15-09
Budget Director Date

[Signature] 4-30-09
Department Director Date

Paul A. Behn 5-15-09
Finance Director Date

[Signature] 5-18-09
Chief of Staff Date

[Signature] 5/18/09
Mayor Date

V.090403

Budget & Research Use Only

Type: A B C D E

Requested By _____

General Ledger Date _____

Posted to General Ledger _____

Posted to Project Accounting _____

Initial Date Initial Date

City of Fayetteville Staff Review Form

A. 6
2009 Water and Sewer Revenue Bonds
Page 1 of 4

City Council Agenda Items
and
Contracts, Leases or Agreements

6/2/09
5/10/2009

City Council Meeting Date
Agenda Items Only

Paul A. Becker
Submitted By

Finance Director
Division

Finance
Department

Action Required:

This request is to appropriate the proceeds of the 2009 Water & Sewer Revenue Bond Issue expended for the purpose of projects associated with relocations due to road improvement programs primarily the 265 (Crossover Road) improvement project.

\$ 7,500,000
Cost of this request
5400.5640.5808.00
5400.5740.5815.00
Account Number
09018
Project Number

\$ -
Category / Project Budget
\$ -
Funds Used to Date
\$ -
Remaining Balance

W&S Relocations - 2009 Bond Proceeds
Program Category / Project Name
Water & Sewer Improvements
Program / Project Category Name
Water & Sewer
Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☒

Paul A. Becker 5-15-2009
Department Director Date

City Attorney 5-15-09
Date

Previous Ordinance or Resolution #

Original Contract Date:

Original Contract Number:

Paul A. Becker 5-15-2009
Finance Director Date

Chief of Staff 5/18/09
Date

Mayor 5/18/09
Date

Received in City
Clerk's Office

ENTERED
5/15/09

Received in
Mayor's Office

ENTERED

Comments:



DEPARTMENTAL CORRESPONDENCE

TO: Mayor Lioneld Jordan and Fayetteville City Council

Thru: Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director

DATE: May 14, 2009

SUBJECT: Appropriation Authority for 2009 Water and Sewer Revenue Bonds

Background:

Pursuant to the passage of Ordinance 5235 on April 21, 2009, the series 2009 Water and Sewer Revenue Bonds have been sold. To proceed with the identified projects it is necessary to create a new program in the Water and Sewer Fund and appropriate the proceeds in accordance with the attached budget amendment.

Recommendation:

It is recommended that the attached budget amendment be approved so that planned work can commence in the fiscal year 2009.

Budget Impact:

The attached budget amendment will fund capital projects in the Water and Sewer Fund in the amount of \$7,500,000. The funds will come from the bond proceeds.

RESOLUTION NO. _____

**A RESOLUTION TO APPROVE A BUDGET ADJUSTMENT
IN THE AMOUNT OF SEVEN AND A HALF MILLION DOLLARS
(\$7,500,000.00) TO RECOGNIZE REVENUE FROM THE SALE OF
THE 2009 WATER AND SEWER REVENUE BONDS**

WHEREAS, the Fayetteville City Council authorized the issuance of the 2009 Water and Sewer Revenue bonds to acquire necessary funds for water and sewer capital projects; and

WHEREAS, the sale of the 2009 Water and Sewer Revenue Bonds has generated seven and a half million dollars (\$7,500,000.00).

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves the attached budget adjustment to place the \$7.5 million raised from the sale of the 2009 Water and Sewer Revenue Bonds into the Water and Sewer Fund and appropriate them for capital improvements of the City's water and sewer facilities.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

A. 6
2009 Water and Sewer Revenue Bonds
Page Adjustment Number

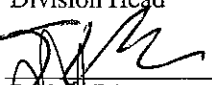
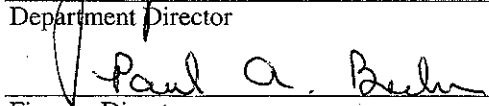
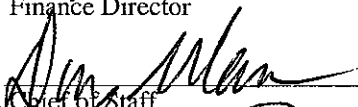
Budget Year 2009	Department: Utilities Division: Water & Sewer Maintenance Program: W&S Bond Proceeds	Date Requested 5/15/2009
--------------------------------	--	--

Project or Item Added/Increased: \$7,500,000 is requested in the water and sewer improvement accounts.	Project or Item Deleted/Reduced: \$7,500,000 is requested from the Proceeds from Bond Sales account.
--	--

Justification of this Increase: When the AHTD widens a state highway within the city limits the City is responsible for the relocation of the water and sewer lines.	Justification of this Decrease: The proceeds of the 2009 Water & Sewer Bond issue will finance the relocation of water and sewer lines for road improvement projects.
--	---

Increase Budget							
Account Name	Account Number				Amount	Project Number	
Water Line Improvements	5400	5640	5808	00	3,750,000	09018	0901
Sewer Improvements	5400	5740	5815	00	3,750,000	09018	0902
Decrease Budget							
Account Name	Account Number				Amount	Project Number	
Proceeds from Bond Sales	5400	0940	6884	00	7,500,000	09018	0901

V.090403

Division Head	Date
	5-15-09
Budget Director	Date
	5/18/09
Department Director	Date
	5-15-09
Finance Director	Date
	5/18/09
Chief of Staff	Date
	5/18/09
Mayor	Date

Budget & Research Use Only				
Type:	A	B	C	<u>D</u> E
Requested By				
General Ledger Date				
Posted to General Ledger	Initial	Date		
Posted to Project Accounting	Initial	Date		

City of Fayetteville Staff Review Form

A. 7
 Repeal Bid # 09-27 Lewis Ford
 Page 1 of 6

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

6/2/2009

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution (repealing Resolution #86-09) awarding Bid #09-27 to Lewis Ford of Fayetteville, AR in the amount of \$18,379.00 for the purchase of one compact 4 x 4 pickup truck for use by the Airport.

\$ 18,379.00

Cost of this request

\$ 550,275.00

Category / Project Budget

Light/Medium Utility Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 185,778.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2009

Project Number

\$ 364,497.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item ☒Budget Adjustment Attached ☐

Tyler Gully
 Department Director

5-15-09
 Date

Previous Ordinance or Resolution # _____

K. K. K.
 City Attorney

5-15-09
 Date

Original Contract Date: _____

Original Contract Number: _____

Paul a. Becker
 Finance and Internal Services Director

5-15-2009
 Date

Received in City Clerk's Office

5/15/09

Alan Mann
 Chief of Staff

5/18/09
 Date

Received in Mayor's Office



Donald Jordan
 Mayor

5/18/09
 Date

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



7 Lewis Ford

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION *TG*

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT.

DATE: May 15, 2009

SUBJECT: Purchase of one compact 4 x 4 pickup truck

RECOMMENDATION: That City Council rescind Resolution #86-09 to purchase a compact 4x4 pickup truck from Lander's McLarty Ford of Bentonville, and approve the purchase of a compact 4x4 pickup truck from Lewis Ford of Fayetteville in the amount of \$18,379.00

BACKGROUND: At the Council meeting of April 21, 2009 the purchase of one compact 4x4 pickup truck from Lander's McLarty Ford was approved in the amount of \$18,151. Lander's McLarty has since advised that they inadvertently bid the wrong vehicle so their bid #09-27 does **not** meet the City specifications.

The lowest bid that **does** meet specs is from Lewis Ford of Fayetteville.

I recommend the purchase of the pickup from Lewis Ford in the amount of \$18,379.00.

Funds are available for this purchase in Project 02078, Light/Medium Utility Vehicles.

RESOLUTION NO. _____

**A RESOLUTION TO REPEAL RESOLUTION NO. 86-09 AND TO
AWARD BID #09-27 FOR A 4x4 COMPACT PICKUP TRUCK
TO LEWIS FORD OF FAYETTEVILLE IN THE AMOUNT
OF \$18,379.00**

WHEREAS, the apparent low bidder selected in Resolution No. 86-09 mistakenly bid the wrong vehicle and is therefore not a qualified bidder, which makes Lewis Ford the lowest qualified bidder.

**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 repeals Resolution No. 86-09 and awards Bid # 09-27 for a 4x4 compact pickup truck to Lewis Ford of Fayetteville in the amount of \$18,379.00.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

BID: 09-27
3/18/2009
3:00 PM
CITY OF FAYETTEVILLE



Bid 09-27, Compact Truck

BIDDER	Manufacturer	Model	Price Each	Qty	Total Bid Price
1 Chevrolet/Hummer of Fayetteville	Chevy	Colorado	\$21,997.00	2	\$43,994.00
2 Golden Circle Ford	2009 Ford	Ranger	\$19,857.00	2	\$39,714.00
3 Landers Ford Lincoln Mercury	Ford	Ranger	\$18,449.00	2	\$36,898.00
4 Landers McLarty Ford	2009 Ford	Ranger 4x4 Super Cab	\$18,150.75	2	\$36,301.50
5 Lewis Ford Sales, Inc.	Ford	Ranger	\$18,379.00	2	\$36,758.00
6 Riser Ford	Ford	Ranger	\$19,762.75	2	\$39,525.50

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

CERTIFIED:


A. FOREN, PURCH AGENT


WITNESS

3/18/09
DATE

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

Vendor Name:

7040

LEWIS FORD

State:

Zip Code:

Ship to code:

Requester's Employee #:

Extension:

Project/Subproject #

Inventory #

Fixed Asset #

Requester: BARBARA OLSEN

Item Description

1	2009 FORD RANGER 4 X 4 EXTENDED CAB	1	EA	18,379.00	\$18,379.00	9700.1920.5802.00	02078.2009		
2	PICKUP PER BID #09-27, TO BE UNIT #2135				\$0.00				
3	FIXED ASSET 702135				\$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: \$18,379.00

Tax: EXEMPT

Total: \$18,379.00

Approvals:

Mayor: _____

Department Director: _____

Purchasing Manager: _____

Finance & Internal Services Director: _____

Budget Manager: _____

IT Manager: _____

Dispatch Manager: _____

Utilities Manager: _____

Other: _____

City of Fayetteville Staff Review Form

A. 8
 Repeal Bid # 09-28 Lewis Ford
 Page 1 of 6

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

6/2/2009

City Council Meeting Date
 Agenda Items Only

Dennis Pratt / Barbara Olsen

Submitted By

Fleet Operations

Division

Transportation

Department

Action Required:

A resolution (repealing Resolution #87-09) awarding Bid #09-28 to Lewis Ford of Fayetteville, AR in the amount \$15,987.00 for the purchase of one compact 2 x 4 extended cab pickup truck for use by Building Safety Division.

\$ 15,987.00

Cost of this request

\$ 550,275.00

Category / Project Budget

Light/Medium Utility Vehicles

Program Category / Project Name

9700.1920.5802.00

Account Number

\$ 203,929.00

Funds Used to Date

Vehicles and Equipment

Program / Project Category Name

02078.2009

Project Number

\$ 346,346.00

Remaining Balance

Shop Fund

Fund Name

Budgeted Item

☒

Budget Adjustment Attached

☐

Terry J Gully
 Department Director

5-15-09
 Date

Previous Ordinance or Resolution #

K. [Signature]
 City Attorney

5-15-09
 Date

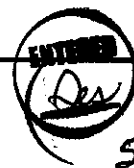
Original Contract Date:

Original Contract Number:

Paul A. Becker
 Finance and Internal Services Director

5-15-2009
 Date

Received in City
 Clerk's Office



5/15/09

[Signature]
 Chief of Staff

5/18/09
 Date

Received in
 Mayor's Office



[Signature]
 Mayor

5/18/09
 Date

Comments:



FLEET OPERATIONS
1525 S. Happy Hollow Road
Fayetteville, AR 72701
(479) 444-3495 FAX (479) 444-3425



28 Lewis Ford

Interdepartmental Correspondence

TO: MAYOR/CITY COUNCIL

THRU: TERRY GULLEY, DIRECTOR OF TRANSPORTATION *AG*

FROM: DENNIS PRATT, FLEET OPERATIONS SUPT.

DATE: May 15, 2009

SUBJECT: Purchase of one compact 2 x 4 pickup truck

RECOMMENDATION: That City Council rescind Resolution #87-09 to purchase a compact 2x4 pickup truck from Lander's McLarty Ford of Bentonville, and approve the purchase of a compact 2x4 pickup truck from Lewis Ford of Fayetteville in the amount of \$15,987.00

BACKGROUND: At the Council meeting of April 21, 2009 the purchase of one compact 2x4 pickup truck from Lander's McLarty Ford was approved in the amount of \$15,041.75. Lander's McLarty has since advised that they inadvertently bid the wrong vehicle so their bid #09-28 does not meet the City specifications.

The lowest bid that **does** meet specs is from Lewis Ford of Fayetteville.

I recommend the purchase of the pickup from Lewis Ford in the amount of \$15,987.

Funds are available for this purchase in Project 02078, Light/Medium Utility Vehicles.

RESOLUTION NO. _____

**A RESOLUTION TO REPEAL RESOLUTION NO. 87-09 AND TO
AWARD BID #09-28 FOR AN EXTENDED CAB COMPACT
PICKUP TRUCK TO LEWIS FORD OF FAYETTEVILLE IN THE
AMOUNT OF \$15,987.00**

WHEREAS, the apparent low bidder selected in Resolution No. 87-09 mistakenly bid the wrong vehicle and is therefore not a qualified bidder, which makes Lewis Ford the lowest qualified bidder.

**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 repeals Resolution No. 87-09 and awards Bid #09-28 for an extended cab compact pickup truck to Lewis Ford of Fayetteville in the amount of \$15,987.00.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

BID: 09-28
3/18/2009
3:00 PM
CITY OF FAYETTEVILLE

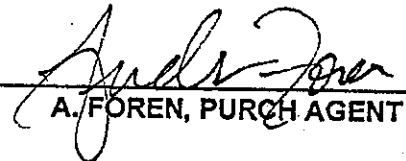


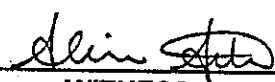
Bid 09-28, Compact Truck - Extended Cab

BIDDER	Manufacturer	Model	Total Price
1 Chevrolet/Hummer of Fayetteville	Chevy	Ex-Cab Colorado	\$18,997.00
2 Golden Circle Ford	2009 Ford	Ranger	\$17,547.00
3 Landers Ford Lincoln Mercury	Ford	Ranger	\$16,675.00
4 Landers McLarty Ford	2009 Ford	Ranger 4x2 Super Cab	\$15,041.75
5 Lewis Ford Sales, Inc.	Ford	Ranger	\$15,987.00
6 Riser Ford	Ford	F-150	\$20,270.00

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

CERTIFIED:


A. FOREN, PURCH AGENT


WITNESS

3/18/09
DATE

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

Requisition No.:
Date: A. 8
Repeal Bid # 09-28 Lewis Ford
P.O Number:
Expected Delivery Date:

Vendor #: 7040 Vendor Name: LEWIS FORD
Mail Yes: _____

Address: Fob Point: Taxable Yes: _____ No: X
Quotes Attached Yes: _____ No: _____

City: State: Zip Code: Ship to code: 50
Division Head Approval: _____

Requester: BARBARA OLSEN Requester's Employee #: 1940 Extension: 485

Item	Description	Quantity	Unit of Issue	Unit Cost	Extended Cost	Account Numbers	Project/Subproject #	Inventory #	Fixed Asset #
1	2009 FORD RANGER 2 X 4 EXTENDED CAB	1	EA	15,987.00	\$15,987.00	9700.1920.5802.00	02078.2009		
2	PICKUP PER BID #09-28, TO BE UNIT #2137				\$0.00				
3	FIXED ASSET 702137				\$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: \$15,987.00
Tax: EXEMPT
Total: \$15,987.00

Approvals:

Mayor: _____ Department Director: _____ Purchasing Manager: _____
Finance & Internal Services Director: _____ Budget Manager: _____ IT Manager: _____
Dispatch Manager: _____ Utilities Manager: _____ Other: _____

City of Fayetteville Staff Review Form

C. 1
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

[Signature]
Department Director

4-16-09
Date

Previous Ordinance or Resolution #

204-07

182-08

227-08

Original Contract Date:

Original Contract Number:

[Signature]
City Attorney

4/17/09
Date

[Signature]
Finance and Internal Services Director

4-20-2009
Date

Received in City
Clerk's Office

ENTERED
4-16-09

[Signature]
Chief of Staff

4/20/09
Date

Received in
Mayor's Office

ENTERED
4/17/09

[Signature]
Mayor

4/21/09
Date

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

Removed from Consent & Tabled to 5/19/09 meeting
Tabled to 6/2/09 & the 5/19/09
Revised January 15, 2009
5/5/09



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 (EIN):															
<table border="1"> <tr> <td>7</td><td>1</td><td>-</td><td>6</td><td>0</td><td>1</td><td>8</td><td>4</td><td>6</td><td>2</td><td></td><td></td> </tr> </table>				7	1	-	6	0	1	8	4	6	2		
7	1	-	6	0	1	8	4	6	2						
8. TYPE OF APPLICATION:		7. TYPE OF APPLICANT: (See back of form for Application Types)													
☐ New ☒ Continuation ☐ Revision If Revision, enter appropriate letter(s) in box(es): (See back of form for description of letters)		☒ C Other (specify)													
Other (specify)		9. NAME OF FEDERAL AGENCY FAA SW Region													
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:													
<table border="1"> <tr> <td>2</td><td>0</td><td>-</td><td>1</td><td>0</td><td>6</td> </tr> </table>		2	0	-	1	0	6	Design Services, Land Acquisition and Construction for the Runway 16 Safety Area to including the relocation of US HWY 71 and Lancaster Drive.							
2	0	-	1	0	6										
TITLE: AIP															
12. AREAS AFFECTED BY PROJECT (cities, counties, states, etc.): Washington County, Arkansas															
13. PROPOSED PROJECT															
Start Date June 2009		Ending Date December 2010													
14. CONGRESSIONAL DISTRICTS OF															
a. Applicant Third		b. Project Third													
15. ESTIMATED FUNDING															
a. Federal	\$	3,857,000.													
b. Applicant	\$														
c. State	\$	203,000.													
d. Local	\$														
e. Other	\$														
f. Program income	\$														
g. TOTAL	\$	4,060,000.00													
16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS															
a. Yes. ☐ THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON															
DATE:															
b. No. ☐ PROGRAM IS NOT COVERED BY E. O. 12372															
☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW															
17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?															
☐ Yes If "Yes" attach an explanation ☒ No															
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													
Last Name Jordan		Suffix													
b. Title Mayor		c. Telephone number (give area code) 479-575-8330													
d. Signature of Authorized Representative		e. Date Signed													

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 ☒ No

Number 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)

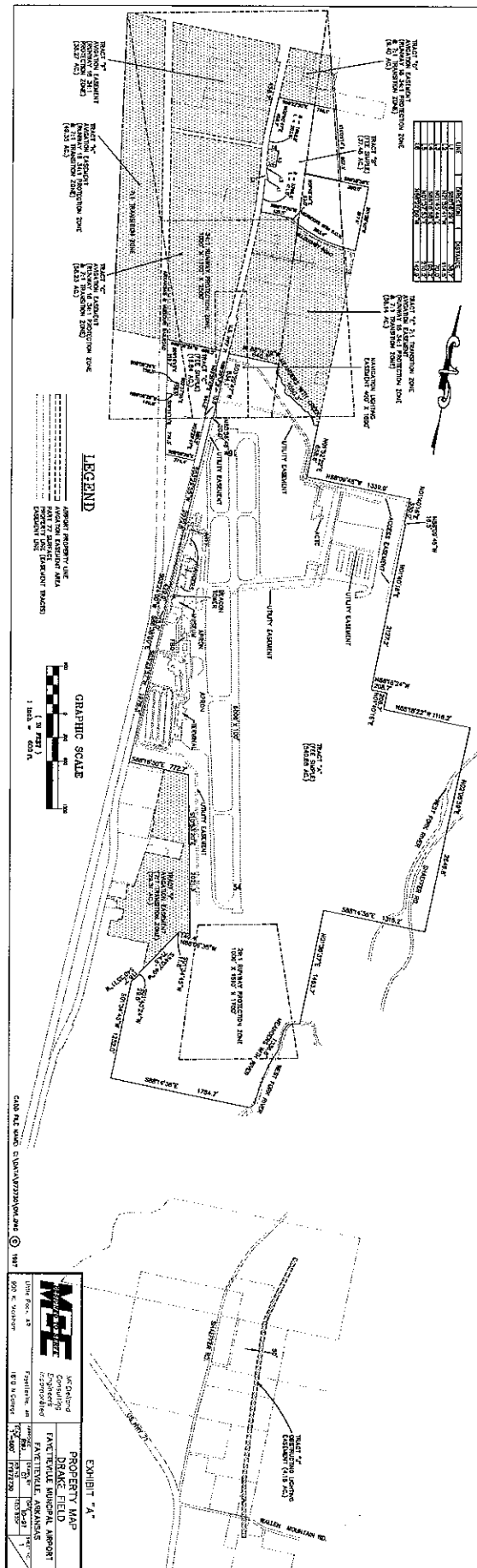
PART IV

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 Realignments 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 In 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%

Federal AIP Projects:

AIP Number: 3-05-0020-038-2009
95-5% Match ☒
90-10% Match

ESTIMATED

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

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.

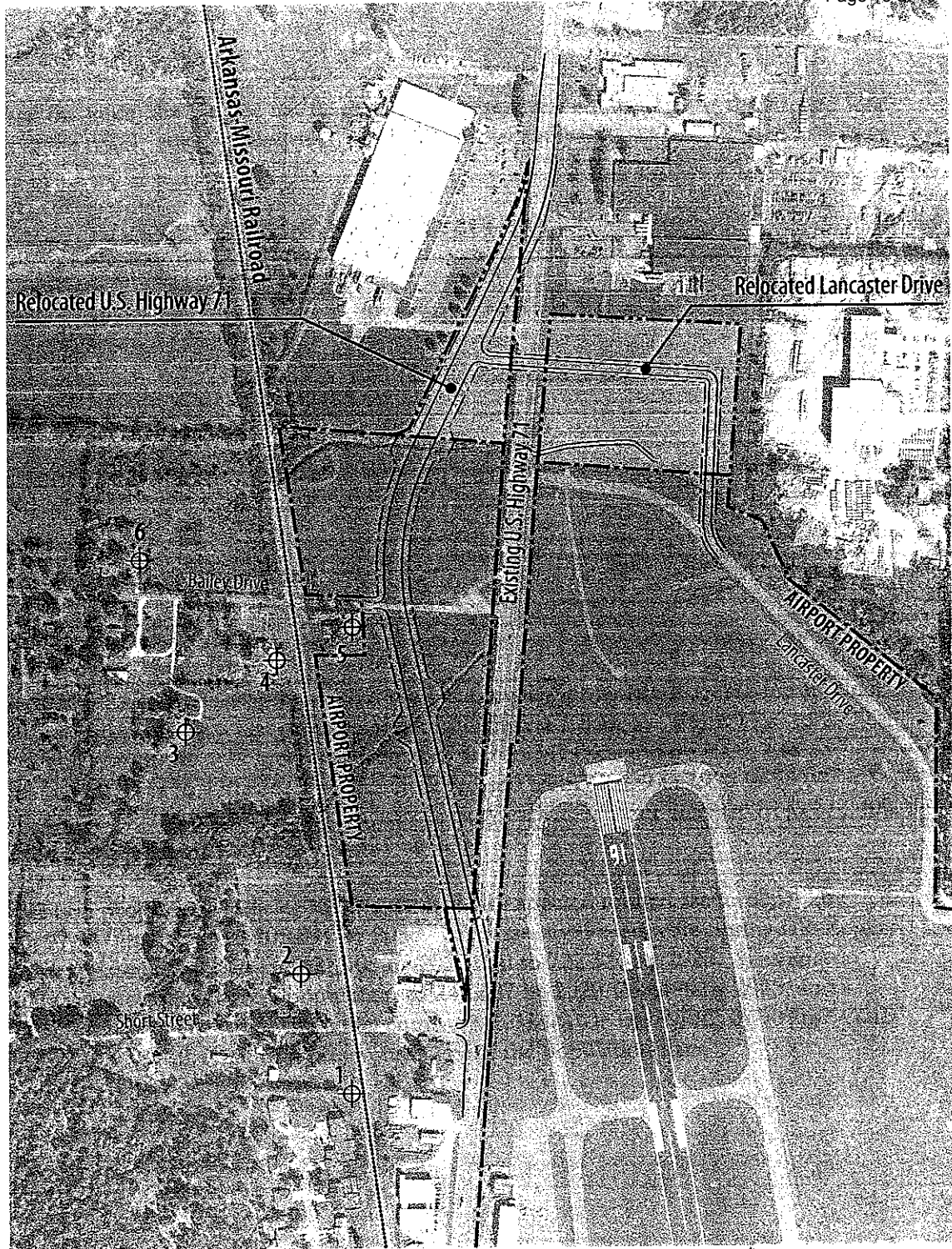
Funds will be disbursed according to Department procedures and final inspection of completed project (See payment instruction page). Payment of grant funds are contingent upon the Department's biennium appropriation.

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

C. 2
 Bid # 09-34 Runway Safety
 Area Improvement Project
 Page 1 of 12

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:

Tabled to 6/2/09 & the 5/19/09
 Revised January 15, 2009
 Removed from Consent : Tabled to 5/19/09 meeting 5/5/09



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 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 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

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
Instructions to Bidders
Bid and acceptance thereof
Performance Bond

Payment Bond
General Conditions
Supplemental Conditions
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-Ancor, 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:

ATTEST:

City Clerk

By _____

Title

CITY OF FAYETTEVILLE

By _____

Lioneld Jordan, Mayor

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

Fayetteville, Arkansas 72703 / 72702-1229
PHONE: 479-443-2377
FAX: 479-443-9241

C. 2
Bid # 09-34 Runway Safety
187044 College Avenue Project
Page 8 of 13
P.O. Box 1229

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:

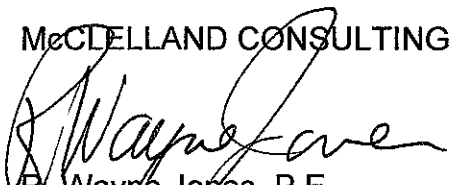
Bids were received on the above referenced project on Tuesday April 28, 2009, with six Contractors submitting a bid for this project. The low bidder for the Basis of Award for the Total Bid for Schedules I & II is Sweetser construction, Inc., of Fayetteville, Arkansas, in the amount of \$ \$ 969,325.65.00 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

C. 2
 Bid # 09-34 Runway Safety
 Area Improvement Project
 Page 9 of 12

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 #0011640410	
				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	\$1,850.00	\$1,850.00	\$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	\$28,875.00	\$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	\$18,280.00
5	Select Borrow Embankment (Plan Quantity)	14,000	CY	\$6.50	\$91,000.00	\$7.45	\$104,300.00	\$8.00	\$112,000.00	\$6.75	\$94,500.00	\$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	\$1.19	\$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	\$13,488.25	\$3.08	\$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	\$2,850.00	\$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	3,600	SY	\$5.45	\$19,620.00	\$2.50	\$9,000.00	\$5.00	\$18,000.00	\$6.35	\$22,860.00	\$5.35	\$19,260.00	\$4.60	\$16,740.00
13	Double 6' x 6' Box Culvert (Complete)	1	EA	\$53,875.00	\$53,875.00	\$79,600.00	\$79,600.00	\$71,000.00	\$71,000.00	\$79,798.00	\$79,798.00	\$52,500.00	\$52,500.00	\$82,447.00	\$82,447.00
14	5 Barrel 6' x 6' Box Culvert (Complete)	1	EA	\$167,238.00	\$167,238.00	\$217,000.00	\$217,000.00	\$198,000.00	\$198,000.00	\$261,178.00	\$261,178.00	\$176,400.00	\$176,400.00	\$234,890.00	\$234,890.00
15	Maintenance Driveways & Bailey Drive	1	LS	\$7,500.00	\$7,500.00	\$1,500.00	\$1,500.00	\$1,800.00	\$1,800.00	\$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	\$1,833.00	\$21,996.00	\$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	\$2,600.00	\$2,600.00	\$2,500.00	\$1.15	\$1.15	\$2,500.00	\$2,500.00	\$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	8" RDR 26 PVC Sewer Pipe	260	LF	\$30.00	\$7,800.00	\$20.87	\$5,426.20	\$21.00	\$5,460.00	\$18.80	\$4,888.00	\$16.20	\$4,732.00	\$19.85	\$5,161.00
20	10" RDR 26 PVC Sewer Pipe	550	LF	\$32.00	\$17,600.00	\$25.99	\$14,284.50	\$23.00	\$12,650.00	\$21.10	\$11,605.00	\$31.75	\$17,482.50	\$23.80	\$12,980.00
21	Crushed Stone Trench Backfill	1,100	TN	\$14.00	\$15,400.00	\$16.90	\$18,590.00	\$15.00	\$16,500.00	\$10.80	\$11,880.00	\$22.30	\$24,530.00	\$18.95	\$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	\$2,600.00	\$2,600.00	\$1,309.00	\$1,309.00	\$3,500.00	\$3,500.00	\$580.55	\$580.55
24	6" Water Line Relocation in Bailey Drive	1	LS	\$14,500.00	\$14,500.00	\$7,426.40	\$7,426.40	\$15,000.00	\$15,000.00	\$11,530.00	\$11,530.00	\$38,800.00	\$38,800.00	\$10,474.60	\$10,474.60
25	12" PVC Class 200 Force Main	280	LF	\$38.00	\$9,960.00	\$34.13	\$9,576.40	\$33.00	\$9,240.00	\$33.60	\$9,408.00	\$36.00	\$10,140.00	\$36.30	\$9,438.00
26	Ductile Iron Fittings (Epoxy Coated)	1,000	LB	\$12.50	\$12,500.00	\$7.58	\$7,580.00	\$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)	118	LF	\$225.00	\$26,550.00	\$85.00	\$10,100.00	\$82.00	\$9,676.00	\$78.60	\$9,274.80	\$80.00	\$9,440.00	\$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	\$1,760.00	\$1,760.00	\$2,700.00	\$2,700.00	\$6,657.00	\$6,657.00	\$2,500.00	\$2,500.00	\$2,680.00	\$2,680.00
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	\$2.95	\$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	LS	\$1,375.00	\$1,375.00	\$1,375.00	\$1,375.00	\$1,500.00	\$1,500.00	\$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)					\$736,483.40		\$759,283.60		\$767,741.00		\$865,129.70		\$727,754.00		\$907,721.35
SCHEDULE II															
1	Mobilization and Demobilization (Freeway 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)	3,300	CY	\$6.50	\$21,450.00	\$7.45	\$24,585.00	\$8.00	\$26,400.00	\$7.55	\$24,915.00	\$8.26	\$27,242.00	\$8.80	\$29,040.00

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

C. 2
Bid # 09-34 Runway Safety
Area Improvement Project
Page 10 of 12

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 #0040940808		APAC-McClinton Anchor License #0011840410	
				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	\$3.00	\$27,500.00	\$1.05	\$5,775.00	\$1.18	\$6,490.00	\$2.00	\$11,000.00
9	Silt Fence	2,845	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	875	LF	\$30.00	\$29,250.00	\$27.00	\$26,325.00	\$10.00	\$9,750.00	\$1.25	\$1,218.75	\$7.00	\$6,625.00	\$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	\$622.00	\$622.00	\$1,200.00	\$1,200.00	\$2,946.00	\$2,946.00
12	Erosion Control Blanket	1,500	SY	\$5.45	\$10,355.00	\$2.50	\$4,750.00	\$5.00	\$9,500.00	\$8.60	\$19,340.00	\$5.35	\$10,165.00	\$5.15	\$9,785.00
13	Removal of 8 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	\$14.80	\$12,143.50	\$10.40	\$9,478.00
15	Relocate Double Gate	1	LS	\$725.00	\$725.00	\$724.08	\$724.08	\$800.00	\$800.00	\$795.00	\$795.00	\$510.00	\$510.00	\$742.65	\$742.65
16	6 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	\$1,776.00	\$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		\$280,311.63		\$272,100.00		\$298,003.00		\$251,286.20		\$342,772.80
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	\$83,600.00	\$83,600.00	\$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	\$3.80	\$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	\$6.60	\$5,280.00	\$7.45	\$5,960.00	\$8.00	\$6,400.00	\$11.70	\$9,360.00	\$12.60	\$10,080.00	\$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	\$1.80	\$7,695.00
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	Temporary Rock Check Dams Maintenance	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	Erosion Control Blanket	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	Block and Aggregate Filters	680	LF	\$6.50	\$4,420.00	\$14.00	\$9,520.00	\$11.00	\$7,480.00	\$5.60	\$3,740.00	\$10.00	\$6,800.00	\$10.65	\$7,242.00
15	Curb Inlet Sediment Barrier	18	EA	\$80.00	\$1,440.00	\$250.00	\$4,500.00	\$100.00	\$1,800.00	\$165.00	\$2,970.00	\$20.00	\$320.00	\$177.10	\$3,188.60
16	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	\$13.50	\$202,500.00	\$14.20	\$213,000.00
17	4" Asphalt Binder (1") PG 70-22	5,000	TN	\$58.70	\$293,500.00	\$55.76	\$278,900.00	\$58.70	\$293,500.00	\$60.80	\$304,000.00	\$70.80	\$354,000.00	\$57.90	\$289,500.00
18	3" Asphalt Surface (1/2") PG 70-22	5,000	TN	\$78.70	\$393,500.00	\$63.33	\$316,650.00	\$78.70	\$393,500.00	\$82.60	\$413,000.00	\$82.22	\$411,100.00	\$64.15	\$320,760.00
19	Concrete Curb & Gutter (Type A)	6,120	LF	\$8.00	\$48,960.00	\$8.75	\$53,550.00	\$11.50	\$70,380.00	\$8.10	\$49,672.00	\$9.90	\$60,588.00	\$11.20	\$68,544.00
20	Concrete Curb & Gutter (Type E-1)	328	LF	\$8.00	\$2,624.00	\$8.75	\$2,868.00	\$11.50	\$3,772.00	\$12.00	\$3,960.00	\$9.90	\$3,247.20	\$14.35	\$4,706.80
21	Concrete Sidewalk	3,480	SY	\$28.00	\$97,440.00	\$33.46	\$116,537.00	\$24.00	\$83,040.00	\$22.00	\$76,120.00	\$30.25	\$104,665.00	\$22.45	\$77,677.00
22	HC Ramps AHFD, Type III	65	SY	\$230.00	\$14,950.00	\$62.15	\$4,039.75	\$50.00	\$3,250.00	\$38.00	\$2,470.00	\$66.50	\$4,314.50	\$133.00	\$8,645.00
23	PCC Driveways	65	SY	\$38.00	\$2,470.00	\$49.00	\$3,185.00	\$29.00	\$1,885.00	\$38.00	\$2,470.00	\$40.50	\$2,632.50	\$60.15	\$3,909.75
24	Asphalt Surface Course for Driveways	240	TN	\$85.10	\$20,424.00	\$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
25	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	\$28.00	\$12,600.00	\$19.00	\$8,550.00
26	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
27	24" RCP, Class III, Wall B	65	LF	\$45.50	\$2,957.50	\$40.00	\$2,600.00	\$44.00	\$2,860.00	\$47.00	\$3,055.00	\$76.00	\$4,936.00	\$45.40	\$2,952.40

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

C. 2
Bid # 09-34 Runway Safety
Area Improvement Project
Page 12 of 12

Item #	Description	Qty.	Unit	Sweetser Construction, Inc. License #0027470410		Dean Crowder Construction License #0031810310		Total Site Development, LLC License #0183010310		NEC, Inc License #0148780410		Tomlinson Asphalt Co. License #0040840809		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	880	TN	\$57.60	\$50,688.00	\$55.78	\$49,089.40	\$57.60	\$50,688.00	\$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	\$33,025.00
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	810	SY	\$28.00	\$22,680.00	\$33.45	\$27,094.50	\$24.00	\$19,440.00	\$19.30	\$15,633.00	\$30.25	\$24,502.50	\$29.40	\$23,814.00
15	HC Ramps AHTD, Type III	16	SY	\$230.00	\$3,680.00	\$62.15	\$994.40	\$50.00	\$800.00	\$46.30	\$742.80	\$58.50	\$936.00	\$181.70	\$2,907.20
16	18" RCP, Class III, Wall B	185	LF	\$29.00	\$5,365.00	\$36.00	\$6,660.00	\$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 B	65	LF	\$45.50	\$2,957.50	\$61.00	\$3,965.00	\$75.00	\$4,875.00	\$87.80	\$5,707.00	\$130.00	\$8,450.00	\$83.85	\$5,450.26
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	\$2,350.00	\$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	\$8,994.00	\$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	\$2,259.00	\$27,108.00	\$1,550.00	\$18,600.00	\$2,026.00	\$24,312.00
22	Channel Realignment	1	LS	\$36,662.50	\$36,662.50	\$14,000.00	\$14,000.00	\$10,000.00	\$10,000.00	\$18,580.50	\$18,580.50	\$25,000.00	\$25,000.00	\$19,738.00	\$19,738.00
23	8ft Fence Maintenance	2,545	LF	\$1.00	\$2,545.00	\$2.50	\$6,362.50	\$1.00	\$2,545.00	\$0.80	\$2,036.00	\$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	80	LF	\$6.50	\$520.00	\$14.00	\$1,120.00	\$11.00	\$880.00	\$11.30	\$904.00	\$10.00	\$800.00	\$23.40	\$1,872.00
26	Curb Inlet Sediment Barrier	4	EA	\$80.00	\$320.00	\$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	\$31,265.50
28	Erosion Control Blanket	5,500	SY	\$5.45	\$29,975.00	\$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	LG	\$500.00	\$500.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$1.00	\$1.00	\$500.00	\$500.00	\$560.05	\$560.05
30	Remove Existing 8 ft Chain Link Fence	550	LF	\$2.00	\$1,100.00	\$2.50	\$1,375.00	\$3.00	\$1,650.00	\$2.30	\$1,265.00	\$3.15	\$1,732.50	\$2.05	\$1,127.50
31	New 8 ft Chain Link Fence with Barbed Wire	950	LF	\$18.50	\$17,675.00	\$18.41	\$17,489.50	\$20.00	\$19,000.00	\$20.80	\$19,760.00	\$15.80	\$15,010.00	\$18.80	\$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	\$6,462.00	\$6,462.00	\$9,265.00	\$9,265.00	\$16,518.00	\$16,518.00
34	Asphalt Milling	150	SY	\$12.50	\$1,875.00	\$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	\$1,685.00	\$11,795.00	\$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		\$405,467.80		\$416,522.70		\$466,148.90
TOTAL BID SCHEDULES I & II					\$969,325.65		\$1,039,595.43		\$1,039,841.00		\$1,163,132.70		\$979,040.20		\$1,250,494.25
TOTAL BID SCHEDULES I, II & III					\$2,631,760.15		\$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		\$3,229,929.00		\$3,346,050.11		\$3,395,040.80

City of Fayetteville Staff Review Form

C. 3
McClelland Consulting Engineers, Inc.
Page 1 of 12

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

5/19/2009

City Council Meeting Date
Agenda Items Only

Ray M. Boudreaux

Submitted By

Aviation

Division

Transportation

Department

Action Required:

1) A Resolution to approve Task Order #1 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.

\$ 231,096.00

Cost of this request

\$ 223,467.00

Category / Project Budget

Correct Runway 16 RSA

Program Category / Project Name

5550.3960.5314.00

Account Number

\$ 197,667.30

Funds Used to Date

Avi/ED Imp

Program / Project Category Name

07039 3

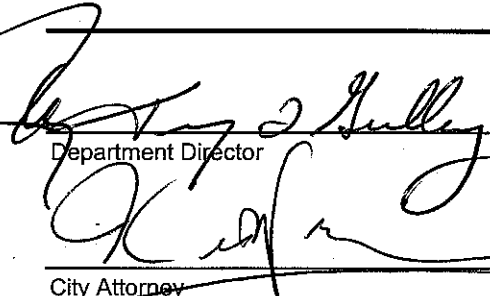
Project Number

\$ 25,799.70

Remaining Balance

Airport Fund

Fund Name

Budgeted Item ☐Budget Adjustment Attached ☒

Department Director

5-1-09

Date

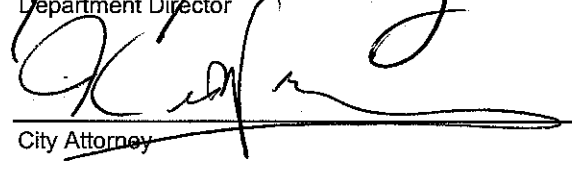
Previous Ordinance or Resolution #

204-07, 182-08

227-08

Original Contract Date:

5/5/2009


City Attorney

5-1-09

Date

Original Contract Number:

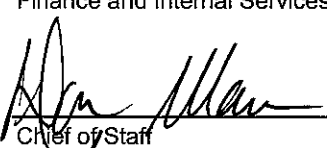
NEW


Finance and Internal Services Director

5-4-2009

Date

Received in City
Clerk's Office


Chief of Staff

5-4-09

Date

Received in
Mayor's Office


Mayor

5/4/09

Date

Comments:

Should only proceed if we receive grant funding

Revised January 15, 2009

Tabled to 6/2/09 w/ 5/19/09



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: May 1, 2009

SUBJECT: Approve Task Order #1 with McClelland Consulting Engineers for Construction Phase Services associated with the Runway 16 Safety Area Improvements. Approve Budget Adjustment. Signature of the Mayor.

RECOMMENDATION: Approve Task Order #1 with McClelland Consulting Engineers for Construction Phase Services associated with the Runway 16 Safety Area Improvement Project. Signature of the Mayor.

BACKGROUND: This Task Order to the McClelland Consulting Engineers Service Contract is for the Construction Phase Services including inspection, testing and project administration for the project. The Project is fully funded by the FAA/AIP and will improve the safety of the public transiting Highway 71 South and the safety of aircraft utilizing the airport. Upon completion of this project, the north end safety area will meet FAA Standards.

BUDGET IMPACT: This project is fully funded through the FAA/AIP and the Arkansas Department of Aeronautics.

Attachments: Staff Review
Budget Adjustment
Contract

RESOLUTION NO. _____

A RESOLUTION TO APPROVE TASK ORDER NO. 1 FOR
ENGINEERING SERVICES BY McCLELLAND CONSULTING
ENGINEERS FOR RUNWAY 16 SAFETY IMPROVEMENTS IN
THE AMOUNT OF \$231,100.00 AND TO APPROVE A BUDGET
ADJUSTMENT OF \$231,096.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves
Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16
safety improvements in the amount of \$231,100.00 and approves a budget adjustment in the
amount of \$231,096.00.

PASSED and APPROVED this 19th day of May, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

TASK ORDER NO. 1
CONSTRUCTION PHASE SERVICES
For
DRAKE FIELD RUNWAY16 SAFETY AREA IMPROVEMENTS

STATE OF ARKANSAS

COUNTY OF WASHINGTON

This Task Order is written pursuant to the basic agreement entitled CITY OF FAYETTEVILLE, AGREEMENT FOR ENGINEERING SERVICES, executed on May 5, 2009. The referenced basic agreement pertains to proposed improvements to Drake Field, Fayetteville's Municipal Airport. This Task Order entered into and executed on the date indicated below the signature block, by and between the City of Fayetteville and McClelland Consulting Engineers (MCE) sets forth the project description, project schedule, and engineering fees for construction phase services related to the Runway 16 Safety Area Improvements, Drake Field.

SECTION I - PROJECT DESCRIPTION

The project is to consist of the relocation of Highway 71 and Lancaster Drive and the regarding of the Runway 16 Safety Area. The services to be performed include: Construction Admin; Observation Services; Construction Materials Testing; and review fees for State or Federal Agencies.

SECTION II - PROJECT SCHEDULE

From the time the City of Fayetteville issues the Notice To Proceed (NTP), McClelland Consulting Engineers, Inc. will endeavor to execute the project within the following time periods:

<u>Task</u>	<u>Completion After NTP</u>
A. Work Schedules I & II	180 calendar days
B. Work Schedules III & IV	180 calendar days

SECTION III - SCOPE OF SERVICES

McClelland Consulting Engineers, Inc. shall, generally, provide those services listed in the basic agreement which are applicable to this specific Task Order. Specifically, the project is likely to include:

- A. Construction Administration.
- B. Construction Observation and
- C. Prepare "Record Drawings" at the completion of construction based upon the Contractor's mark-ups.
- D. Construction staking of a baseline.
- E. Construction Materials Testing.

SECTION IV - FEES AND PAYMENTS

The following fees are to be paid to McClelland Consulting Engineers, Inc. as compensation for his services:

- A. Construction Administration: Hourly rates, estimated to be \$ 31,060.
- B. Construction Observation Hourly rates, estimated to be \$ 155,100.

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

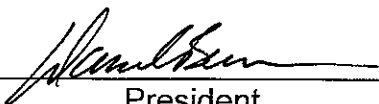
FOR THE CITY OF FAYETTEVILLE:

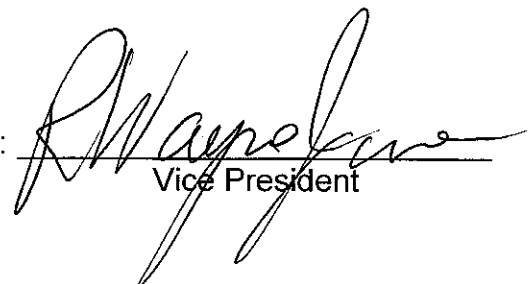
By: _____
Mayor

Attest: _____

Date: _____

FOR McCLELLAND CONSULTING ENGINEERS, INC.:

By: _____
President

Attest: _____
Vice President

Date: 5-1-09

APPENDIX "A"
BASIS FOR PAYMENTS TO THE ENGINEER
TASK ORDER NO. 1
CONSTRUCTION PHASE ENGINEERING SERVICES
DRAKE FIELD RUNWAY 16 SAFETY AREA IMPROVEMENTS
FAYETTEVILLE MUNICIPAL AIRPORT

	CLASSIFICATION & HOURLY RATE >	PROJECT DIRECTOR \$155.00	PROJECT MGR./ENGR. \$143.00	PROJECT ENGINEER \$115.00	ENGINEERING TECHNICIAN \$90.00	CADD OPER. 1 \$70.00	CADD OPER. 2 \$60.00	CADD OPER. 3 \$60.00	LICENSED SURVEYOR \$94.00	SURVEY CREW \$143.00	CLERK TYPIST \$48.00	CONSTRUCTION OBSERVER \$65.00	MILEAGE \$0.50	DIRECT EXPENSE	EXTENDED TOTAL
LINE	TASK DESCRIPTION														
A	CONSTR. ADMIN. AND INSPECTION														
	CONSTR. ADMINISTRATION	6	32	100									600		\$17,306.00
	CONSTRUCTION OBSERVATION (180 days)											1250	2550		\$82,525.00
	RECORD DRAWINGS		2	8	4	4	8				4			\$227.00	\$2,745.00
	SUBTOTAL, CONSTRUCTION PHASE	6	34	108	4	4	8	0	0	0	4	1250	3150	\$227.00	\$102,576.00
	CONSTR. ADMINISTRATION	6	24	80									400		\$13,762.00
	CONSTRUCTION OBSERVATION (180 days)											1100	2150		\$72,575.00
	RECORD DRAWINGS		2	8	4	4	8				4			\$225.00	\$2,743.00
	SUBTOTAL, CONSTRUCTION PHASE	6	28	88	4	4	8	0	0	0	4	1100	2650	\$225.00	\$89,080.00
B	CONSTRUCTION STAKING	0	1	1	0	0	0	0	2	4	0	0	0	\$0.00	\$1,018.00
C	CONSTRUCTION M/TLS TESTING (Estimated To Be)		12	24										\$33,950.00	\$38,426.00
	GRAND TOTAL, ENGINEERING SERVICES	12	73	221	8	8	16	0	2	4	8	2350	6700	\$34,402.00	\$231,100.00

APPENDIX B
TASK ORDER NO.1
Hourly Rates for Personnel
Fayetteville Municipal Airport

<u>CATEGORY</u>	<u>BILLABLE HOURLY RATE RANGE</u>
Project Director	\$145 to \$160
Project Manager	\$120 to \$150
Project Engineer	\$90 to \$130
Design Engineer II	\$85 to \$110
Design Engineer I	\$75 to \$90
Registered Surveyor	\$80 to \$100
Computer Technician	\$60 to \$85
Senior Engineering Technician/Observer	\$65 to \$75
Engineering Technician/Observer	\$75 to \$95
Junior Engineering Technician	\$45 to \$70
Survey Crew (2 man)	\$135 to \$150
Clerical Support	\$45 to \$55
CADD Technician III	\$65 to \$80
CADD Technician II	\$55 to \$70
CADD Technician I	\$45 to \$55
Soils Lab Supervisor	\$60 to \$70
Soils Technician II	\$45 to \$55
Soils Technician I	\$35 to \$45

APPENDIX C CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE TASK ORDER NO. 1

GENERAL:

Laboratory Field Technician *	\$ 42.00 per hour
Laboratory Engineering Technician *	50.00 per hour
AHTD-Qualified Technician*	52.00 per hour
Engineering Technician *	60.00 per hour
Senior Engineering Technician	90.00 per hour
Lab Supervisor	60.00 per hour
Mileage	0.50 per mile
Consultation:	
Lab Supervisor	60.00 per hour
Field Engineer	90.00 per hour
Project Engineer	100.00 per hour
Project Manager	150.00 per hour
Principal Engineer	155.00 per hour
Lab Report Preparation (per report)	48.00 per hour

SOILS:

AHTD-Qualified Field Technician	52.00 per hour
Soils Field Technician (1-hour minimum)	42.00 per hour
In-Place Compaction Test-Nuclear Gauge ASTM D 2922	
Sample Pickup, or Stand-by Time	
Nuclear Density Gauge Fee: (per Density Test); [Minimum \$15.00 per trip, per project]	10.00 each
Liquid Limit, Plastic Limit, Plasticity Index (3 point) ASTM D 4318	50.00 each
Sieve Analysis-Washed No. 200 (Wet) ASTM D 1140	35.00 per sieve
Sieve Analysis-Dry ASTM D 422	8.00 per sieve
Hydrometer Analysis ASTM D 422	90.00 each
Specific Gravity ASTM D 854	50.00 each
Soils Classification, Unified or AASHTO ASTM D 2487 or AASHTO M 145	110.00 each
Laboratory Maximum Compaction Test ASTM D 698 or AASHTO T 99	130.00 each
Laboratory Maximum Compaction Test ASTM D 1557 or AASHTO T 180	145.00 each
Potential Volume Change-Swell Pressure	100.00 each
California Bearing Ratio-CBR ASTM D 1883 (3 point) (Proctor curve additional)	150.00 each
Shrinkage ASTM D 427	50.00 each
Soil Bearing Capacity (Engineering Tech., 2-hour minimum)	60.00 per hour
Non-ASTM Procedures Available On Request	

CONCRETE:

Concrete Mix Design	Price on Request
Review Concrete Mix Design (Lab Supervisor)	60.00 per hour
Confirm Concrete Mix Design	Price on Request
Concrete Field Technician * (1-hour minimum): [For any of the following 6 items:]	42.00 per hour
• Concrete Cylinder or Beam Molding ASTM C 31	
• Concrete Cylinder or Beam Pickup	
• Concrete Slump Test ASTM C 143	
• Concrete Air Content Test ASTM C 231 or C 173	
• Cement Mortar or Group Sampling	
• Stand-by Time	
Unit Weight and Yield of Freshly Mixed Concrete ASTM C 138	50.00 each
AHTD-Qualified Concrete Technician: (1-hour minimum), [For any of the foregoing 6 items:]	52.00 per hour
Compressive Strength of Concrete Test Cylinders ASTM C 39 (pad cap)	18.00 each
Compressive Strength of Concrete Test Cylinders ASTM C 39 (sulfur capped)	35.00 each

* ACI Grade I Concrete Field Testing Technician

APPENDIX C CONSTRUCTION MATERIALS LABORATORY FEE SCHEDULE TASK ORDER NO. 1

CONCRETE (Continued):

Spare Cylinders Specimens Processed but not Tested	15.00 each
Schmidt Hammer Testing (Engineering Tech, 2-hour minimum)	60.00 per hour
Flexural Strength of Concrete Beams ASTM C 78 or C 293	50.00 each
Spare Beam Specimens Processed but not Tested	40.00 each
Compressive Strength of Grout Cubes	40.00 each
Compressive Strength of Cement Mortar Cubes	25.00 each
Concrete Coring (3" or 4"):	
Core Machine & Lab Technician	80.00 per hour
Additional Lab Technician, as required	42.00 per hour
Compressive Strength of Concrete Cores (3" or 4")	40.00 each
Other Core Sizes	Price on Request
Aggregate Sieve Analysis:	
Dry Sieve ASTM C 136	8.00 each
Wet Sieve ASTM C 117	35.00 each
Fineness Modules	25.00 each
Decantation	35.00 each
Deleterious Materials	60.00 each
Specific Gravity and Absorption of Aggregate ASTM C 127 & C 128	90.00 each
Dry Rodded Unit Weight of Aggregate ASTM C 29	75.00 each
Sodium or Magnesium Sulfate Soundness (5 cycles) ASTM C 88	350.00 each
Additional Cycles	50.00 each

ASPHALT:

Asphalt Mix Design (Marshall Design Method)	Price on Request
Review Asphalt Mix Design (Sr. Engr. Technician)	90.00 per hour
Asphalt Field Technician	
In-Place Compaction Test-Nuclear Gauge (Lab Technician)	42.00 per hour
Sample Pickup	42.00 per hour
Marshall Test including Stability, Flow, Laboratory Density, Percent Air Voids,	
Percent Voids in Mineral Aggregate (3 specimens per test)	400.00 each
Extraction including percent Bitumen and Aggregate Gradation	325.00 each
Laboratory Density of Cored Plugs including Depth Measurement	30.00 each
Asphalt Coring (3" or 4"):	
Core Machine & Lab Technician	80.00 per hour
Additional Lab Technician, if required	42.00 per hour
Sample Pickup	42.00 per hour

FIREPROOFING:

Unit Weight, Bonding Strength, Thickness and Sampling	
(actual time required for Lab Technicians)	50.00 per hour/Tech.
Report Preparation (Lab Supervisor)	60.00 per hour

STRUCTURAL STEEL:

Bolt Torque Testing: Lab Technician(s)	50.00 per hour
Field Engineer	100.00 per hour
Pneumatic Torque Wrench Calibration (twice per day)	50.00 each
Visual Weld Inspection Field Engineer	100.00 per hour

Services not Listed are Available on Request
All prices are subject to revision each year

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

C. 3
McClelland Consulting Engineers, Inc.

Page 12 of 12

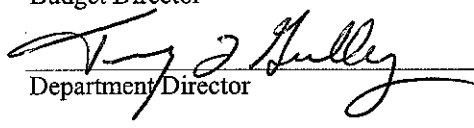
Budget Year 2009	Department: General Government Division: Aviation & Economic Development Program: Airport Capital Expense	Date Requested 5/19/2009	Adjustment Number
--------------------------------	---	--	-------------------

Project or Item Added/Increased: \$231,096 in the Professional Services account	Project or Item Deleted/Reduced: None. To recognize grant revenue from the DOT/FAA and Arkansas Department of Aeronautics.
--	---

Justification of this Increase: Will provide for construction administration and observation, materials testing, baseline staking and record drawings for the Runway 16 RSA Improvement project.	Justification of this Decrease: The project expense will be 100% reimbursed with federal and state grant funding.
---	--

Increase Budget				Amount	Project Number	
Account Name	Account Number					
Professional Services	5550	3960	5314 00	231,096	070039	3

Account Name	Decrease Budget				Amount	Project Number	
	Account Number						
Runway 16 Safety Area	5550	0955	6820	36	219,541	070039	3
State Grants on Federal Projects	5550	0955	6803	00	11,555	070039	3

 Division Head	<u>8/1/09</u> Date
 Budget Director	 Date
 Department Director	<u>5-1-09</u> Date
 Finance Director	 Date
 Chief of Staff	 Date

V.090403

Budget & Research Use Only

Type:	A	B	C	D	E
Requested By					
General Ledger Date					
Posted to General Ledger	Initial	Date			

City of Fayetteville Staff Review Form

C. 4
R-PZD 09-3253 (Park Hill
at Mountain Ranch)
Page 1 of 26

City Council Agenda Items
and
Contracts, Leases or Agreements

5/19/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

R-PZD 09-3253: Planned Zoning District (Park Hill @ Mountain Ranch, 479): Submitted by Dave Jorgensen for property located at Southwest corner of Persimmon Street and Mountain Ranch Boulevard, contains approximately 2.23 acres. The request is for zoning and land use approval for a Residential Planned Zoning District with 13 single-family dwellings.

_____	\$ _____	_____
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 ☐

[Signature] 04.28.09
Department Director Date

Previous Ordinance or Resolution # _____

[Signature] May 1, 09
City Attorney Date

Original Contract Date: _____

Original Contract Number: _____

Paul A. Beiler 5-4-2009
Finance and Internal Services Director Date

Received in City
Clerk's Office

[Signature] 5/4/09
Chief of Staff Date

Received in
Mayor's Office

[Signature] 5/4/09
Mayor Date

Comments:

Revised January 15, 2009

Left on Second Reading 5/19/09

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Don Marr, Chief of Staff

From: Jeremy C. Pate, Director of Development Services 

Date: April 28, 2009

Subject: Residential Planned Zoning District for Park Hill at Mountain Ranch (R-PZD 09-3253)

RECOMMENDATION

Staff and Planning Commission recommend approval of an ordinance creating a Residential Planned Zoning District (R-PZD) for Park Hill at Mountain Ranch, based on the development standards, plans and statement of commitments submitted. This action will establish a unique zoning district for a 14 lot (13 buildable lots and 1 lot designated for a park area) residential single-family development on 2.23 acres.

BACKGROUND

The property contains approximately 2.23 acres and is located in the Mountain Ranch Phase 1 Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. A majority of the low-density, single-family lots in the subdivision to the west have been purchased but are currently undeveloped. Directly behind the subject lots are single-family lots; directly in front of the subject lots, across Mountain Ranch Boulevard, are 4-story apartment buildings. Other developments in the area include the Ruppel Row Subdivision, Cross Keys, the Boys and Girls Club, and Owl Creek School.

DISCUSSION

The Planning Commission voted 8-0-0 in favor of this request on April 27, 2009. Recommended conditions were approved by the Planning Commission and are reflected in the attached staff report.

BUDGET IMPACT

None

CONDITIONS OF APPROVAL:

R-PZD 09-3253

Page 1 of 2

C. 4
R-PZD 09-3253 (Park Hill
at Mountain Ranch)
Page 3 of 26

Conditions of Approval:

1. This project is required to go through preliminary plat and final plat review and approval.
2. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a "front façade" fronting onto the adjacent public street and to have varied facades to provide variety within the overall development.
3. All common property shall be unbuildable and shall be owned and maintained by the Property Owners Association.
4. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.
5. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. The existing 40' utility easement crossing Lots 2 and 3 shall be vacated at the time of preliminary plat. Any existing utilities located in the subject utility easement shall be relocated at the owner's expense.
6. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
7. Street trees shall be planed along adjacent public streets in compliance with City ordinance at a minimum of one (1) two-inch caliper, large species tree per lot. A landscape plan shall be submitted at the time of Preliminary Plat request.

Standard Conditions of Approval:

8. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
9. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
10. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.

CONDITIONS OF APPROVAL:

R-PZD 09-3253

Page 2 of 2

C. 4
R-PZD 09-3253 (Park Hill
at Mountain Ranch)
Page 4 of 26

11. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.
12. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
13. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
14. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A RESIDENTIAL PLANNED ZONING DISTRICT TITLED R-PZD 09-3253, PARK HILL AT MOUNTAIN RANCH, LOCATED AT THE SOUTHWEST CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD; CONTAINING APPROXIMATELY 2.23 ACRES; AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF FAYETTEVILLE; AND ADOPTING THE ASSOCIATED MASTER DEVELOPMENT PLAN

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

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

From RSF-4, Residential Single Family, 4 units per acre to R-PZD 09-3253 as shown in Exhibit "A" and depicted in Exhibit "B" attached hereto and made a part hereof.

Section 2: That the change in zoning classification is based upon the approved master development plan, development standards, statement of commitments and the conditions of approval as submitted, determined appropriate and approved by the City Council; further, that the conditions of approval shall be filed and available for viewing in the office of the City Clerk/Treasurer of the City of Fayetteville.

Section 3: That this ordinance shall take effect and be in full force at such time as all of the requirements of the master development plan have been met.

Section 4: That the official zoning map of the City of Fayetteville, Arkansas, is hereby amended to reflect the zoning change provided in Section 1 above.

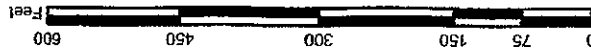
PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

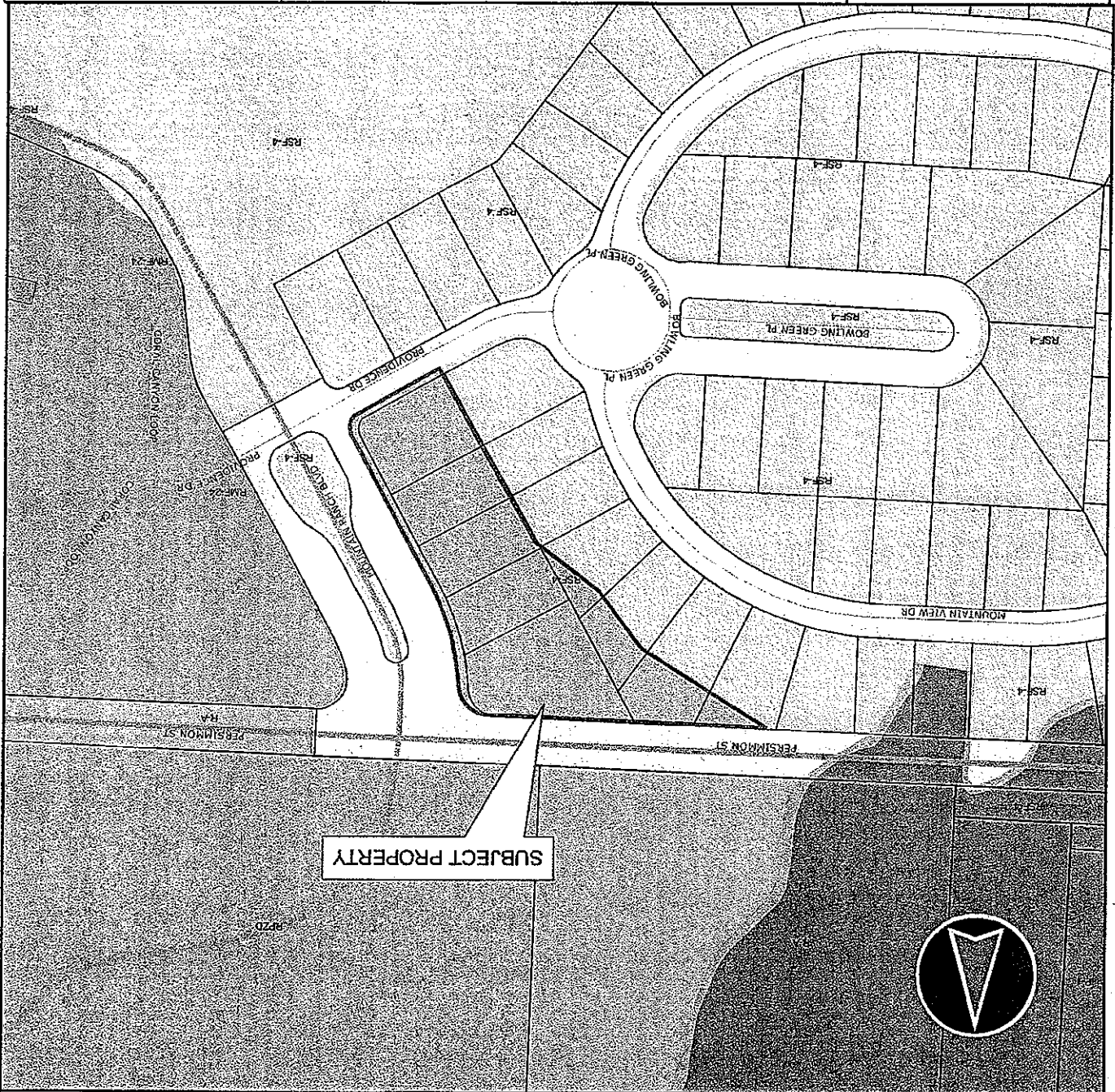
By: _____
LIONELD JORDAN, Mayor

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



Symbol	Description
[Symbol]	1" = 100'
[Symbol]	2" = 100'
[Symbol]	3" = 100'
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Overview



PARK HILL@MOUNTAIN RANCH

Close Up View
RPZD09-3253

EXHIBIT "B"
R-PZD 09-3253

ALL OF LOTS 94,95,96,97 AND 118 AND A PART OF THE LOTS 87,88,89 AND 90 OF MOUNTAIN RANCH SUBDIVISION PHASE 1 AS PER PLAT OF FILE IN THE OFFICE OF THE CIRCUIT CLERK AND EX-OFFICIO RECORDER OF WASHINGTON COUNTY, ARKANSAS AND BEING DESCRIBED AS FOLLOWS: BEGINNING AT THE NW CORNER OF SAID LOT 87 THENCE S87°34'55"E 377.13 FEET, THENCE ALONG A CURVE TO THE RIGHT 59.18 FEET, SAID CURVE HAVING A RADIUS OF 40.00 FEET AND CHORD BEARING OF S45°11'51"E 53.93 FEET, THENCE ALONG A CURVE TO THE LEFT 148.16 FEET, SAID CURVE HAVING A RADIUS OF 327.50 FEET AND A CHORD BEARING OF S15°46'23"E 146.90 FEET, THENCE S28°43'59"E 230.79 FEET, THENCE ALONG A CURVE TO THE RIGHT 31.42 FEET, SAID CURVE HAVING A RADIUS OF 20.00 FEET AND CHORD BEARING OF S16°16'01"W 28.28 FEET, THENCE S61°16'01"W 129.91 FEET, THENCE N28°43'59"W 269.34 FEET, TO THE NE CORNER OF LOT 91, THENCE N52°21'16"W 108.74 FEET, THENCE N37°34'07"W 98.00 FEET, THENCE N57°37'46"W 199.82 FEET TO THE P.O.B.; CONTAINING 2.23 ACRES MORE OR LESS SUBJECT TO EASEMENTS AND RIGHT OF WAY OF RECORD.



PC Meeting April 27, 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, Development Services Director
DATE: April 21, 2009 Updated April 28, 2009

R-PZD 09-3253: Planned Zoning District (PARK HILL @ MOUNTAIN RANCH, 478): Submitted by DAVE JORGENSEN for property located at SW CORNER OF PERSIMMON STREET AND MOUNTAIN RANCH BOULEVARD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 2.23 acres. The request is for Zoning and Land Use approval for a Residential Planned Zoning District with 13 single family dwellings.

Planner: Dara Sanders

Findings:

Property Description: The property contains approximately 2.23 acres and is located in the Mountain Ranch Phase 1 Subdivision at the southwest corner of Persimmon Street and Mountain Ranch Boulevard. A majority of the single-family lots in the subdivision have been purchased but are currently undeveloped. Directly behind the subject lots are single-family lots; directly in front of the subject lots, across Mountain Ranch Boulevard, are 4-story apartment buildings. Other developments in the area include the Ruppel Row Subdivision, Cross Keys, the Boys and Girls Club, and Owl Creek School.

Table 1
Surrounding Land Use and Zoning

Direction	Land Use	Zoning
North	Vacant	R-A, Residential Agricultural, C-PZD (Forest Hills)
South	Vacant	RSF-4, Residential Single Family, 4 units/acre
East	Mountain Ranch Apartments	RMF-24, Residential Multi-Family, 24 units/acre
West	Vacant	RSF-4, Residential Single Family, 4 units/acre

Background: In December 2008, the applicant submitted a rezoning request (RZN 08-3180) to the Planning Division to rezone a portion of the subject property from RSF-4, Residential Single-family, 4 units/acre to RT-12, Residential Two- and Three-family in order to transition from the 4-story, multi-family development (Mountain Ranch Apartments) to the east to the low-density, single-family development to the west of the subject property. On January 26, 2009, the Planning Commission denied the applicant's request, finding that the rezoning request was not warranted.

Proposal: The applicant has submitted a request for a Residential Planned Zoning District (R-PZD) for the subject property, proposing 13 single-family lots and 1 undevelopable lot for a park area.

Adjacent Master Street Plan Streets: Persimmon Street (Collector Street), Mountain Ranch Boulevard (Collector Street), and Providence Drive (Local Street).

Access and connectivity: Access to the single-family dwellings is provided by a rear alley accessed from Mountain Ranch Boulevard and Providence Drive.

Right-of-way to be dedicated: All adjacent streets have been improved and meet the Master Street Plan right-of-way requirements.

Phasing: If the R-PZD request is approved, the development shall meet the standard time frame for Preliminary and Final Plat approval.

Water & Sewer: The subject property has access to public water and sewer service.

<i>Tree Preservation:</i>	Existing Canopy:	0%
	Preserved Canopy:	0%
	Required Canopy:	25%
	Mitigation:	None

Public Comment: There were several members of the public that opposed the previous rezoning request on this property (RZN 08-3180); however, staff has not received public comment on this R-PZD.

Recommendation: Finding that the proposed rezoning request meets many of the primary goals of the Planned Zoning District ordinance and policies adopted within the City Plan 2025 as noted herein, staff recommends forwarding **R-PZD 09-3253** to the City Council with a recommendation of approval, subject to the following conditions:

Conditions of Approval:

1. This project is required to go through preliminary plat and final plat review and approval.
2. Buildings shall be constructed to be consistent with the elevations and concepts depicted in the building elevations in the booklet as specified. Building elevations will be reviewed at the time of preliminary plat, final plat and building permit to ensure compliance. All homes shall be designed with a “front façade” fronting onto the adjacent public street and to have varied facades to provide variety within the overall development.
3. All common property shall be unbuildable and shall be owned and maintained by the Property Owners Association.
4. Signs shall be permitted in accordance with Chapter 174 of the Fayetteville Unified

Development Code for RSF-4 zoning districts, which includes the provision for an area sign as defined in Chapter 151.

5. No portion of any structure (i.e., porches, overhangs, etc.) shall encroach into building setbacks or utility easements. The existing 40' utility easement crossing Lots 2 and 3 shall be vacated at the time of preliminary plat. Any existing utilities located in the subject utility easement shall be relocated at the owner's expense.
6. The Master Development Plan, Statement of Commitments and Architectural Standards submitted by the applicant shall be considered binding and tied to the zoning of the property. Conditions of approval as noted herein and other requirements placed upon the project with review of the Master Development Plan – Planned Zoning District by the City Council shall also be binding.
7. Street trees shall be planed along adjacent public streets in compliance with City ordinance at a minimum of one (1) two-inch caliper, large species tree per lot. A landscape plan shall be submitted at the time of Preliminary Plat request.
8. The following revisions shall be made prior to the City Council meeting:
 - a. Plat. Revise "Cattle Drive" to "Providence Drive".
 - b. Plat. Revise the chart on page 2 – round the lot width and area minimums down to 40 feet and 3,500 square feet, respectively, to allow for flexibility.
 - c. Booklet. Page 1. Revise the lot width statement to "43'-50' wide".
 - d. Booklet. Pages 3, 4, and 6. Revise the density maximum to 6 du/acre, the lot width minimum to 40 feet, and the lot area minimum/land area per dwelling to 3,500 square feet.

Standard Conditions of Approval:

9. Plat Review and Subdivision comments (to include written staff comments provided to the applicant or his representative, and all comments from utility representatives - AR Western Gas, SWBT, Ozarks, SWEPCO, Cox Communications).
10. Impact fees for water, sewer, police and fire shall be paid in accordance with City ordinance.
11. Staff approval of final detailed plans, specifications and calculations (where applicable) for grading, drainage, water, sewer, fire protection, streets (public and private), sidewalks, parking lot(s) and tree preservation. The information submitted for the plat review process was reviewed for general concept only. All public improvements are subject to additional review and approval. All improvements shall comply with City's current requirements.
12. All overhead electric lines 12kv and under shall be relocated underground. All proposed utilities shall be located underground.

13. Street lights shall be installed adjacent to all public and private streets (not alleys), with a separation of no greater than 300 feet.
14. All exterior lighting is required to comply with the City's lighting ordinance. A lighting plan and cut-sheets of the proposed exterior light fixtures shall be required to be approved by Planning Staff prior to building permit.
15. Prior to the issuance of a building permit the following is required:
 - a. Grading and drainage permits
 - b. An on-site inspection by the Landscape Administrator of all tree protection measures prior to any land disturbance.
 - c. Separate easement plat for this project that shall include the tree preservation area.
 - d. Project Disk with all final revisions
 - e. Completion of all required improvements or the placement of a surety with the City (letter of credit, bond, escrow) as required by Section 158.01 "Guarantees in Lieu of Installed Improvements" to guarantee all incomplete improvements. Further, all improvements necessary to serve the site and protect public safety must be completed, not just guaranteed, prior to the issuance of a Certificate of Occupancy.

Planning Commission Action: ☒ Tabled ☐ Forwarded ☐ Denied

Motion: Cabe
Second: Lack
Vote: 7-0-0

Meeting Date: **April 27, 2009**

Comments: _____

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

Signature

Date

Sec. 166.06. Planned Zoning Districts (PZD).

(E) Approval or Rejection Criteria for Planned Zoning Districts

The following criteria shall be considered by the Planning Commission and City Council in the review of a planned zoning district application based on the proposed master development plan:

- (1) Whether the application is in compliance with the requirements of the UDC and the City Plan 2025;

FINDING: Staff finds the application to be in compliance with the Master Development Plan-Planned Zoning District criteria established by the City Council. City Plan 2025 designates this site as a Residential Neighborhood Area. The proposed zoning and development criteria encourage a layout that promotes walkability and traditional residential urban design. Rezoning this property to R-PZD 09-3253 with single-family dwelling units at an average density of 6 units per acre is consistent with the land use plan and the surrounding land uses including multi-family to the east and single-family and undeveloped land uses to the west, south, and north.

Goal 2: We will discourage suburban sprawl. Staff finds that the proposed development is an infill project that promotes walkability in close proximity to a public school, a community center, and future non-residential services and will utilize existing infrastructure and city services that are nearby while protecting the integrity of the predominantly single-family residential neighborhood to the east.

Goal 3: We will make traditional town form the standard. Staff finds that the proposed development supports the City's goal to promote traditional town form, contributing to a variety of housing types and lot sizes in close proximity to a future commercial node in a developing neighborhood.

Goal 6: We will create attainable housing. Staff finds that the proposed development, with smaller lot and home sizes than a typical RSF-4 subdivision, contributes to the City's goal to create attainable housing by contributing to the variety of housing types that are being constructed in the neighborhood.

- (2) Whether the application is in compliance with all applicable statutory provisions;

FINDING: The application has been reviewed and found to be compliant with applicable statutory provisions.

- (3) Whether the general impact of the rezoning would adversely impact the provision of public facilities and services;

FINDING: The impact of the rezoning and subsequent development would not adversely impact public services and facilities in the surrounding areas. Sufficient infrastructure has been installed to accommodate the addition of 13 single-family dwellings. The Fayetteville Police Department included comments in the staff report regarding an increase in demand for service as a result of the rezoning request; however, a significant or undesirable increase is not anticipated.

- (4) Whether the rezoning is compatible with the surrounding land uses;

FINDING: Staff finds that the rezoning is compatible with the surrounding land uses, which are a mixture of residential and non-residential and vary in density and intensity. The proposed development will yield a slightly higher density than the single-family neighborhood to the west and a significantly lower density than the multi-family development to the east.

- (5) Whether the subject land is suitable for the intended use and is compatible with the natural environment;

FINDING: The intended use is suitable for the subject property and the surrounding development.

- (6) Whether the intended land use would create traffic congestion or burden the existing road network;

FINDING: Any additional development in the area will increase the amount of traffic on the adjacent public streets; however, the overall density should not create an appreciable amount of traffic above that which can be managed with the streets in the area.

- (7) Whether the planned development provides for unified development control under a unified plan;

FINDING: The booklet and master development plans submitted provide for said unified development control.

- (8) Whether any other recognized zoning consideration would be violated in this PZD.

FINDING: No other zoning considerations are proposed to be violated.

(B) Development standards, conditions and review guidelines

- (1) *Generally.* The Planning Commission shall consider a proposed PZD in light of the purpose and intent as set forth in Chapter 161 Zoning Regulations, and the development standards and review guidelines set forth herein. Primary emphasis shall be placed upon achieving compatibility between the proposed development and surrounding areas so as to preserve and enhance the neighborhood. Proper planning shall involve a consideration of tree preservation, water conservation, preservation of natural site amenities, and the protection of watercourses from erosion and siltation. The Planning Commission shall determine that specific development features, including project density, building locations, common usable open space, the vehicular circulation system, parking areas, screening and landscaping, and perimeter treatment shall be combined in such a way as to further the health, safety, amenity and welfare of the community. To these ends, all applications filed pursuant to this ordinance shall be reviewed in accordance with the same general review guidelines as those utilized for zoning and subdivision applications.

FINDING: The subject infill development should be compatible with adjacent single- and multi-family developments, as single-family detached residences will be the primary use

permitted. Since the proposal is not for development rights a tree preservation plan has not been reviewed. However, trees do not exist on the subject property.

There are no significant natural site amenities on this property, though the applicant proposes a 0.47-acre common green space area on the western edge of the site that will be an amenity for residents on the subject property and a buffer between the proposed development and the slightly lower density single-family development to the west.

Vehicular access is provided off of a shared alley from Providence Drive and Mountain Ranch and provides for safe circulation to the 13 single-family dwellings. The buildings are located close to the street with a reduced front setback to encourage a pedestrian-friendly streetscape.

- (2) *Screening and landscaping.* In order to enhance the integrity and attractiveness of the development, and when deemed necessary to protect adjacent properties, the Planning Commission shall require landscaping and screening as part of a PZD. The screening and landscaping shall be provided as set forth in §166.09 Buffer Strips and Screening. As part of the development plan, a detailed screening and landscaping plan shall be submitted to the Planning Commission. Landscape plans shall show the general location, type and quality (size and age) of plant material. Screening plans shall include typical details of fences, berms and plant material to be used.

FINDING: The applicant proposes to install a fence along the west boundary of the subject property to screen Lot 14 (Park Area) from the adjacent property owners.

- (3) *Traffic circulation.* The following traffic circulation guidelines shall apply:
- (a) The adequacy of both the internal and external street systems shall be reviewed in light of the projected future traffic volumes.
 - (b) The traffic circulation system shall be comprised of a hierarchal scheme of local collector and arterial streets, each designed to accommodate its proper function and in appropriate relationship with one another.
 - (c) Design of the internal street circulation system must be sensitive to such considerations as safety, convenience, separation of vehicular and pedestrian traffic, general attractiveness, access to dwelling units and the proper relationship of different land uses.
 - (d) Internal collector streets shall be coordinated with the existing external street system, providing for the efficient flow of traffic into and out of the planned zoning development.
 - (e) Internal local streets shall be designed to discourage through traffic within the planned zoning development and to adjacent areas.
 - (f) Design provisions for ingress and egress for any site along with service drives and interior circulation shall be that required by Chapter 166 Development of this code.

FINDING: Single-family homes on the site will front onto the adjacent public street and will be accessed by a rear alley as indicated on the site plan. The applicant proposes an entrance

only drive onto Mountain Ranch Boulevard and a two-way driveway onto Providence Drive to access the rear of the homes, which meets the requirements of the City's Access Management policy. All driveways shall meet the standards established in Chapter 172 Parking and Loading.

- (4) *Parking standards.* The off-street parking and loading standards found in Chapter 172 Parking and Loading shall apply to the specific gross usable or leasable floor areas of the respective use areas.

FINDING: Parking is to be provided on-site for each residential lot.

- (5) *Perimeter treatment.* Notwithstanding any other provisions of a planned zoning district, all uses of land or structures shall meet the open space, buffer or green strip provisions of this chapter of this code.

FINDING: The applicant's proposal has met the open space requirements for single-family developments and further designates Lot 14 (0.47 acre) as common, open space.

- (6) *Sidewalks.* As required by §166.03.

FINDING: A 5' sidewalk is to be extended along Providence Drive to the west property line.

- (7) *Street Lights.* As required by §166.03.

FINDING: Street lights are to be provided at all intersections and with a maximum separation of 300 feet along all streets.

- (8) *Water.* As required by §166.03.

FINDING: Public water is available to the project site. Improvements to water services may be required and shall be reviewed at the time of preliminary plat submittal.

- (9) *Sewer.* As required by §166.03.

FINDING: Public sewer is available to the project site. Improvements to sewer services may be required and shall be reviewed at the time of preliminary plat submittal.

- (10) *Streets and Drainage.* Streets within a residential PZD may be either public or private.

- (a) *Public Streets.* Public streets shall be constructed according to the adopted standards of the City.
- (b) *Private Streets.* Private streets within a residential PZD shall be permitted subject to the following conditions:
- (i) Private streets shall be permitted for only a loop street, or street ending with a cul-de-sac. Any street connecting one or more public streets shall be constructed to existing

City standards and shall be dedicated as a public street.

- (ii) Private streets shall be designed and constructed to the same standards as public streets with the exceptions of width and cul-de-sacs as noted below.
- (iii) All grading and drainage within a Planned Zoning District including site drainage and drainage for private streets shall comply with the City's Grading (Physical Alteration of Land) and Drainage (Storm water management) Ordinances. Open drainage systems may be approved by the City Engineer.
- (iv) Maximum density served by a cul-de-sac shall be 40 units. Maximum density served by a loop street shall be 80 units.
- (v) The plat of the planned development shall designate each private street as a "private street."
- (vi) Maintenance of private streets shall be the responsibility of the developer or of a neighborhood property owners association (POA) and shall not be the responsibility of the City. The method for maintenance and a maintenance fund shall be established by the PZD covenants. The covenants shall expressly provide that the City is a third party beneficiary to the covenants and shall have the right to enforce the street maintenance requirements of the covenants irrespective of the vote of the other parties to the covenants.
- (vii) The covenants shall provide that in the event the private streets are not maintained as required by the covenants, the City shall have the right (but shall not be required) to maintain said streets and to charge the cost thereof to the property owners within the PZD on a pro rata basis according to assessed valuation for ad valorem tax purposes and shall have a lien on the real property within the PZD for such cost. The protective covenants shall grant the City the right to use all private streets for purposes of providing fire and police protection, sanitation service and any other of the municipal functions. The protective covenants shall provide that such covenants shall not be amended and shall not terminate without approval of the City Council.
- (viii) The width of private streets may vary according to the density served. The following standard shall be used:

Paving Width
(No On-Street Parking)

Dwelling Units	One-Way	Two-Way
1 - 20	14'	22'
21+	14'	24'

***Note:** If on-street parking is desired, 6 feet must be added to each side where parking is intended.

- (ix) All of the traffic laws prescribed by Title VII shall apply to traffic on private streets within a PZD.
- (x) There shall be no minimum building setback requirement from a private street.
- (xi) The developer shall erect at the entrance of each private street a rectangular sign, not exceeding 24 inches by 12 inches, designating the street a "private street" which shall be clearly visible to motor vehicular traffic.

FINDING: The site is surrounded by three existing improved public streets. Vehicular access to the homes is proposed off of a rear alley, which will be private and maintained by the POA.

- (11) *Construction of nonresidential facilities.* Prior to issuance of more than eight building permits for any residential PZD, all approved nonresidential facilities shall be constructed. In the event the developer proposed to develop the PZD in phases, and the nonresidential facilities are not proposed in the initial phase, the developer shall enter into a contract with the City to guarantee completion of the nonresidential facilities.

FINDING: All development on the site shall be phased according to the phasing plan and conditions herein. There are no nonresidential facilities proposed. The open space (Lot 14) will require landscaping and shall be maintained by the POA.

- (12) *Tree preservation.* All PZD developments shall comply with the requirements for tree preservation as set forth in Chapter 167 Tree Preservation and Protection. The location of trees shall be considered when planning the common open space, location of buildings, underground services, walks, paved areas, playgrounds, parking areas, and finished grade levels.

FINDING: There are no trees on the subject property.

- (13) *Commercial design standards.* All PZD developments that contain office or commercial structures shall comply with the commercial design standards as set forth in §166.14 Site Development Standards and Construction and Appearance Design Standards for Commercial Structures.

FINDING: The applicant has proposed design standards for residential structures; no commercial uses are proposed.

- (14) *View protection.* The Planning Commission shall have the right to establish special height and/or positioning restrictions where scenic views are involved and shall have the right to insure the perpetuation of those views through protective covenant restrictions.

FINDING: Staff finds no specific scenic views to be protected on the subject property.

- (E) *Revocation.*

- (1) *Causes for revocation as enforcement action.* The Planning Commission may recommend to the City Council that any PZD approval be revoked and all building or occupancy permits be voided under the following circumstances:

- (a) *Building permit.* If no building permit has been issued within the time allowed.
- (b) *Phased development schedule.* If the applicant does not adhere to the phased development schedule as stated in the approved development plan.
- (c) *Open space and recreational facilities.* If the construction and provision of all common open spaces and public and recreational facilities which are shown on the final plan are proceeding at a substantially slower rate than other project components.

Planning staff shall report the status of each ongoing PZD at the first regular meeting of each quarter, so that the Planning Commission is able to compare the actual development accomplished with the approved development schedule. If the Planning Commission finds that the rate of construction of dwelling units or other commercial or industrial structures is substantially greater than the rate at which common open spaces and public recreational facilities have been constructed and provided, then the Planning Commission may initiate revocation action or cease to approve any additional final plans if preceding phases have not been finalized. The city may also issue a stop work order, or discontinue issuance of building or occupancy permits, or revoke those previously issued.

- (2) *Procedures.* Prior to a recommendation of revocation, notice by certified mail shall be sent to the landowner or authorized agent giving notice of the alleged default, setting a time to appear before the Planning Commission to show cause why steps should not be made to totally or partially revoke the PZD. The Planning Commission recommendation shall be forwarded to the City Council for disposition as in original approvals. In the event a PZD is revoked, the City Council shall take the appropriate action in the city clerk's office and the public zoning record duly noted.
- (3) *Effect.* In the event of revocation, any completed portions of the development or those portions for which building permits have been issued shall be treated to be a whole and effective development. After causes for revocation or enforcement have been corrected, the City Council shall expunge such record as established above and shall authorize continued issuance of building permits.

(F) *Covenants, trusts and homeowner associations.*

- (1) *Legal entities.* The developer shall create such legal entities as appropriate to undertake and be responsible for the ownership, operation, construction, and maintenance of private roads, parking areas, common usable open space, community facilities, recreation areas, building, lighting, security measure and similar common elements in a development. The city encourages the creation of homeowner associations, funded community trusts or other nonprofit organizations implemented by agreements, private improvement district, contracts and covenants. All legal instruments setting forth a plan or manner of permanent care and maintenance of such open space, recreation areas and communally-owned facilities shall be approved by the City Attorney as to legal form and effect, and by the Planning Commission

as to the suitability for the proposed use of the open areas. The aforementioned legal instruments shall be provided to the Planning Commission together with the filing of the final plan, except that the Guarantee shall be filed with the preliminary plan or at least in a preliminary form.

- (2) *Common areas.* If the common open space is deeded to a homeowner association, the developer shall file with the plat a declaration of covenants and restrictions in the Guarantee that will govern the association with the application for final plan approval. The provisions shall include, but not necessarily be limited to, the following:
- (a) The homeowner's association must be legally established before building permits are granted.
 - (b) Membership and fees must be mandatory for each home buyer and successive buyer.
 - (c) The open space restrictions must be permanent, rather than for a period of years.
 - (d) The association must be responsible for the maintenance of recreational and other common facilities covered by the agreement and for all liability insurance, local taxes and other public assessments.
 - (e) Homeowners must pay their pro rata share of the initial cost; the maintenance assessment levied by the association must be stipulated as a potential lien on the property. The association must be able to adjust the assessment to meet changing needs.

FINDING: The applicant shall comply with these requirements.

Sec. 161.25 Planned Zoning District

(A) *Purpose.* The intent of the Planned Zoning District is to permit and encourage comprehensively planned developments whose purpose is redevelopment, economic development, cultural enrichment or to provide a single-purpose or mixed-use planned development and to permit the combination of development and zoning review into a simultaneous process. The rezoning of property to the PZD may be deemed appropriate if the development proposed for the district can accomplish one or more of the following goals.

- (1) Flexibility. Providing for flexibility in the distribution of land uses, in the density of development and in other matters typically regulated in zoning districts.
- (2) Compatibility. Providing for compatibility with the surrounding land uses.
- (3) Harmony. Providing for an orderly and creative arrangement of land uses that are harmonious and beneficial to the community.
- (4) Variety. Providing for a variety of housing types, employment opportunities or commercial or industrial services, or any combination thereof, to achieve variety and integration of economic and redevelopment opportunities.
- (5) No negative impact. Does not have a negative effect upon the future development of the area;

- (6) Coordination. Permit coordination and planning of the land surrounding the PZD and cooperation between the city and private developers in the urbanization of new lands and in the renewal of existing deteriorating areas.
- (7) Open space. Provision of more usable and suitably located open space, recreation areas and other common facilities that would not otherwise be required under conventional land development regulations.
- (8) Natural features. Maximum enhancement and minimal disruption of existing natural features and amenities.
- (9) General Plan. Comprehensive and innovative planning and design of mixed use yet harmonious developments consistent with the guiding policies of the General Plan.
- (10) Special Features. Better utilization of sites characterized by special features of geographic location, topography, size or shape.

FINDING: Staff finds that the proposed development is compatible with the surrounding and adjacent land uses and will be beneficial to the community. Staff finds this proposal meets the intent of many of the parameters of the City Plan 2025, as well as the above criteria, including flexibility in density, compatibility with surrounding land uses and integration of a varied housing type and lot size. The proposal best fits the flexibility and variety goals of the intent of the Planned Zoning District, offering detached single-family housing types with reduced setback requirements, recreational green space, a variety of lot arrangements, and lot dimensions.

The following guiding policies within Residential Neighborhood Areas are applicable to this development, and help to achieve the nine primary goals of the City Plan 2025:

Residential Neighborhood Areas:

- a. *Where possible, encourage a block-and-street layout that promotes walkable, cyclist-friendly road designs with slow design speeds.*
- b. *Utilize principles of traditional residential urban design to create compatible, livable, and accessible neighborhoods.*
- c. *Discourage design elements that prohibit complete, compact, connected neighborhoods such as cul-de-sacs, gated communities, etc.*
- d. *Minimize through traffic on minor residential streets, while providing connections between neighborhoods to encourage openness and neighborliness.*
- e. *Site new residential areas accessible to roadways, alternative transportation modes, community amenities, infrastructure, and retail and commercial goods and services.*

(B) **Rezoning.** Property may be rezoned to the Planned Zoning District by the City Council in accordance with the requirements of this chapter and Chapter 166, Development. Each rezoning parcel shall be described as a separate district, with distinct boundaries and specific design and development standards. Each district shall be assigned a project number or label, along with the designation "PZD". The rezoning shall include the adoption of a specific master development plan

and development standards.

FINDING: The submitted development plats and Master Development Plan booklets, along with the conditions of approval found applicable and appropriate, are binding with the approval of the requested rezoning. Should the Planning Commission forward this item to the City Council an ordinance will be drafted for consideration of rezoning this property in accordance with the submittal herein.

(C) *R – PZD, Residential Planned Zoning District.*

- (1) *Purpose and intent.* The R-PZD is intended to accommodate mixed-use or clustered residential developments and to accommodate single-use residential developments that are determined to be more appropriate for a PZD application than a general residential rezoning. The legislative purposes, intent, and application of this district include, but are not limited to, the following:
 - (a) To encourage a variety and flexibility in land development and land use for predominately residential areas, consistent with the city's City Plan 2025 and the orderly development of the city.
 - (b) To provide a framework within which an effective relationship of different land uses and activities within a single development, or when considered with abutting parcels of land, can be planned on a total basis.
 - (c) To provide a harmonious relationship with the surrounding development, minimizing such influences as land use incompatibilities, heavy traffic and congestion, and excessive demands on planned and existing public facilities.
 - (d) To provide a means of developing areas with special physical features to enhance natural beauty and other attributes.
 - (e) To encourage the efficient use of those public facilities required in connection with new residential development.

FINDING: Staff is recommending approval of this application, finding the proposed R-PZD meets the intent of the PZD ordinance as noted above. The requested R-PZD provides variety and flexibility in land development while also providing a compatible relationship with surrounding land uses. Also see findings No. 1 and 4.

- (2) *Permitted Uses.* All permitted uses identified within §162 Use Units of the Unified Development Code shall be allowed as permissible uses, unless otherwise specified, subject to City Council approval of the Planned Zoning District request.
- (3) *Conditional Uses.* All conditional uses allowed within (Residential, Commercial, and Industrial) zoning Districts established in the Unified Development Code shall be allowed with Planning Commission approval, unless otherwise specified, subject to the code governing Conditional Use requests.

FINDING: Permitted and Conditional uses are outlined in both the Master Development Plan

booklets and plats.

- (4) *Condition.* In no instance shall the residential use area be less than fifty-one percent (51%) of the gross floor area within the development.

FINDING: The residential uses on this property will be 100 percent of the gross floor area within the development.

(F) *Bulk and area regulations*

- (1) *Residential density.* Residential densities shall be determined on the basis of the following considerations:
- (a) The densities of surrounding development;
 - (b) the densities allowed under the current zoning;
 - (c) the urban development goals and other policies of the city's General Plan;
 - (d) the topography and character of the natural environment; and
 - (e) the impact of a given density on the specific site and adjacent properties.

FINDING: The proposed development is consistent with the variety of densities and uses in the surrounding area. A density of 6 units/acre is appropriate given that the project is located at a corner location and near future retail and commercial establishments to the north, as well as recreational facilities. Staff finds that the proposal meets the urban development goal of the City's City Plan 2025 and will not have a detrimental impact on the site and adjoining properties.

- (2) *Lot area and setback requirements.* Taking into consideration the unique aspects of each project, preliminary development plans for Planned Zoning Districts shall conform as closely as possible to the existing standards for lot area minimums and setback requirements under this chapter.

FINDING: Lot sizes are varied on this project with structures oriented to the street. Due to the unique nature of this development, it is not possible to conform to existing standards for lot area minimums and setback requirements in a typical single-family district without requesting an established zoning district that would allow for two or more dwelling units on one lot.

- (3) *Building height.* There shall be no maximum building height except as may be determined by the Planning Commission during the review of the preliminary development plan based on the uses within the development and the proximity of the development to existing or prospective development on adjacent properties. A lesser height may be established by the Planning Commission when it is deemed necessary to provide adequate light and air to adjacent property and to protect the visual quality of the community.

FINDING: Building heights proposed for this project are typical of the single-family

developments in the surrounding area, and shall not exceed 45'.

- (4) *Building area.* The Planning Commission shall review specific proposed lot coverages which generally correspond to the guidelines for lot coverage in the respective residential, office, commercial or industrial district which most depicts said development scheme.

FINDING: The lot coverage or building area on this project is slightly higher than the RSF-4 zoning district, with a maximum of 56% buildable area permitted. Staff is in support of the higher buildable area, finding that Lot 14 (Park Area) will serve as a buffer between the proposed development and the adjacent RSF-4 district.

***Required Findings for Rezoning Request.**

FINDINGS OF THE STAFF

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

Finding: The proposed R-PZD is consistent with the City's Residential Neighborhood Area land use designation to encourage traditional neighborhood development. Staff finds that the proposal complies with Goal 2 to discourage sprawl with development that utilizes existing city infrastructure. Additionally, staff finds that the proposal supports Goal 3 to make traditional town form the standard by encouraging multi-use development. The proposed zoning district provides a variety of housing types, and is adjacent to community services (Boys and Girls Club and Owl Creek School). Finally, staff finds that the proposal complies with Goal 6 to create attainable housing. Staff finds that attainable housing can be encouraged through the creation of a variety of housing types within a single neighborhood development.

Staff finds that higher densities and intensities should be encouraged at corner locations whenever possible. Staff finds that, while the proposal allows a density lower than the RMF-24 zoning district to the east, the request will provide a higher residential density at a corner location at the intersection of two Collector Streets and will serve as an important transition between two zoning districts that are significantly different in terms of density and intensity. Also see finding No. 1.

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

Finding: Staff finds the proposed zoning is justified and needed. Staff finds that the development of corner locations at the intersection of two Collector Streets should be developed at a density and intensity much higher than the low-

density RSF-4 zoning district.

Staff finds that the rezoning process is a tool that is appropriately utilized by a property owner or a local authority to change the use or density of a subject property in order to respond to land use and development trends and/or shifts in a neighborhood. When the Mountain Ranch Subdivision was platted in 2005 at a density of 4 dwelling units/acre, the developers of the Mountain Ranch Subdivision did not anticipate the intensity of the Mountain Ranch Apartments, a 4-story, multi-family development at 24 units/acre, which was developed in compliance with the bulk and area requirements of the RMF-24 zoning district, nor was the Commercial Planned Zoning District for Forest Hills, located at the northeast of the subject property between Wedington Drive and Persimmon Street, anticipated to develop as mixed use neighborhood with a combination of retail and commercial uses, as well as multi- and single-family dwellings.

A residential structure has a lifespan significantly higher than a commercial structure. Staff finds that designating a low-density residential use removes the subject property from the planning process for several decades and reduces the chance of the property being developed at a higher density or as a non-residential use in the future. Staff supports the applicant's request, finding that another opportunity to develop this intersection of Collector Streets appropriately may not occur.

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

Finding: Staff finds this proposal to increase the density from 4 dwelling units/acre to 6 dwelling units/acre for approximately 2.23 acres will not create or appreciably increase traffic danger and congestion. Additionally, staff finds that the proposal to provide only one curb cut onto Mountain Ranch Boulevard and one curb cut onto Providence Drive, for a total of two curb cuts, significantly decreases potential traffic danger and congestion in comparison to the five curb cuts that are currently allowed for the existing five single-family lots.

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

Finding: Staff does not find that an undesirable increase in load on public services would be created.

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

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

Finding: Not applicable. Staff is recommending approval of the request.

City of Fayetteville Staff Review Form

D. 1
Utilities Department Positions
Page 1 of 6

City Council Agenda Items
and
Contracts, Leases or Agreements

2-Jun-09

City Council Meeting Date
Agenda Items Only

David Jurgens
Submitted By

Water/Sewer
Division

Utilities
Department

Action Required:

Approval of two employee positions for project design and management of Utilities Department projects, and approval of a net cost reduction budget adjustment of \$250,000.

\$ (250,000.00)

Cost of this request

\$ -

Category / Project Budget

Use of Fund Balance

Program Category / Project Name

5400-0940-4999-99

Account Number

\$ -

Funds Used to Date

Use of Fund Balance

Program / Project Category Name

\$ -

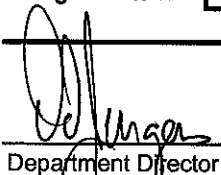
Remaining Balance

Water/Sewer

Fund Name

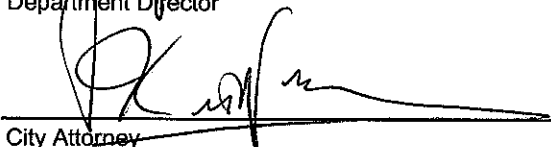
Budgeted Item ☒ XX

Budget Adjustment Attached ☒ X


Department Director

15 MAY 09
Date

Previous Ordinance or Resolution #


City Attorney

5-15-09
Date

Original Contract Date:

Original Contract Number:

Paul a. Bach
Finance and Internal Services Director

5-19-09
Date

Received in City
Clerk's Office

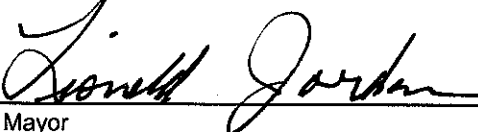
ENTERED
5/19/09 AD


Chief of Staff

5/18/09
Date

Received in
Mayor's Office

ENTERED
5-18-09 BLP


Mayor

5/19/09
Date

Comments:

City Council Meeting of June 2, 2009

CITY COUNCIL AGENDA MEMO

To: Fayetteville City Council

Thru: Mayor Lioneld Jordan
Fayetteville Water and Sewer Committee
Don Marr, Chief of Staff

From: David Jurgens, P.E. Utilities Director



Date: May 14, 2009

Subject: Approval of two employee positions for project design and management of Utilities Department projects, and approval of a **cost reduction** budget adjustment of \$250,000

RECOMMENDATION

Fayetteville City Administration recommends approval of two employee positions for project design and management of Utilities Department projects, and approval of a **cost reduction** budget adjustment of \$250,000.

BACKGROUND

In 2004 the Water/Sewer Committee and City Council approved the concept of an in-house Water and Wastewater project design and management team as this team could execute many projects in-house, resulting in a significant cost savings over hiring consultants for the work. This technique had proven itself in Engineering, where in-house designs have been completed for many projects, some constructed by in-house crews (Trails, Transportation) and others completed through contract construction. The intent for the Water/Sewer team was to phase in the positions over three years. The first position was a staff engineer, approved in the 2005 budget and filled by Shannon Jones. The two additional positions were included in the 2008 Water and Sewer Rate Study, with both positions budgeted as full time starting in July 2008. With management changes in 2005 and moving WSIP program management in-house in 2006, many water and wastewater capital projects were deferred, as was the continued development of the project design and management team.

DISCUSSION

As WSIP projects are reaching completion and normal capital work is resuming, now is the time to establish this team. Capital funding with Water and Sewer revenues, impact fees, and grants are projected at an average of \$5.5 million per year through at least the next five years. This does not include funding from WSIP, American Recovery and Reinvestment Act (stimulus bill), W/S bond funds, and street bond funds (used for W/S relocations). With this \$5.5 million annual capital program, the savings using the in-house project team will range from \$333,000 - \$680,000 per year. Savings for all funding sources will be greater when execution is optimized for each project. Samples of savings already realized as well as projected future savings are below.

Cost Savings To Date

- Savings proven in WSIP for design, construction management, and within the construction contracts themselves:
 - \$1,173,474 saved using in-house team instead of contracted program management;

City Council Meeting of June 2, 2009

- \$947,298 **cost reduction** change order to MWY West Side WWTP design contract;
- WSIP team functioned at 43.5% of approved budget, \$326,526 spent of \$750,000 approved;
- WSIP team savings due in part to filling only two of the three approved positions;
- To date, 18 of 19 WSIP construction contracts have been completed below approved funding.

Future Cost Savings

- Team adoption will result in immediate budget reduction of \$250,000.
- These two positions were included in rate design in approved 2008 W/S Rate Study, page 4-3.
- Annual savings is from \$333,000 - \$680,000 in next four years even with minimal capital work.

Missions

- (1) in-house design and construction management for water/sewer, WSIP, & other projects;
- (2) manage and provide quality assurance (QA/QC) for Utilities Department contracted projects;
- (3) provide hands-on QA/QC for the wastewater treatment operations contract (rebids this year);
- (4) develop specialized requests for proposal as required (as did for ice storm & mulch removal);
- (5) perform other Utility and City duties as required, providing expertise to all departments.
- (6) develop and maintain standardized specifications; and

Benefits To City

- Saves money by optimizing in-house versus outsourced design and contract supervision.
- Increases public service with rapid City response to public calls and complaints.
- WSIP biosolids project cost estimates based on in-house design and construction management. These costs will increase if consultants have to be hired.
- Enhances public communication due to intimate, day to day staff involvement in projects.
- Saves time and significantly increases responsiveness to changing demands and short turnaround opportunities (i.e., stimulus projects, ice storm RFP's and contracts, etc.) by reducing the Engineering selection and Council approval process.
- Provides better oversight on the City's most expensive assets (wastewater treatment plants) and increases City involvement in decision making regarding WWTP operations.
- Reduces expenses for tasks such as Water/Sewer Committee minutes.
- Reduces other staff overhead by eliminating selection committees.

BUDGET IMPACT

A budget adjustment **reducing** the approved Water and Sewer Capital Budget by \$250,000 is attached; these funds will be returned to the W/S fund balance. This team will result in a net annual savings exceeding \$250,000 per year. The team will be budgeted through a Water/Sewer program, with most funding allocated to supported projects. Thus, if the work is funded by water and sewer revenues, impact fees, or sales tax, that appropriate fund will be used to reimburse team expenses.

RESOLUTION NO. _____

A RESOLUTION TO AMEND THE 2009 BUDGET TO AUTHORIZE AND FUND TWO FULL TIME EMPLOYEE POSITIONS FOR PROJECT DESIGN AND MANAGEMENT OF UTILITIES DEPARTMENT PROJECTS AND TO APPROVE THE ATTACHED BUDGET ADJUSTMENT TO REDUCE THE OVERALL WATER AND SEWER BUDGET BY \$250,000.00

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby approves an amendment to the 2009 Budget to authorize and fund two full time employee positions for project design and management of utilities department projects and approves the attached budget adjustment which reduces the overall Water and Sewer Budget by \$250,000.00.

PASSED and APPROVED this 2nd day of June, 2009.

APPROVED:

ATTEST:

By: _____
LIONELD JORDAN, Mayor

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

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

D. 1
Utilities Department Positions
Adjustment Number

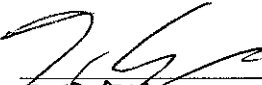
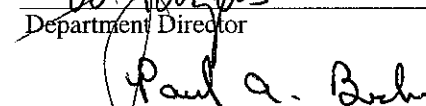
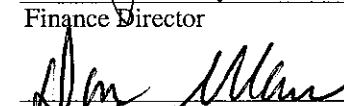
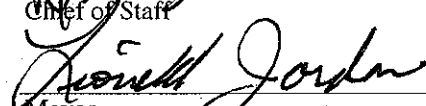
Budget Year 2009	Department: Operations Division: Water & Wastewater Director Program: WSIP Project Management	Date Requested 5/8/2009	
--------------------------------	---	---------------------------------------	--

Project or Item Added/Increased: Capital Management Team Program.	Project or Item Deleted/Reduced: Mt Sequoyah W/S System Upgrade Project and Sanitary Sewer Rehabilitation Project.
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Justification of this Increase: Funds are needed to set up the Capital Management Team program. This team would execute in-house design and construction management for appropriate projects in the Utilities Department along with other Utility Department duties as required. This program would save the city monies by optimizing in-house versus contract design and contract supervision on capital projects.	Justification of this Decrease: The capital project accounts that are being reduced to set up the Capital Management Team Program are reflecting the cost savings already realized by utilizing some in-house design and construction management by the WSIP Project Management Team.
---	--

Increase Budget			
Account Name	Account Number	Amount	Project Number
		See Attached Detail	

Decrease Budget			
Account Name	Account Number	Amount	Project Number

Approval Signatures		Budget & Research Use Only	
	<u>5-15-09</u> Date	Type: A B C <u>D</u> E	
	<u>15 MAY 09</u> Date	Requested By	
	<u>5-19-09</u> Date	General Ledger Date	
	<u>5/18/09</u> Date	Posted to General Ledger	Initial Date
	<u>5/19/09</u> Date	Posted to Project Accounting	Initial Date

Budget Adjustment Detail Backup

D. 1
Utilities Department Positions
Page 6 of 6

Account Name	Account Number	Increase Budget	Decrease Budget	Project#	Sub#	Project Description
Salaries & Wages	5400.4020.5100.00	44,207				
Overtime	5400.4020.5103.00	668				
FICA Taxes	5400.4020.5105.00	3,382				
Life Insurance	5400.4020.5107.00	129				
Health Insurance	5400.4020.5108.00	5,562				
LTD Insurance	5400.4020.5108.01	138				
ADD Insurance	5400.4020.5108.02	8				
Retirement Savings Plan	5400.4020.5109.06	5,305				
Workers' Compensation Insurance	5400.4020.5111.00	698				
Office Supplies/Printing	5400.4020.5200.00	1,266				
Copies And Lease	5400.4020.5200.01	75				
Minor Equipment	5400.4020.5210.00	1,564				
Fuel	5400.4020.5213.04	875				
Safety Devices	5400.4020.5217.00	85				
Uniforms/Personal Equipment	5400.4020.5302.00	342				
Publications & Dues	5400.4020.5303.00	187				
Travel & Training	5400.4020.5304.00	1,966				
Telephone Expense	5400.4020.5310.01	801				
Motor Pool Charges	5400.4020.5331.00	736				
Replacement Charges	5400.4020.5331.01	1,973				
Shop Overhead Charges	5400.4020.5331.02	414				
Shop Overhead Insurance	5400.4020.5331.03	195				
Radio Maintenance	5400.4020.5402.00	250				
Use of Fund Balance	5400.0940.4999.99	250,000				
Sewer Improvements	5400.5700.5815.00		125,000	02017	1	R Sanitary Sewer Rehabilitation
Water Line Improvements	5400.5600.5808.00		125,000	01023	1	R Mount Sequoyah W&S System Upgrade
Pcp Operation Contract	5400.5140.5328.00		70,826			
		320,826	320,826			

City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/2/2009

City Council Meeting Date
Agenda Items Only

Jesse Fulcher
Submitted By

Planning
Division

Development Services
Department

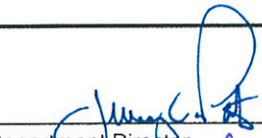
Action Required:

RZN 09-3270: (Ramona Jones, 445): Submitted by Ramona Jones for property located at 41 East North Street, on the southwest corner of North and Pollard. The property is zoned RSF-4, Residential Single-Family, 4 units per acre, and contains approximately 1.00 acre. The request is to rezone the subject property to R-O, Residential Office.

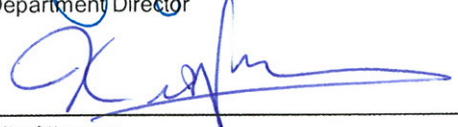
Cost of this request	\$ -	Category / Project Budget	Program Category / Project Name
Account Number	\$ -	Funds Used to Date	Program / Project Category Name
Project Number	\$ -	Remaining Balance	Fund Name

Budgeted Item ☐

Budget Adjustment Attached ☐

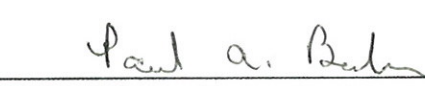

Department Director 05-13-09
Date

Previous Ordinance or Resolution # _____


City Attorney 5-14-09
Date

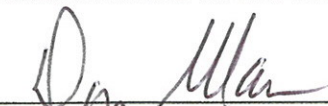
Original Contract Date: _____

Original Contract Number: _____


Finance and Internal Services Director 5-15-2009
Date

Received in City
Clerk's Office

ENTERED
5-14-09 WJH


Chief of Staff 5-15-09
Date

Received in
Mayor's Office

ENTERED
5-15-09 BCP


Mayor 5/18/09
Date

Comments:

City Council Meeting of June 2, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Development Services Director

From: Jesse Fulcher, Current Planner

Date: May 13, 2009

Subject: Rezoning for Ramona Jones (RZN 09-3270)

RECOMMENDATION

Staff and the Planning Commission recommend approval of rezoning the subject property from RSF-4, Residential Single-family to R-O, Residential Office located at 41 E. North Street.

BACKGROUND

The subject property is located at the southwest corner of North Street and Pollard Avenue. The approximately 1-acre tract is currently developed with a single-family dwelling that was constructed in 1942. The property is bordered by the University of Arkansas for Medical Sciences campus, a parking lot for UAMS, a professional office building and a single-family residence.

The applicant proposes to rezone the property from RSF-4, Residential single-family to R-O, Residential Office.

DISCUSSION

This item was heard at the regular Planning Commission meeting on May 11, 2009. The Planning Commission voted 7-0-0 to forward this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE REZONING THAT PROPERTY DESCRIBED IN REZONING PETITION RZN 09-3270, FOR APPROXIMATELY 1.00 ACRE, LOCATED AT 41 EAST NORTH STREET, ON THE SOUTHWEST CORNER OF NORTH AND POLLARD FROM RSF-4, RESIDENTIAL SINGLE-FAMILY, 4 UNITS PER ACRE, TO R-O, RESIDENTIAL OFFICE

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 RSF-4, Residential Single-Family, 4 units per acre to R-O, Residential Office, 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"

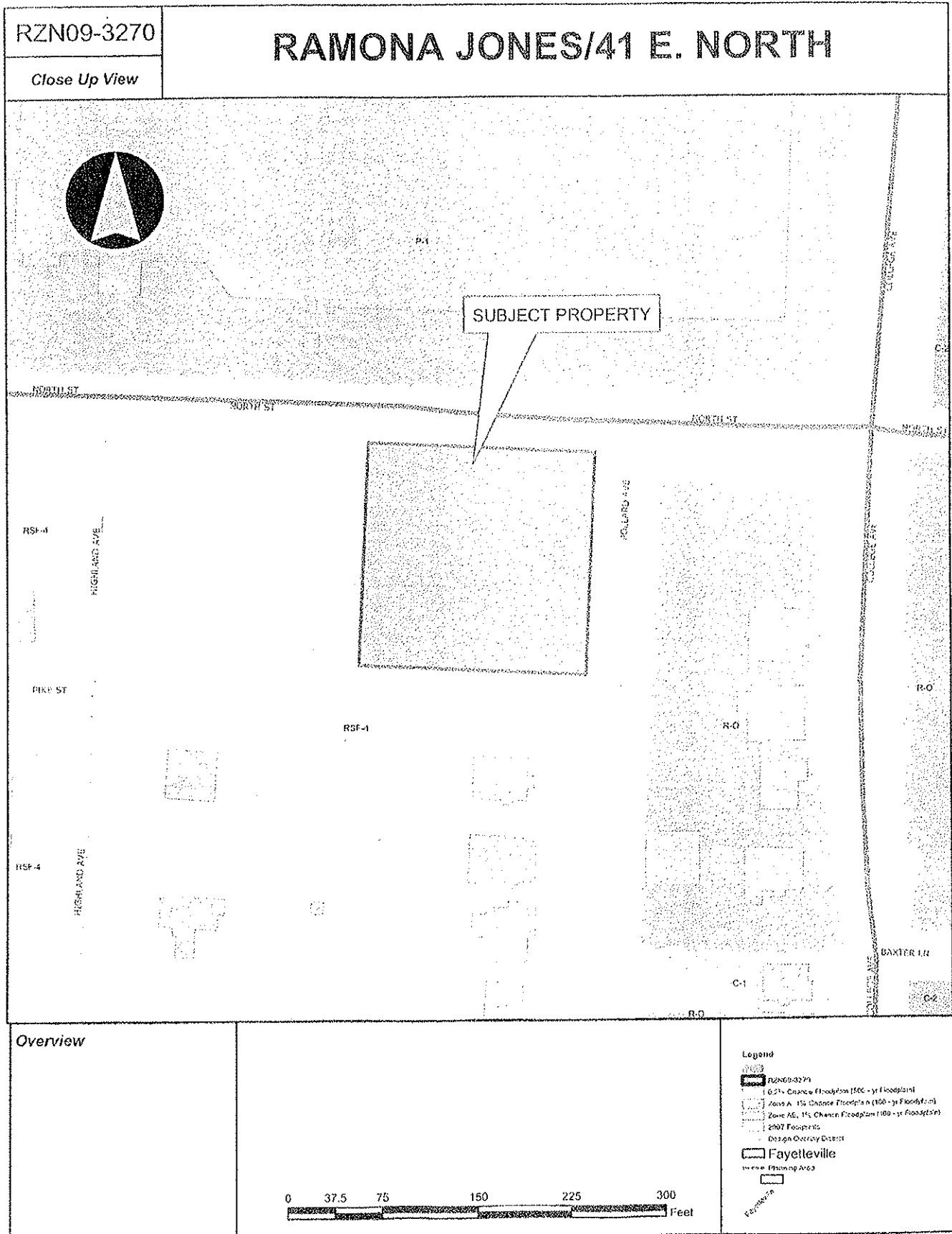


EXHIBIT "B"
RZN 09-3270

LOTS 4-5 EAST HALF LOT 3 BLOCK 8



PC Meeting of May 11, 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: Jesse Fulcher, Current Planner
THRU: Jeremy Pate, Development Services Director
DATE: May 7, 2009 Updated May 13, 2009

RZN 09-3270: (RAMONA JONES /41 E.NORTH ST., 445): Submitted by RAMONA JONES for property located at 41 E. NORTH STREET, ON THE SW CORNER OF NORTH AND POLLARD. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.00 acre. The request is to rezone the subject property to R-O, Residential Office.

Planner: Jesse Fulcher

BACKGROUND:

Property Description: The subject property is located at the southwest corner of North Street and Pollard Avenue. The approximately 1-acre tract is currently developed with a single-family dwelling that was constructed in 1942. The property is bordered by the University of Arkansas for Medical Sciences campus, a parking lot for UAMS, a professional office building and a single-family residence.

SURROUNDING LAND USE AND ZONING:

Direction from Site	Land Use	Zoning
North	Hospital	P-1
South	Single-family dwelling	RSF-4
East	Professional office	RSF-4
West	Parking lot	R-O

Proposal: The applicant proposes to rezone the property from RSF-4, Residential single-family to R-O, Residential Office.

Public Comment: Staff has not received public comment.

RECOMMENDATION:

Staff recommends forwarding the rezoning request RZN 09-3270 (Ramona Jones) to the City Council with a recommendation of approval based on findings stated herein.

PLANNING COMMISSION ACTION: Required <u>YES</u>			
Date: <u>May 11, 2009</u>	☐ Tabled	☒ Forwarded	☐ Denied
Motion: <u>Graves</u>	Second: <u>Cabe</u>	Vote: <u>7-0-0</u>	
CITY COUNCIL ACTION:		Required <u>YES</u>	
		☐ Approved	☐ Denied
Date:			

INFRASTRUCTURE:

- Streets:** The site has access to North Street and Pollard Avenue.
- Water:** Public water is available to the property. There is an 8" and 10" main adjacent to the property.
- Sewer:** Sanitary sewer is available to the site. There is a 12" and 6" public main adjacent to the property.
- 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.
- Fire:** This property will be covered by Engine #4 located at 708 N. Garland.

CITY PLAN 2025 FUTURE LAND USE PLAN: *City Plan 2025 Future Land Use Plan designates this site as City Neighborhood Area, which is a denser and primarily residential urban fabric with mixed and low-intensity nonresidential uses usually confined to corner locations.*

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 R-O zoning is consistent with the City Neighborhood Area land use designation, which recognizes mixed and low-intensity nonresidential uses on corner locations. Based on the City's adopted land use planning objectives and principles, staff finds that the subject property, which is located on North Street (a principal arterial) and surrounded on three sides by nonresidential uses, would be more appropriately regulated under the R-O zoning district than the current Residential

single-family zoning designation.

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

Finding: The subject property has been utilized for a single-family residence for approximately 65 years; however, it has sat vacant and for sale for the last several years. Staff finds that the rezoning request is justified at this time to allow the property to be converted to either a denser residential use, or to a low-intensity nonresidential use, such as an office, at this corner location. It is evident based on the surrounding higher intensity land uses that this particular property is no longer desirable for single-family residential use.

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 RSF-4 to R-O will result in the potential for a slight increase in traffic compared with that allowed under the existing zoning. However, the property has direct access to two adjacent streets, including North Street (a principal arterial), and is only one lot removed from College Avenue (a principal arterial).

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 zoned for single-family dwellings. The change in zoning to R-O 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.

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
----------------	------------

(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.



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

To: Dara Sanders, Andrew Garner, Jeremy Pate, and Jesse Fulcher
From: David Williams
Date: May 8, 2009
Re: RZN 09-3270: Rezoning (RAMONA JONES / 41 E. NORTH ST., 445

This development will be protected by Engine 2 located at 708 N. Garland.
It is 1.2 miles from the station with an anticipated response time of 4 minutes to the beginning of the development.
The Fire Department anticipates 1(1 EMS – 0 Fire/Other) calls for service each year.
The Fayetteville Fire Department does not feel this development will affect our calls for service or our response times.

If you have any questions please feel free to contact me.

Fire Marshal
Fayetteville Fire Department

1. Check Attached

2. Legal Description: 41 E. North Street, Fayetteville, AR 72701. Lots 4, 5 and Half of Lot 3 Block 8, City Park Addition-A.L. TRENTS REV (04940) Parcel 765-03802-000 Washington County

3. Mailing Labels Attached

4. Plat Attached

5. A written description of this request addressing the following items:

a. Current ownership information and any proposed or pending property sales.

Property is owned by Charles Stewart. A real estate offer has been made by Andrea Fournet and Ramona Jones and accepted by owner conditional on property being rezoned RO. Real Estate Contract attached.

b. Reason (need) for requesting the zoning change.

The location of this property is surrounded to the North by old Washington Regional Hospital), to the East by RO and to the West by Washington County Parking Lot. All are already zoned RO or denser. Realistically this property is no longer a good site for residential use due to the changes in the neighborhood and surrounding buildings. The best use for this property is RO or denser.

c. Statement of how the property will relate to surrounding properties in terms of land use, traffic, appearance and signage.

The property rezoned RO conforms better to the surrounding property because properties on three side are already RO or denser.

Traffic impact will be minimal.

The current state of the property is dilapidated, vacant for years and in poor condition. The intended appearance will be improved drastically. We plan to restore the existing structure and land to its' previous beauty. Signage will conform to RO requirements.

d. Sewer and water.

The plat shows an 8 inch sewer main going to the house. Jeff Staggs advised we contact Water & Sewer Maintenance Division to determine if this is a public or private line.

6. The Planning Commission is required to make specific findings with regard to this application. The applicant shall provide written statements address the following:

a. The degree to which the proposed zoning is consistent with land use planning objectives, principles and policies and with land use and zoning plans.

According to the City 2025, this property is located in the City Neighborhood Area. City Neighborhood Area includes 'mixed and low-intensity nonresidential uses' which are usually confined to corner locations. This property is located on the corner of North Street and Pollard and is surrounded on three sides by RO or denser zoning. The proposed rezoning is 100% consistent with the City of Fayetteville's planning objectives.

b. Whether the proposed zoning is justified and/or needed at the time of the request.

This property has been for sale as residential for approximately three years. In its' present condition it is an eyesore and the longer it stays vacant is potentially dangerous. Rezoning is needed to make this property useable and is the best use for the neighborhood.

c. Whether the proposed zoning will create or appreciably increase traffic danger and congestion.

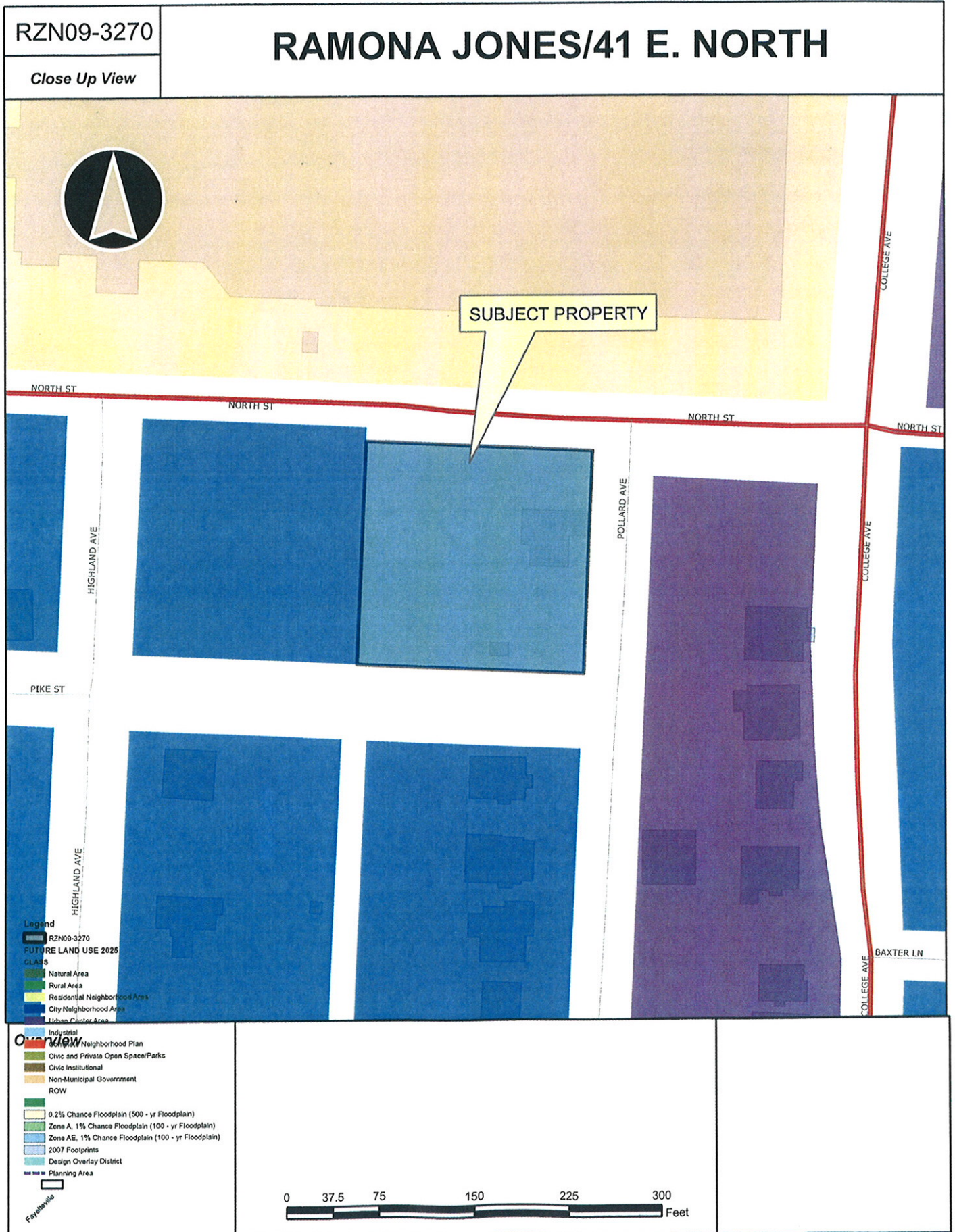
Property is located on the corner of North Street and Pollard. Rezoning will not appreciably increase traffic danger or congestion.

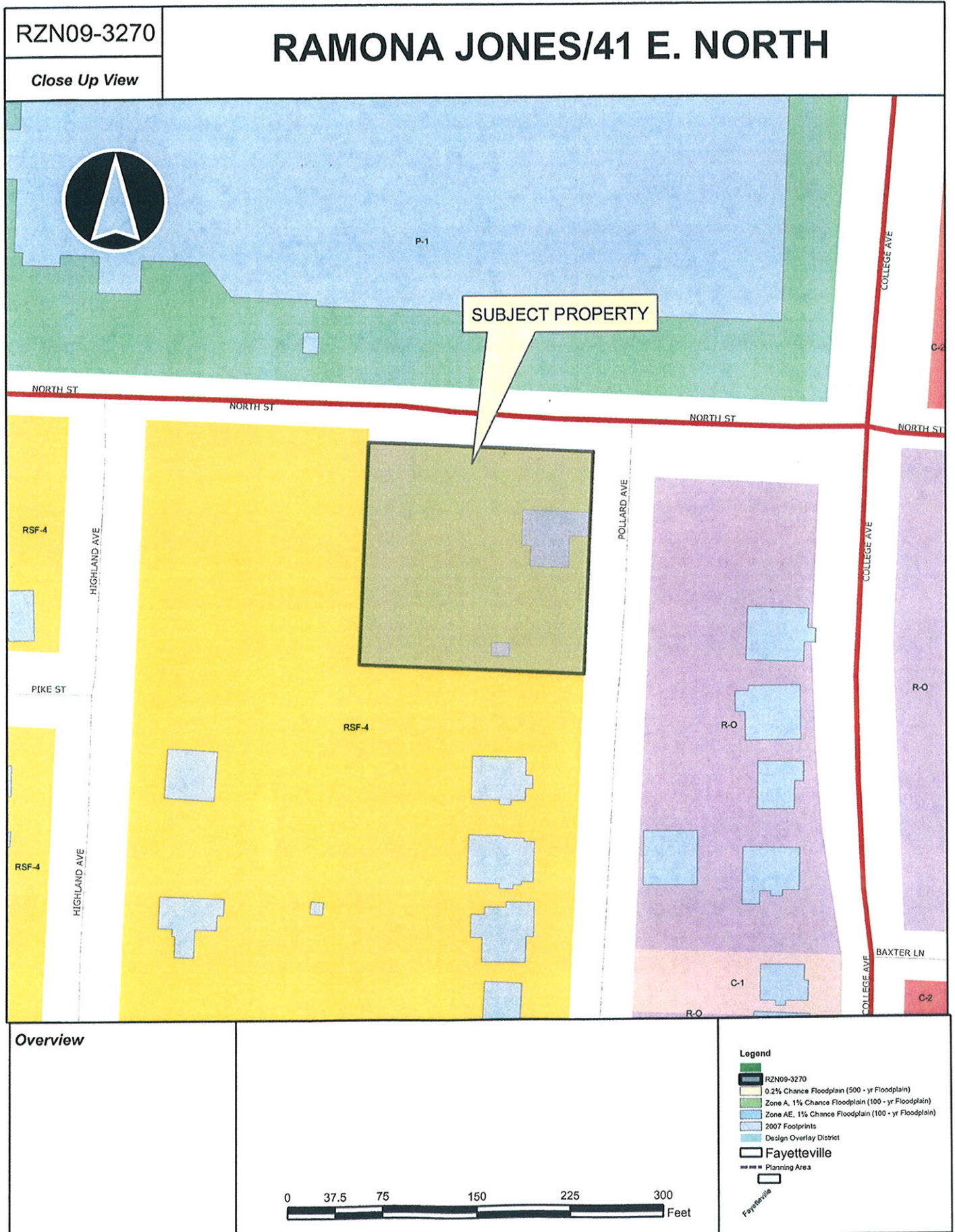
d. Whether the proposed zoning will alter population density and therefore undesirably increase the load on public services including schools, water and sewer facilities.

Proposed zoning will not alter population density and will not undesirably increase load on public services.

e. Why it would be impractical to use the land for any of the uses permitted under its existing zoning.

Property is currently surrounded on three sides by RO or denser zoning; Parking lot to the west, hospital to the North, and RO to the East. It is also located on a very busy street, North Street. The property has been for sale for years and there has been no interest in purchasing it as a single family residence

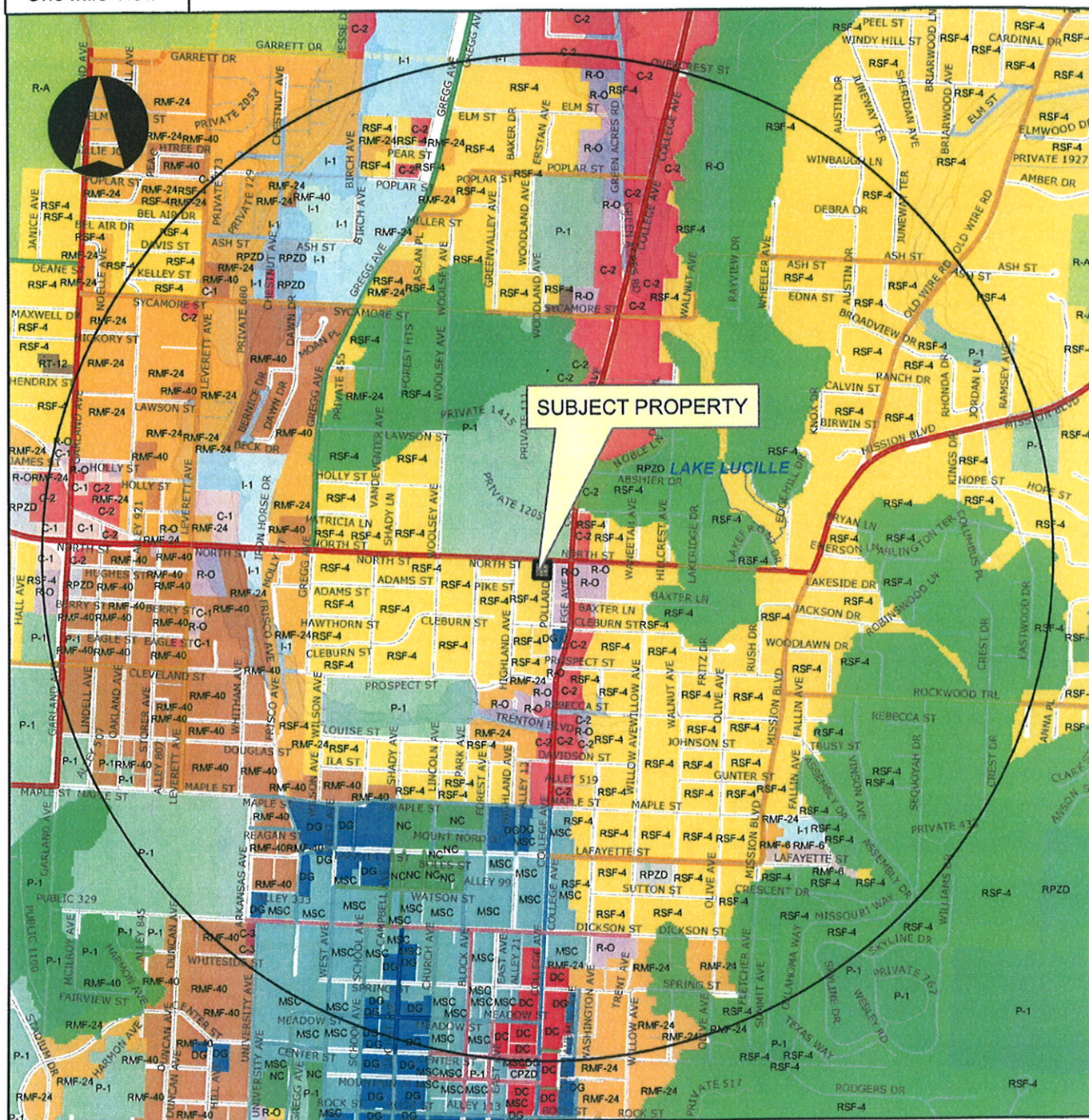




RZN09-3270

RAMONA JONES/41 E. NORTH

One Mile View



Overview



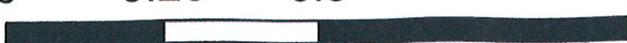
Legend

Subject Property

 RZN09-3270

 Boundary

0 0.25 0.5 1 Miles



City of Fayetteville Staff Review Form

City Council Agenda Items
and
Contracts, Leases or Agreements

6/2/2009

City Council Meeting Date
Agenda Items Only

Dara Sanders
Submitted By

Planning
Division

Development Services
Department

Action Required:

VAC 09-3267: (LIFE STYLES, INC. /SYCAMORE, 363): Submitted by BATES & ASSOCIATES for property located at THE NORTH CORNER OF SYCAMORE ST. AND SADDLEHORNE AVE. The property is zoned P-1, Institutional and contains approximately 1.27 acres. The request is to vacate an unimproved portion of right-of-way for Sycamore Street.

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

05-14-09
Date

Previous Ordinance or Resolution #

Original Contract Date:

City Attorney

5-14-09
Date

Original Contract Number:

Finance and Internal Services Director

5-15-2009
Date

Received in City
Clerk's Office

ENTERED
5-14-09
WSP

Chief of Staff

5-15-09
Date

Received in
Mayor's Office

ENTERED
5-15-09
BEP

Mayor

5/18/09
Date

Comments:

City Council Meeting of June 2, 2009
Agenda Item Number

CITY COUNCIL AGENDA MEMO

To: Mayor and City Council

Thru: Jeremy C. Pate, Director of Development Services *JCP*

From: Dara Sanders, Current Planner

Date: May 13, 2009

Subject: Vacation for Life Styles, Inc (VAC 09-3267)

RECOMMENDATION

Staff and the Planning Commission recommend approval of vacating a portion of unimproved right-of-way adjacent to the subject property.

BACKGROUND

The property, containing approximately 1.27 acres, is currently vacant and located at the corner of Sycamore Street and Saddlehorne Avenue, adjacent to I-540. Both Sycamore Street and Saddlehorne Avenue have not been constructed at this location.

In March 2009, the City Council approved the applicants request to rezone the subject property to P-1, Institutional in order to develop the property as an expansion of the Life Styles College for Living, an adult education program for individuals with developmental disabilities. Currently, Life Styles is located at the southwest corner of Sycamore Street and Porter Road, just two properties southeast of the subject property (see attached map). Development of this property will be subject to the I-540 Design Overlay District and Commercial Design Standards.

The applicant's request is to vacate a portion of unimproved right-of-way for Sycamore Street that is adjacent to I-540. Staff finds that construction of a bridge over I-540 to the west is unlikely, and to staff's knowledge, has never been included in the Master Street Plan. An aerial map, showing the location of existing east/west connections across I-540 in the area, has been included in the staff report.

DISCUSSION

This item was heard at the regular Planning Commission meeting on May 11, 2009. The Planning Commission voted 7-0-0 to forward this rezoning request to the City Council.

BUDGET IMPACT

None.

ORDINANCE NO.

AN ORDINANCE APPROVING VAC 09-3267 SUBMITTED BY BATES AND ASSOCIATES FOR PROPERTY LOCATED AT SYCAMORE STREET AND SADDLEHORNE AVENUE, TO VACATE AN UNIMPROVED PORTION OF RIGHT-OF-WAY FOR SYCAMORE STREET, CONTAINING A TOTAL OF 0.07 ACRES.

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

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

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

Section 1: That the City Council of the City of Fayetteville, Arkansas hereby vacates and abandons the right-of-way as described in Exhibit "B" (attached).

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

Section 3: This vacation approval is subject to the owner's continuing agreement that any damage or relocation of existing utilities shall be at the owner's expense and that the vacated portion of the right-of-way shall be retained as a permanent utility easement.

PASSED and APPROVED this day of , 2009.

APPROVED:

ATTEST:

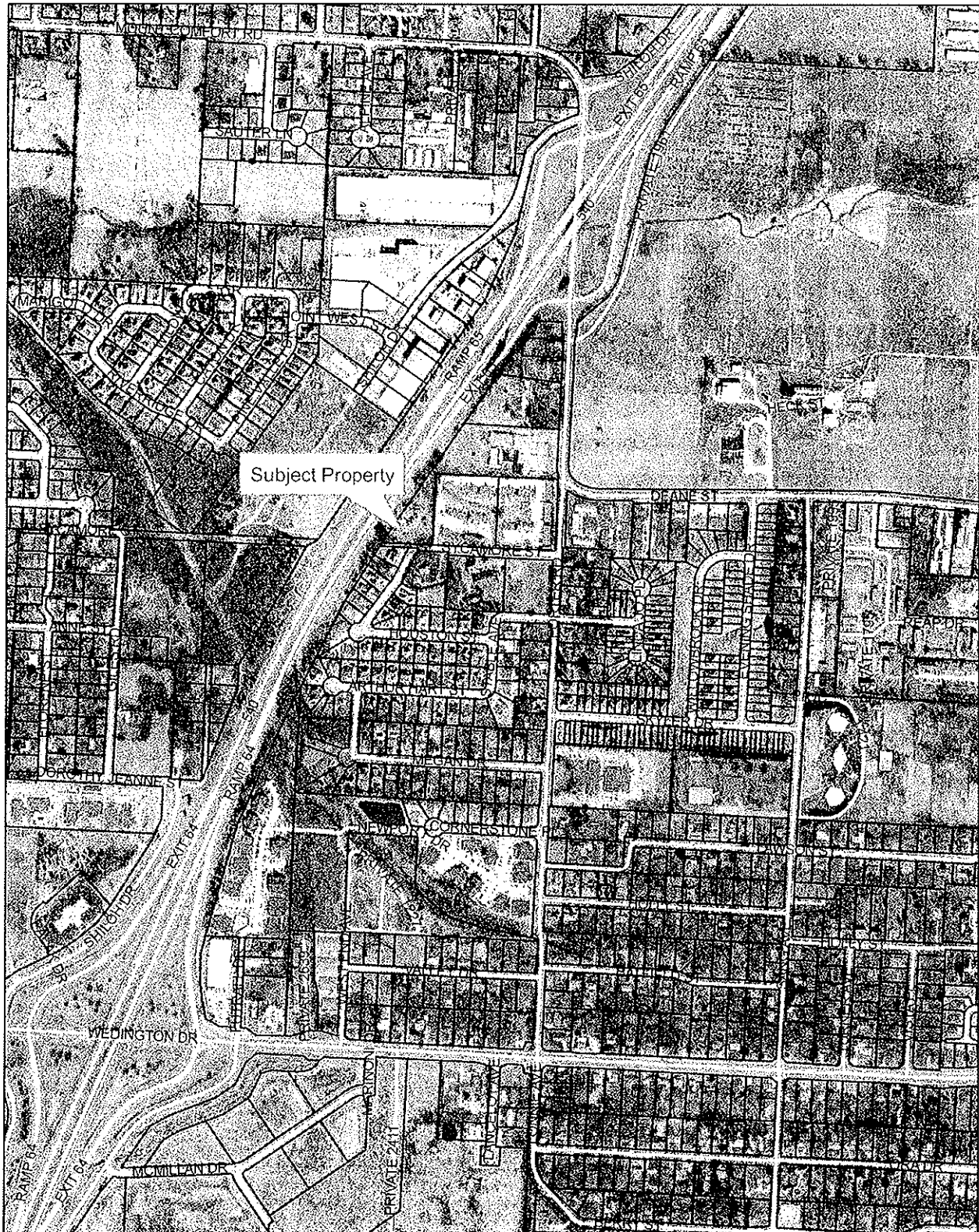
By: _____
LIONELD JORDAN, Mayor

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

EXHIBIT "B"
VAC 09-3267

Sycamore Street right-of-way

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N01°26'44"E 399.83', N88°53'22"W 662.18', S01°53'25"W 375.59', N88°33'03"W 109.04' TO THE TRUE POINT OF BEGINNING, THENCE S26°01'19"W 21.99', THENCE N88°33'03"W 153.13' TO THE RIGHT OF WAY OF U.S. INTERSTATE #540, THENCE ALONG SAID RIGHT-OF-WAY N30°22'02"E 22.85', THENCE S88°33'03"E 151.22' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.





PC Meeting of May 11, 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, Development Services Director
DATE: May 4, 2009 Updated May 14, 2009

VAC 09-3267: (LIFE STYLES, INC. /SYCAMORE, 363): Submitted by BATES & ASSOCIATES for property located at THE NORTH CORNER OF SYCAMORE ST. AND SADDLEHORNE AVE. The property is zoned RSF-4, SINGLE FAMILY - 4 UNITS/ACRE and contains approximately 1.27 acres. The request is to vacate an unimproved portion of right-of-way for Sycamore Street.
Planner: Dara Sanders

Findings:

Property Description: The property, containing approximately 1.27 acres, is currently vacant and located at the corner of Sycamore Street and Saddlehorne Avenue, adjacent to I-540. Both Sycamore Street and Saddlehorne Avenue have not been constructed at this location.

Request: The applicant's request is to vacate a portion of unimproved right-of-way for Sycamore Street that is adjacent to I-540. Staff finds that construction of a bridge over I-540 to the west is unlikely, and to staff's knowledge, has never been included in the Master Street Plan. An aerial map, showing the location of existing east/west connections across I-540 in the area, has been included in the staff report.

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

UTILITIES

RESPONSE

Ozarks Electric	No Objections
Cox Communications	No Objections
Southwestern Electric Power Company	No Objections
Arkansas Western Gas	No Objections
Southwestern Bell Telephone	No Objections

<u>CITY OF FAYETTEVILLE:</u>	<u>RESPONSE</u>
Water/Sewer	No Objections
Transportation	No Objections
Solid Waste	No Objections
Engineering	No Objections

Public Comment: No public comment has been received.

Recommendation: Staff recommends forwarding **VAC 09-3267** to the City Council with a recommendation of approval with the following conditions:

Conditions of Approval:

1. Any relocation of existing utilities shall be at the owner/developer's expense.
2. The vacated portion of right-of-way shall be retained as a utility easement.

CITY COUNCIL ACTION: Required

PLANNING COMMISSION ACTION: Required

Planning Commission Action: ☒ Forwarded ☐ Denied ☐ Tabled

Date: May 11, 2009

Motion: Graves

Second: Cabe

Vote: 7-0-0

PETITION

PETITION TO VACATE A *right-of-way* LOCATED ALONG West Sycamore Street, CITY OF FAYETTEVILLE, ARKANSAS

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

We, the undersigned, being all the owners of the real estate abutting the *right-of-way* hereinafter sought to be abandoned and vacated, lying along West Sycamore Street, City of Fayetteville, Arkansas, a municipal corporation, petition to vacate a *right-of-way* which is described as follows:

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N01°26'44"E 399.83', N88°53'22"W 662.18', S01°53'25"W 375.59', N88°33'03"W 109.04' TO THE TRUE POINT OF BEGINNING, THENCE S26°01'19"W 21.99', THENCE N88°33'03"W 153.13' TO THE RIGHT OF WAY OF U.S. INTERSTATE #540, THENCE ALONG SAID RIGHT-OF-WAY N30°22'02"E 22.85', THENCE S88°33'03"E 151.22' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

That the abutting real estate affected by said abandonment of the right of way is *lot 47, Horseshoe Addition* City of Fayetteville used by the public for a period of many years, and that the public interest and welfare would not be adversely affected by the abandonment of the portion of the above described *right-of-way*.

The petitioners pray that the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject, however, to the existing utility easements and sewer easements as required, and that the above described real estate be used for their respective benefit and purpose as now approved by law.

The petitioners further pray that the above described real estate be vested in the abutting property owners as provided by law.

WHEREFORE, the undersigned petitioners respectfully pray that the governing body of the City of Fayetteville, Arkansas, abandon and vacate the above described real estate, subject to said utility and sewer easements, and that title to said real estate sought to be abandoned be vested in the abutting property owners as provided by law, and as to that particular land the owners be free from the easements of the public for the use of said alley.

Dated this 1st day of April, 2009.

Carol Hart
printed name

Carol Hart
signature

printed name

signature

**UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, VACATION**DATE: April 1, 2009UTILITY COMPANY: ARKANSAS WESTERN GASApplicant Name: Bates & Associates, Inc.Applicant Phone: 479-442-9350REQUESTED VACATION (applicant must check all that apply):

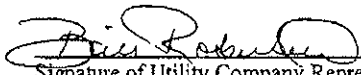
- ☐ Utility Easement
- ☐ Right-of-way for alley or streets and all utility easements located within the vacated right-of-way.
- ☐ Alley
- ☒ Street right-of-way

I have been notified of the petition to vacate the following *right-of-way*, described as follows:General location / Address: Corner of Sycamore St. and Saddlehorn AvenueDescription of Right of Way to be vacated

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N01°26'44"E 399.83', N88°53'22"W 662.18', S01°53'25"W 375.59', N88°33'03"W 109.04' TO THE TRUE POINT OF BEGINNING, THENCE S26°01'19"W 21.99', THENCE N88°33'03"W 153.13' TO THE RIGHT OF WAY OF U.S. INTERSTATE #540, THENCE ALONG SAID RIGHT-OF-WAY N30°22'02"E 22.85', THENCE S88°33'03"E 151.22' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

UTILITY COMPANY COMMENTS:

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


Signature of Utility Company RepresentativeNORTHWEST REGIONAL MANAGER
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, VACATION

DATE: April 1, 2009

UTILITY COMPANY: COX COMMUNICATIONS

Applicant Name: Bates & Associates, Inc. Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

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

I have been notified of the petition to vacate the following *right-of-way*, described as follows:

General location / Address: Corner of Sycamore St. and Saddlehorne Avenue

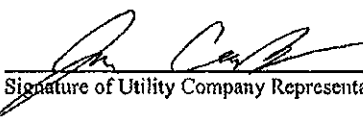
Description of Right of Way to be vacated

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N01°26'44"E 399.83', N88°53'22"W 662.18', S01°53'25"W 375.59', N88°33'03"W 109.04' TO THE TRUE POINT OF BEGINNING, THENCE S26°01'19"W 21.99', THENCE N88°33'03"W 153.13' TO THE RIGHT OF WAY OF U.S. INTERSTATE #540, THENCE ALONG SAID RIGHT-OF-WAY N30°22'02"E 22.85', THENCE S88°33'03"E 151.22' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL BASEMENTS AND RIGHTS-OF-WAY OF RECORD.

UTILITY COMPANY COMMENTS:

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

ANY DAMAGE OR RELOCATION OF EXISTING FACILITIES WILL BE AT THE DEVELOPER'S EXPENSE.


Signature of Utility Company Representative

FIELD ENGINEER
Title

UTILITY APPROVAL FORM
FOR RIGHT-OF-WAY, VACATION

DATE: April 1, 2009

UTILITY COMPANY: SOUTHWESTERN BELL TELEPHONE

Applicant Name: Bates & Associates, Inc.

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

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

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

General location / Address: Corner of Sycamore St. and Saddlehome Avenue

Description of Right of Way to be vacated

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UTILITY COMPANY COMMENTS:

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

ALL EXISTING UTILITY EASEMENTS — DAMAGE TO
OR RELOCATION OF ANY EXISTING
FACILITIES WILL BE CARED FOR AT
THE OWNER/DEVELOPER'S EXPENSE

Susan K. Clouse

Signature of Utility Company Representative

OSP DESIGN ENGINEER

Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, VACATION

DATE: April 1, 2009

UTILITY COMPANY: AEP / SWEP CO

Applicant Name: Bates & Associates, Inc.

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

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

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

Samuel Winkler
Signature of Utility Company Representative

R/W AGENT
Title

UTILITY APPROVAL FORM **FOR RIGHT- OF- WAY, VACATION**

DATE: April 1, 2009UTILITY COMPANY: OZARKS ELECTRICApplicant Name: Bates & Associates, Inc.Applicant Phone: 479-442-9350REQUESTED VACATION (*applicant must check all that apply*):

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

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UTILITY COMPANY COMMENTS:

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


 Signature of Utility Company Representative

Lead Staking Tech
 Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, VACATIONDATE: April 1, 2009UTILITY COMPANY: Fayetteville Water & SewerApplicant Name: Bates & Associates, Inc.Applicant Phone: 479-442-9350Fax: (479) 521-9750REQUESTED VACATION (applicant must check all that apply):

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

I have been notified of the petition to vacate the following *right-of-way*, described as follows:General location / Address: Corner of Sycamore St. and Saddlehorn AvenueDescription of Right of Way to be vacated

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N01°26'44"E 399.83', N88°53'22"W 662.18', S01°53'25"W 375.59', N88°33'03"W 109.04' TO THE TRUE POINT OF BEGINNING, THENCE S26°01'19"W 21.99', THENCE N88°33'03"W 153.13' TO THE RIGHT OF WAY OF U.S. INTERSTATE #540, THENCE ALONG SAID RIGHT-OF-WAY N30°22'02"E 22.85', THENCE S88°33'03"E 151.22' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

UTILITY COMPANY COMMENTS:

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

Must keep Water main easement that goes under
S40 at this location


Signature of Utility Company RepresentativeWater & Sewer Ops Mgr
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, VACATION

DATE: April 1, 2009

UTILITY COMPANY: Fayetteville Solid Waste

Applicant Name: Bates & Associates, Inc.

Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

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

I have been notified of the petition to vacate the following *right-of-way*, described as follows:

General location / Address: Corner of Sycamore St. and Saddlehorn Avenue

Description of Right of Way to be vacated

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UTILITY COMPANY COMMENTS:

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

Beau Pugh
Signature of Utility Company Representative

Waste Reduction Coordinator
Title

UTILITY APPROVAL FORM
FOR RIGHT- OF- WAY, VACATION

DATE: April 1, 2009

UTILITY COMPANY: _____

Applicant Name: Bates & Associates, Inc. Applicant Phone: 479-442-9350

REQUESTED VACATION (*applicant must check all that apply*):

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

I have been notified of the petition to vacate the following *right-of-way*, described as follows:

General location / Address: Corner of Sycamore St. and Saddlehorn Avenue

Description of Right of Way to be vacated

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UTILITY COMPANY COMMENTS:

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

[Signature]
Signature of Utility Company Representative

TRAW Services Dir
Title

ADJACENT PROPERTY OWNER NOTIFICATION FORM
FOR RIGHT- OF- WAY VACATION REQUESTS

Date: April 1, 2009

Address / location of vacation: Corner of Sycamore St. and Saddlehorne Avenue

Adjacent property address: JDH Investments, 16058 Cypress Lane, Rogers, AR 72756

Lot: 47

Block: _____

Subdivision: Horseshoe Addition

REQUESTED VACATION:

I have been notified of the petition to vacate the following *right-of-way*, described as follows:

Description of Right of Way to be vacated

A PART OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 16 NORTH, RANGE 30 WEST, WASHINGTON COUNTY, ARKANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SAID FORTY ACRE TRACT AND RUNNING THENCE N01°26'44"E 399.83', N88°53'22"W 662.18', S01°53'25"W 375.59', N88°33'03"W 109.04' TO THE TRUE POINT OF BEGINNING, THENCE S26°01'19"W 21.99', THENCE N88°33'03"W 153.13' TO THE RIGHT OF WAY OF U.S. INTERSTATE #540, THENCE ALONG SAID RIGHT-OF-WAY N30°22'02"E 22.85', THENCE S88°33'03"E 151.22' TO THE POINT OF BEGINNING, CONTAINING 0.07 ACRES, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RIGHTS-OF-WAY OF RECORD.

ADJACENT PROPERTY OWNERS COMMENTS:

☐ I have been notified of the requested vacation and decline to comment.

☒ I do not object to the vacation described above.

☐ I do object to the requested vacation because:

J. D. HALL
Name of Property Owner (printed)

J. D. Hall
Signature of Property Owner

Bates & Associates, Inc.

Civil Engineering & Surveying

91 W. Colt Square Dr., Suite 3 / Fayetteville, AR 72703
PH: 479-442-9350 * FAX: 479-521-9350

April 1, 2009

Planning Department
City of Fayetteville
113 West Mountain
Fayetteville, AR 72701

RE: Sycamore Street ROW vacation (Life Styles College)

Dear City Planner,

Life Styles Inc., is requesting that a portion of the Sycamore Street Right of Way be vacated. The vacation is needed in order to develop the Life Styles College for Living. The right of way in question, currently dead ends into I-540. The vacation will not affect the connection of Sycamore and Saddlehorne Avenue.

If you have any questions or require additional information, please feel free to call.

Sincerely

Bates & Associates, Inc.



Geoffrey H. Bates, P.E.
President of Engineering

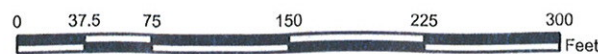
VAC09-3267

Close Up View

LIFE STYLES, INC./SYCAMORE

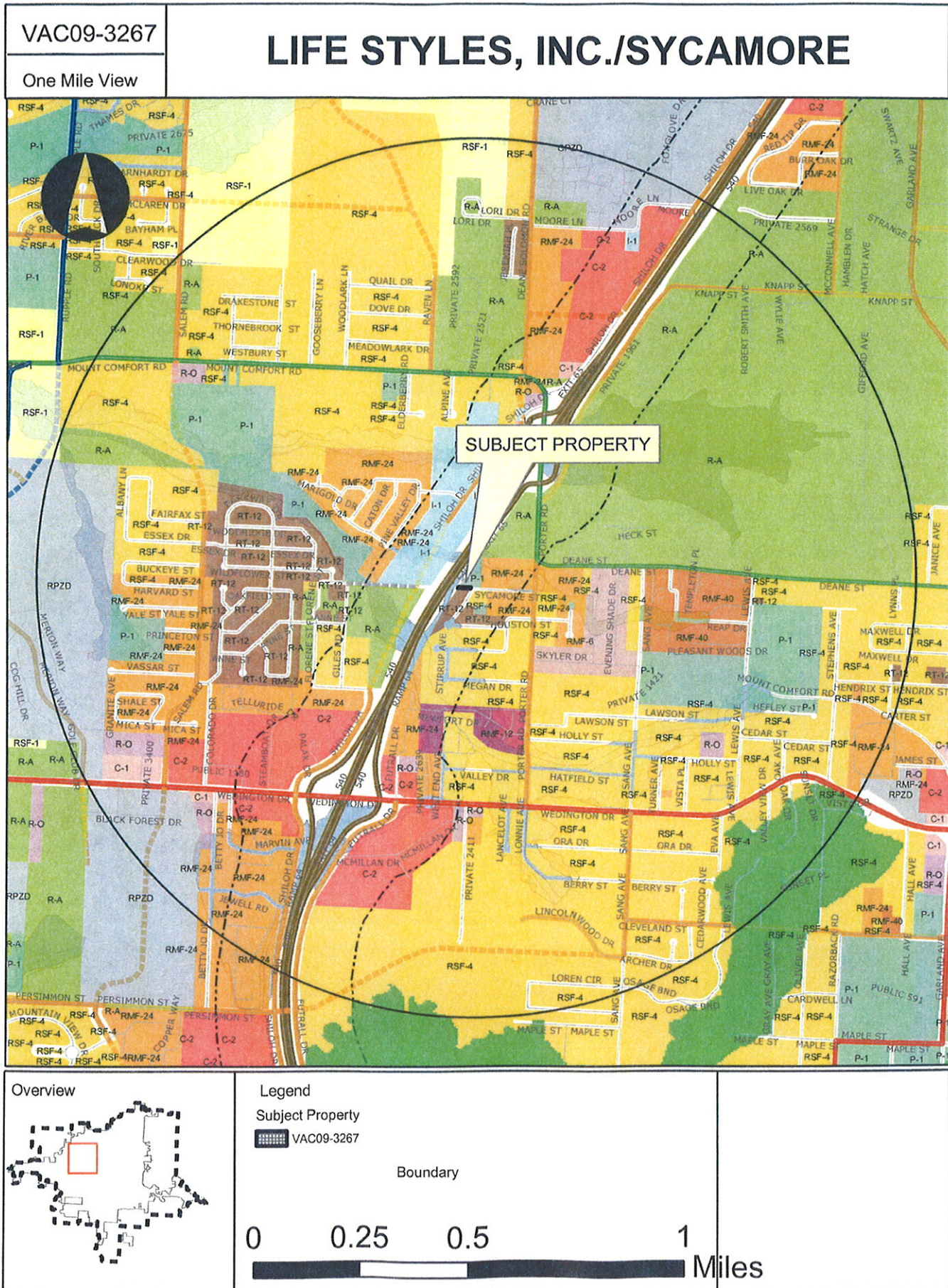


Overview



Legend

- VAC09-3267
- 0.2% Chance Floodplain (500 - yr Floodplain)
- Zone A, 1% Chance Floodplain (100 - yr Floodplain)
- Zone AE, 1% Chance Floodplain (100 - yr Floodplain)
- 2007 Footprints
- Design Overlay District
- Fayetteville
- Planning Area
- Fayetteville



Agenda Session 5/26/09

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
June 2, 2009**

A meeting of the Fayetteville City Council will be held on June 2, 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. First Quarter Report on the Washington County Regional Ambulance Authority - Becky Stewart, EMS Chief
2. NWA Emergency Preparedness Fair – Marla Scott

Mayor's Announcements, Proclamations and Recognitions:

1. FHS Baseball Team Proclamation

A. Consent:

1. Approval of the May 19, 2009 City Council meeting minutes.

NB#1 ② **Bid # 08-53 Future Link:** A resolution approving the purchase of five (5) additional Datalux Computers from Future Link under Bid # 08-53 in the amount of \$26,175.00 for use in five (5) new police cars.

- ✓ 3. **Bid # 09-42 Laser Specialists, Inc.:** A resolution to award Bid # 09-42 to Laser Specialists, Inc. to purchase GPS surveying equipment in the amount of \$30,080.00 plus taxes and fees.
- ✓ 4. **Dawson Education Cooperative:** A resolution to approve the Interlocal Cooperation Agreement with Dawson Education Cooperative to enable the City of Fayetteville to purchase goods and services through the Texas Arkansas Purchasing System.
- ✓ 5. **Arkansas Emergency Telephone Services Board:** A resolution to accept training reimbursement from the Arkansas Emergency Telephone Services Board in the amount of \$796.00 and to approve a budget adjustment recognizing this revenue.
- ✓ 6. **2009 Water and Sewer Revenue Bonds:** A resolution to approve a budget adjustment in the amount of seven and a half million dollars (\$7,500,000.00) to recognize revenue from the sale of the 2009 Water and Sewer Revenue Bonds.
- ✓ 7. **Repeal Bid # 09-27 Lewis Ford:** A resolution to repeal Resolution No. 86-09 and to award Bid # 09-27 for a 4X4 compact pickup truck to Lewis Ford of Fayetteville in the amount of \$18,379.00.
- ✓ 8. **Repeal Bid # 09-28 Lewis Ford:** A resolution to repeal Resolution No. 87-09 and to award Bid # 09-28 for an extended cab compact pickup truck to Lewis Ford of Fayetteville in the amount of \$15,987.00.

B. Presentations, Reports and Discussion Items:

- ✓ 1. False Alarm Ordinance 5083 Discussion

C. Unfinished Business:

- ✓ 1. **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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

- ✓ 2. **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 resolution was tabled at the May 5, 2009 City Council meeting to the May 19, 2009 City Council meeting.*

This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

3. **McClelland Consulting Engineers, Inc.:** A resolution to approve Task Order No. 1 for engineering services by McClelland Consulting Engineers for Runway 16 Safety Improvements in the amount of \$231,100.00 and to approve a budget adjustment of \$231,096.00.

This resolution was tabled at the May 19, 2009 City Council meeting to the June 2, 2009 City Council meeting.

4. **R-PZD 09-3253 (Park Hill at Mountain Ranch):** An ordinance establishing a Residential Planned Zoning District titled R-PZD 09-3253, Park Hill at Mountain Ranch, located at the southwest corner of Persimmon Street and Mountain Ranch Boulevard; containing approximately 2.23 acres; amending the official zoning map of the City of Fayetteville; and adopting the associated master development plan.

This ordinance was left on the Second Reading at the May 19, 2009 City Council meeting.

D. New Business:

1. **Utilities Department Positions:** A resolution to amend the 2009 Budget to authorize and fund two full time employee positions for project design and management of Utilities Department projects and to approve the attached budget adjustment to reduce the overall Water and Sewer Budget by \$250,000.00.
2. **RZN 09-3270 (Ramona Jones):** An ordinance rezoning that property described in rezoning petition RZN 09-3270, for approximately 1.00 acre, located at 41 East North Street, on the southwest corner of North and Pollard from RSF-4, Residential Single-Family, 4 units per acre, to R-O, Residential Office.
3. **VAC 09-3267 (Life Styles):** An ordinance approving VAC 09-3267 submitted by Bates and Associates for property located at Sycamore Street and Saddlehorn Avenue, to vacate an unimproved portion of right-of-way for Sycamore Street, containing a total of 0.07 acres.

Agenda Additions:

Announcements:

1. City Council Tour:

NONE

Adjournment:

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Pre-Agenda Meeting 5/20/09

Aldermen

Mayor Lioneld Jordan
City Attorney Kit Williams
City Clerk Sondra Smith



Ward 1 Position 1 – Adella Gray
Ward 1 Position 2 – Brenda Thiel
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- OKay*
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Move to after Consent

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A. Consent:

1. Approval of the May 19, 2009 City Council meeting minutes.

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Kit has agenda item.
New Resolution
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MEDIA PACKET

3rd Annual

NWA Emergency Preparedness Fair

INCLUDING:

- Press Release
- Fair Highlights
- Event Flier
- List of Participants, Booths, Sponsors
- Participant and Sponsor Logo Pages

PRESS RELEASE

NWA EMERGENCY PREPAREDNESS FAIR RETURNS TO HELP COMMUNITY IN THE WAKE OF DISASTERS

Free Fair Will Present Information on Coping With Natural Disasters, Domestic Emergencies and Economic Distress (Crises?)

BENTONVILLE—In the wake of tornados, an historic ice storm, extended power outages, widespread job losses and a national economic crisis, the 3rd Annual NWA Emergency Preparedness Fair is returning to help our community cope with the disasters that have permeated life in this area of late.

The free Fair, which has been scheduled for September 12, 2009 in conjunction with National Preparedness Month, will bring together a broad range of organizations whose purpose is to assist families and communities in preparing for and coping with disaster situations.

More than 50 booths, manned by national and local governmental organizations, community agencies and preparedness-focused local businesses, will present information on a wide variety of topics, including: Creating 72-hour kits, Electrical Outages and Safety, Document Preservation, Local Shelters and Evacuation Routes, Personal and Child Safety, Emotional Support and Help Information, Establishing Economic Stability, Job Search Information, Basic Food and Water Storage, and many more.

1,000 72-hour starter kits will also be given away at the fair, lunch will be provided for all attendees, and many family-friendly activities will add a lighter note to the event.

Organizers are preparing for over 4,000 to attend the NWA Emergency Preparedness Fair, which will be held at the Church of Jesus Christ of Latter-day Saints at 1101 McCollum Rd. in Bentonville, AR.

3rd Annual NWA Emergency Preparedness Fair HIGHLIGHTS

- The 3rd Annual Emergency Preparedness Fair will take place **Saturday, September 12th, 2009 from 10 am to 3 pm** at The Church of Jesus Christ of Latter-day Saints at 1101 McCollum Dr. in Bentonville. Drop in with your family any time during the event.
- FREE lunch will be provided for all attendees
- FREE 72-Hour Starter Kits will be given to the first 1,000 families in attendance and there will be drawings for door prizes
- FREE Child ID Kits will be made for the first 1,000 children, including photograph, fingerprinting and DNA (hair) sample.
- 60+ Booths will provide information on Creating 72-hour kits, Electrical Outages and Safety, Document Preservation, Local Shelters and Evacuation Routes, Personal and Child Safety, Emotional Support and Help Information, Establishing Economic Stability, Job Search Information, Basic Food and Water Storage, and much more.
- Over 100 experts will be present to teach about a range of emergency preparedness topics.
- The American Red Cross will host a blood drive at the Fair.
- Channel 40/29 and KNWA weather teams will talk about preparing for severe weather conditions.
- Family activities at the Fair will include a bounce house and family slide, cotton candy, visits from Dora the Explorer and Shrek characters, free Lowe's Children's Clinic, the Bentonville Fire Department Smokehouse, and a Kids Corner with coloring and other preparedness-focused activities.
- More information about the Fair is available at www.nwapreparednessfair.com or contact Travis or Mary Jean Larson at (479) 464-9272.

3rd Annual

NWA Emergency Preparedness Fair

BOOTHS AND SPONSORS

Booths	Sponsors
Safe Rooms, Emergency Information	ADEM
Information on classes and volunteer opportunities	Red Cross Emergency Response
CERT Information	CERT
Disaster Prevention	Army Corp of Engineers
Seniors Home Safety	Mercy's St. Mary's Hospital
Power Line Safety	Carroll Electric
Emergency Preparedness and Response Training Classes	NWACC
Poison Safety Information	Poison Control
Severe Weather Information	KNWA
Emotional Support and Help Information	NWA Crisis Center
Emergency Products	Sportsman's Warehouse
TVP and Storage Products	Aerocan
Information for Seniors	Synergy Home Health
Food Preservation	The Church of Jesus Christ of Latter-day Saints
Disaster Relief	Benton County Health Department
Basic Food Storage	The Church of Jesus Christ of Latter-day Saints
Child Abuse Prevention	Child Advocacy Center
Emergency Light Sources	The Church of Jesus Christ of Latter-day Saints
Survival Demonstrations	Ozark Trackers
Smoke Detectors and Child Safety Locks	Lowe's
Thermal Liners and Sleeping Bags	Preparemyfamily.com
Basic First Aid	Ozark Herb and Spice
Car Seat Safety	Arkansas Children's Hospital
Documentation and Fraud	The Church of Jesus Christ of Latter-day Saints
Basic Uses of Wheat and Grains	The Church of Jesus Christ of Latter-day Saints
Alternative Kitchens	The Church of Jesus Christ of Latter-day Saints
What If You Only Have 5 Minutes?	The Church of Jesus Christ of Latter-day Saints
72 Hour Kits	Wal-Mart Emergency Department
Child Safety and Self Defense Class Information	Bentonville Police Department
Pet Safety	Petco
Emergency Car Kits and First Aid Kits	The Church of Jesus Christ of Latter-day Saints
Storm Shelters	Storm Solutions
Water Purification and Storage	The Church of Jesus Christ of Latter-day Saints
HAMM Radio Demonstration	Amateur Radio Emergency Services
Church Humanitarian Aid/ Local Service	The Church of Jesus Christ of Latter-day Saints
911 Information	Benton County Cencom
Generator Safety	Honda Generators

BOOTHS AND SPONSORS, CONT.

Other Activities	Sponsors
Lowe's Kids Clinic	Lowe's
Bounce House	Synergy HomeCare
Family Slide	Synergy HomeCare
Dora the Explorer and Shrek characters	Paramount
Kids Coloring Contest	The Morning News
Kids Scavenger Hunt	The Church of Jesus Christ of Latter-day Saints
Hot dog Lunch	Sara Lee, Ball Park, Pepsico, Nestle, Dawn Foods
Red Cross Blood Drive	Red Cross
Door Prizes/ 72-Hour Starter Kits	See donators below
Emergency Mobile Command Unit	Benton County Emergency Management
Bentonville Fire Dept. Smokehouse	Bentonville Fire Dept.
Bentonville Fire Dept. Fire Truck/Ambulance	Bentonville Fire Dept.
Medical Helicopter	AirEvac Services
Information and Nat'l Guard Vehicles on display	The National Guard
Civic Air Patrol Cadets, simulator	Civil Air Patrol
40/29 Storm Chaser Vehicle	40/29
Child Photo IDs and Digital Fingerprinting	Legacy House Photography
Canned Food Drive	WestArk Area Council of the BSA
Ready.gov Kids Video and Freddy the Fox	Ready.gov
Salvation Army Cantina	Salvation Army
Free Eye Exams	Wal-Mart Vision Center
Bioterrorism Trailer	Central EMS

72 Hour Kit Donation and Other Sponsors
Sam's Club
Wal-Mart
Nestle
General Mills
Advil
Little Debbie
M&M Mars
Sani hands
Mercy St. Mary's Hospital
Sherwin Williams
Home Depot
Energizer
Paramount
Synergy HomeCare
Blackwood Industries
Bradshaw International
Shell
Wrigley
Parachuting Penguins

3rd Annual NWA Emergency Preparedness Fair

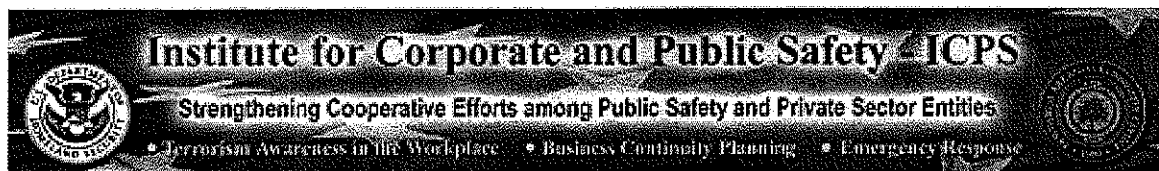
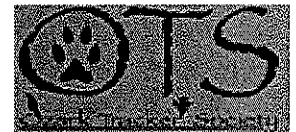
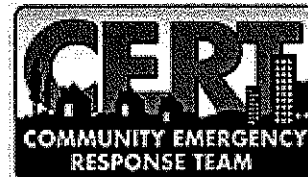
SPONSORS

WAL★MART®

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS



**American
Red Cross**



3rd Annual NWA Emergency Preparedness Fair PARTICIPANTS

WAL★MART®

THE CHURCH OF
JESUS CHRIST
OF LATTER-DAY SAINTS



AMBULANCE
SERVICE
CENTRAL
EMS



STORM
SOLUTIONS



AMATEUR RADIO
EMERGENCY
SERVICES

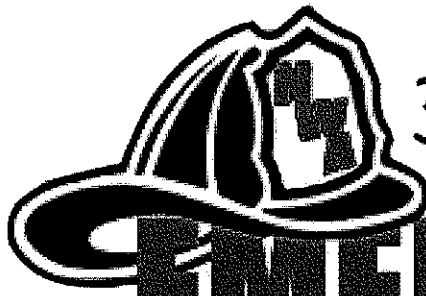


CHILD
ADVOCACY
CENTER



Ozark Herb & Spice

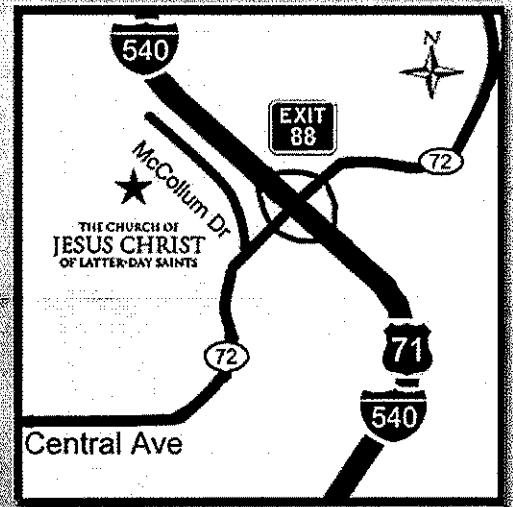




3RD ANNUAL **EMERGENCY PREPAREDNESS** *fair*

Sat, Sept. 12th * 10 am- 3 pm

- * FREE Admission
- * FREE 72-Hour Starter Kits
- * FREE Lunch
- * FREE Child Photo IDs
- * 50+ BOOTHS on Preparedness
- * DORA and SHREK characters
- * Airevac HELICOPTER
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MARS



The Most Trained Name in Home Care



*Handed Out
at Agenda
Session 5/26/09*

Summary
March Sales Tax Received in April of 2009
Compared to prior year

- 1) For the month of March, the City is down 5.36% compared to last year. This amount is -\$76,337.
- 2) Year to Date for the first four months of the year the City is down 3.41.7% compared to last year. This amount is -\$189,422.
- 3) For the Month of March, the money the City gets from the County for sales tax was down 3.17% compared to last year. This amount is - \$29,788.
- 4) Year to Date for the first four months, the money the City gets from the County for sales tax is down at 2.41% compared to last year. This amount is- \$88,336.

Compared to budget

- 5) For March the City was down 7.2% compared to expected budget. This amount is \$104,814.
- 6) Year to Date for the first four months, the City is down 5.3% compared to expected budget. This amount is \$300,523 year to date for the first four months.
- 7) For the month of March, the money the City gets from the County for sales tax is down 5.0% compared to the expected budget. This is- \$48,631.
- 8) Year to Date for the first four months, the money the City gets from the County is down 4.3%. This is -\$161,584.
- 9) The bottom line is the City's collections for all sales taxes for operations were down 4.91% or- \$462,107 for the first four months of 2009.

Compared to other Cities

- 9) For the month:



Springdale was down 3.45%
Rodgers was up 12%
Bentonville was down 28.2%
(Fayetteville was down 5.36%)

As of Year TO Date:
Springdale is down 3.22%
Rodgers is down 4.28%
Bentonville is down 14.07%
(Fayetteville was down 3.41%)

Building Permits

1 As of April building permits are down \$326,000. If this trend continues the Estimated decrease this year would be approximately \$830,000.



THE CITY OF FAYETTEVILLE, ARKANSAS

TO: Mayor Lioneld Jordan and Members of the City Council
Don Marr, Chief of Staff

FROM: Paul A. Becker, Finance Director

Paul A. Becker

DATE: May 26, 2009

SUBJECT: April 2009 Revenue Sales Tax Report (March Collections)

The following key points need to be communicated regarding sales tax collections:

FAYETTEVILLE SALES TAX ACTIVITY

1. Sales tax collections remitted for sales tax subject to the 1 cent City tax in April, 2009 were down \$76,337 / -5.36% as compared to the same month prior year. These collections represent March, 2009 sales.
2. Sales tax collections remitted to the City for the City's share of County tax collections in April, 2009 were down \$29,789 / -3.17% as compared to the same month prior year. These collections represent March, 2009 sales.
3. When compared to budget for the month, sales tax collections were down a total of \$153,445 / -6.36% The 2009 year to date budget impact for the four months is down a total of \$462,107 / -4.91%.

1% City / 1% County (Combined)	Budget	Actual	\$ Difference	% Difference
December, 2008	\$ 2,662,000	\$ 2,592,017	\$ (69,983)	(2.63%)
January, 2009	2,101,200	1,994,181	(107,019)	(5.09%)
February, 2009	2,232,200	2,100,539	(131,661)	(5.90%)
March, 2009	2,411,800	2,258,355	(153,445)	(6.36%)
YTD Budget to Actual	\$ 9,407,200	\$ 8,945,093	\$ (462,107)	(4.91%)

Funding Source	Budget	Actual	\$ Difference	% Difference
General Fund: 1% City (60% Split)	\$ 3,403,000	\$ 3,222,586	\$ (180,414)	(5.30%)
1% County	3,735,700	3,574,116	(161,584)	(4.33%)
	\$ 7,138,700	\$ 6,796,702	\$ (341,998)	(4.79%)
ST Capital: 1% City (40% Split)	\$ 2,268,500	\$ 2,148,391	\$ (120,109)	(5.29%)
Total General/ST Capital Funds:	\$ 9,407,200	\$ 8,945,093	\$ (462,107)	(4.91%)

NWA REGION SALES TAX ACTIVITY - MARCH 2009 COLLECTIONS

4. March, 2009 1% City Sales Tax collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		March 2008	March 2009	\$ Difference	% Difference
1% City:	Fayetteville	\$ 1,423,624	\$ 1,347,287	\$ (76,337)	(5.36%)
	Springdale	\$ 895,886	\$ 865,015	\$ (30,871)	(3.45%)
	Bentonville	\$ 898,562	\$ 645,855	\$ (252,708)	(28.12%)
	Rogers	\$ 1,044,524	\$ 1,090,417	\$ 45,892	4.39%

5. March, 2009 1% County Sales Tax collections as compared to the surrounding areas were as follows:

County Sales Tax Collections:		March 2008	March 2009	\$ Difference	% Difference
Washington	Fayetteville	\$ 940,858	\$ 911,069	\$ (29,789)	(3.17%)
Washington	Springdale	\$ 709,724	\$ 687,253	\$ (22,471)	(3.17%)
Benton	Bentonville	\$ 361,076	\$ 335,338	\$ (25,738)	(7.13%)
Benton	Rogers	\$ 724,641	\$ 672,988	\$ (51,653)	(7.13%)

6. March, 2009 countywide collections for the combined Washington and Benton Counties were as follows:

County Sales Tax Collections:		March 2008	March 2009	\$ Difference	% Difference
Washington County		\$ 2,556,331	\$ 2,475,394	\$ (80,937)	(3.17%)
Benton County		2,807,489	2,607,369	(200,120)	(7.13%)
		<u>\$ 5,363,820</u>	<u>\$ 5,082,763</u>	<u>\$ (281,057)</u>	<u>(5.24%)</u>

NWA REGION SALES TAX ACTIVITY - YEAR-TO-DATE (FOUR MONTHS) COLLECTIONS

7. Year-to-Date (four months) collections as compared to the surrounding areas were as follows:

City Sales Tax Collections:		(Four Months) YTD 2008	(Four Months) YTD 2009	\$ Increase (Decrease)	% Increase (Decrease)
1% City:	Fayetteville	\$ 5,560,400	\$ 5,370,977	\$ (189,423)	(3.41%)
	Springdale	\$ 3,442,854	\$ 3,332,111	\$ (110,744)	(3.22%)
	Bentonville	\$ 3,079,183	\$ 2,645,830	\$ (433,353)	(14.07%)
	Rogers	\$ 4,026,351	\$ 3,780,269	\$ (246,083)	(6.11%)

8. Year-to-Date (four months) for the combined Washington and Benton Counties, sales were down -\$960,237 / -4.66%.

Sales Tax Collections:		(Four Months) YTD 2008	(Four Months) YTD 2009	\$ Increase (Decrease)	% Increase (Decrease)
Washington County		\$ 9,950,964	\$ 9,710,952	\$ (240,012)	(2.41%)
Benton County		10,676,564	9,956,339	(720,225)	(6.75%)
		<u>\$ 20,627,528</u>	<u>\$ 19,667,291</u>	<u>\$ (960,237)</u>	<u>(4.66%)</u>

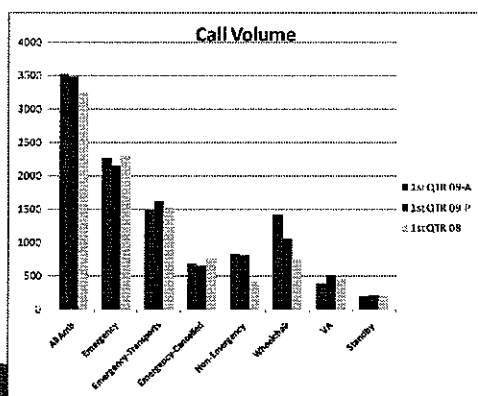
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Washington County Regional Ambulance Authority Central EMS

2009 First Quarter Report
Fayetteville City Council

Fayetteville Response Time

	Goal	2005	2006	2007	2008	2009 1st Qtr
Average Response Time Fayetteville	8 min	6:20	6:32	6:13	6:39	6:28



Agreements

- Health Care Facilities
 - Regency Hospital
 - Health South Rehab
- Non-Emergency Mutual Aid

Financial

2008	Net Income	\$28,277
2009	Net Income	\$52,982

Budget

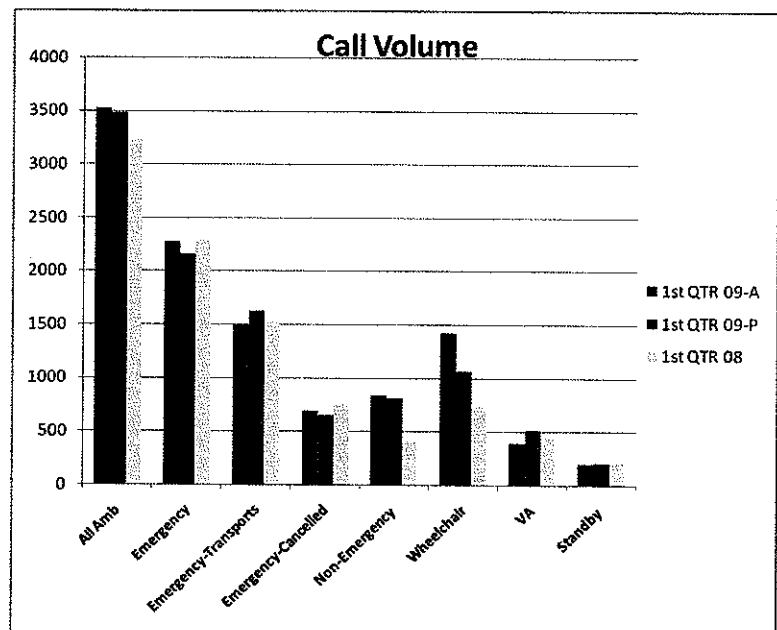
- Call projections accurate
- VA adjustments
 - Reduce operating cost
 - Reduce staffing
 - Postpone merit raises

Washington County Regional Ambulance Authority
Central EMS
First Quarter Report 2009
April 15, 2009

The official change over from the non-profit organization known as Central Emergency Medical Service, Inc. to the quasi-governmental Ambulance Authority owned and operated by the parties of the Ambulance Inter-Local Agreement occurred on January 1, 2009. Since the transition we have met the increased call demand and provided exemplary service to our customers. Agreements with the healthcare facilities and other ambulance providers are in various stages of completion. Our staff has met with and provided training for the local fire department first responders and health care facility personnel. We have special equipment for infant isolette transports as well as ventilator dependent patients. Patients suffering a STEMI (heart attack) will soon benefit from an Arkansas Department of Health grant to transmit the heart attack patient's 12-lead EKG directly to the ER, Cardiac Cath Lab and Cardiologist from the ambulance. A decrease in time from the Emergency Room door to catheterization saves heart muscle and improves patient outcomes.

Operations:

- All areas of call volume have exceeded projections with the exception of Emergency Call Transports and VA.
- We anticipate these numbers to be steady throughout the remainder of 2009.
- The VA Contract ends in May(reduce by 3640 unit hours and 3.5 FTEs)



Financial:

On the income side, patient gross charges have increased by approximately \$350,000 compared to the same period a year ago. Once allowances for write offs and bad debt are accounted for the net increase is approximately \$216,000. Net income for the quarter increased about \$30,000 over 2008.

Expenses were up about \$192,000 compared to 2008, with the majority of that coming from bad debt, medical supplies, wages and payroll taxes, depreciation and the Station 7 lease. (The last two of these are in the "Other Expenses" line item of the income statement.) The one area of significant decrease was in fuel costs, which are about half of what they were last year.

Cash is down significantly from the first quarter of 2008. This is largely a reflection of the increased expenses needed to prepare for exclusivity, including cash expenditures of approximately \$200,000 for capital equipment as well as additional wages. Net accounts receivable are some \$440,000 higher than in 2008. While assets have increased mostly on the strength of the accounts receivable, liabilities have increased for the most part due to the additional ambulance loans. Last year at this time our income (Current Year Net Assets) was \$28,277. This year that figure is \$58,982.

**Washington County Regional Ambulance Authority
Central EMS**

Performance Report

First Quarter 2009

Administration

	<u>1st QTR 09</u>	<u>1st QTR 08</u>
Collection Rate	73%	75%

Operations

Demand/Workload

	<u>1st QTR 09</u>	<u>Projections</u>	<u>1st QTR 08</u>
Total Calls for Service-All Ambulance	3532	3490	3234
Total Calls for Service: Emergency	2277	2159	2291
Emergency Transports	1495	1629	1536
Emergency No Pick Up/Cancelled	693	652	758
Non-Emergency Transports	839	815	403
Wheelchair	1419	1066	741
VA	391	516	450
Standbys (hours)	198.75	200	208.25

Key Result Areas

	<u>Goal</u>	<u>1st QTR 09</u>	<u>1st QTR 08</u>
Average Response Time Fayetteville	8 min	6:28	6:29
Fractile Response Time Fayetteville	90%in 8:59 or less	84%	84%
Fractile Response Time Small Towns	90%in 12:59 or less	80%	90%
Fractile Response Time Washington County	90%in 20:59 or less	80%	87%
UHU: Unit Hour Utilization-Responses	.20/.22	.19/.27	.18/.25
Out of Chute Time	< 2 min	1:25	1:11
Turn Around Time at Hospital	15 minutes	19:12	20:54
Cardiac Arrest Save Rate		33.3%	40%

Communications

Demand/Workload

	<u>1st QTR 09</u>	<u>1st QTR 08</u>
911 Calls Answered	11767	n/a
Other Calls	22879	n/a

Key Result Areas

	<u>Goal</u>	<u>1st QTR 09</u>	<u>1st QTR 08</u>
Emergency Call Processing Time	< 2 min (120 sec)	38.9	34.8
Fractile Answer Time-911	<3 rings (6 sec) 90%	97.1%	n/a
Overall Center EMD Compliance	≥ 90%	99.3%	98.70%